

**TOWN OF CHARLESTOWN
ZONING BOARD OF REVIEW
MINUTES**

The Charlestown Zoning Board of Review held a regular open meeting on Tuesday, June 15, 2010 at 7:00 PM at the Charlestown Town Hall, 4540 South County Trail, Charlestown, Rhode Island.

Members present: Michael Rzewuski
Ronald Crosson
Raymond Dreczko
William Meyer
Richard Frank
Scott Northup, Alt. #1
David Provanca, Alt. #2

Also present were, Robert Craven, Assistant Solicitor, John J. Matuza, Building Official, Caroline Dion, Court Reporter and Ellen A. Hefler, Clerk.

Pre-roll

Everyone present will attend the July 20, 2010.

Minutes

The minutes of the May 18, 2010 meetings were approved as written.

Mr. Rzewuski called the first petition.

Petition #1179 Nancy and Daniel Scapellati

Requesting a Dimensional Variance under Article IV, Section 218-26 C(2) to construct additions closer to property lines than allowed in an R20 Zone. Premises located at 55 Sea Lea Avenue, Charlestown and is further designated as Lot 369 on Assessor's Map 9.

Daniel Scapellati was sworn and explained that absent the requested variance, they would have no access to the house from the front door. The hardship is not due to any prior action of the owners. He gave the history of the property and upgrades to the home.

He explained the photos submitted as part of the application and the proposed deck and the reason for same. The requested relief is further from the property line than was existing when they purchased the property.

There ensued discussion.

Mr. Crosson asked why 12' wide rather than 10' and hardship.

Mr. Scapellati stated he would like to have a table on the deck and it will be no closer to the lot line.

There ensued discussion.

Mr. Dreczko questioned the 17'3" off the front stairs.

There ensued discussion.
There were no objectors present.

Mr. Crosson moved that the public hearing be closed.
Mr. Dreczko seconded the motion.

THE BOARD UNANIMOUSLY CLOSED THE PUBLIC HEARING.

There ensued discussion.

Mr. Crosson moved that petition #1179 Nancy and Daniel Scapellati requesting a Dimensional Variance under Article IV, Section 218-26 C(2) to construct additions closer to property lines than allowed in an R20 Zone be approved. Premises located at 55 Sea Lea Avenue, Charlestown and is further designated as Lot 369 on Assessor's Map 9.

Mr. Dreczko seconded the motion.

The Board felt that the presentation by the property owner is more than adequate. Granting the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the ordinance. Based on the testimony the reasoning for the deck to have a bump out to the side is for entertainment to have a table and chairs. It is reasonable size. The front stairs, based on the photos and testimony, show that there was an existing deck there. This will not be encroaching on the property line any more than old one was and he gets the benefit of the esthetics on the front of the house where you do not under the unheated portion of the structure. It is not the result of any prior action of the applicant and would be the least relief necessary and not contrary to the public interest and welfare. The encroachment on Sea Lea Avenue will be minimal, it will be low to ground and in harmony with the surrounding area. I am convinced that the extra footage is needed on 3rd Street side and the request is therefore the least relief necessary.

VOTE: Crosson – aye Dreczko – aye Frank – aye Meyer – aye Rzewuski - aye

THE PETITION WAS GRANTED UNANIMOUSLY.

Mr. Rzewuski called the second petition.

Petition #1180 Town of Charlestown

Requesting a Dimensional Variance under Article VI, Section 218-32C, Table 32.1 Dimensional Regulations to construct a salt shed higher than allowed in a Municipal Zone. Premises located at 4540 South County Trail, Charlestown and is further designated as Lot 9 on Assessor's Map 23.

John Matuza, Building Official for the Town, was sworn and explained the requested relief. The shed requested is same as the State Highway shed but 20' shorter.

The added height is needed for the salt delivery trucks to be able to dump and to operate the loader to mix material. The proposed construction will protect the groundwater and watershed. He explained the location chosen is 7-8' lower in elevation than the front portion of the Town Hall property.

There ensued discussion.

Mr. Meyer questioned the height of the apex of the truck when dumping.

Mr. Matuza stated that it is the recommended height by those who construct these buildings.

Mr. Crosson stated that the Planning Commission felt that all the requirements had been met.

There ensued discussion.

Alan Arsenault, Director of Public Works was sworn and explained the original location of the shed was not good idea. Therefore, the proposed location is a better plan.

There ensued discussion of the proposed location.

Mr. Arsenault explained that the clear opening inside the building needs to be 30' high to accommodate the dump truck plus trusses by design. It is nearly identical to the State garage at Cross Mills but 1/3rd shorter.

Mr. Crosson asked Mr. Matuza if there was any problem with the plan.

Mr. Matuza stated there is no problem with the plan and that the request is the least relief necessary to accommodate the needs of the Town and represents the industry standard.

Mr. Meyer asked if there was something inside the building that would prevent salt from leaching into the groundwater.

Mr. Arsenault stated that there is a concrete floor and the salt and sand will be dry.

There were no objectors present.

The Board received a letter from George Tremblay in favor of the application.

Mr. Crosson moved that the public hearing be closed.

Mr. Dreczko seconded the motion.

THE BOARD UNANIMOUSLY CLOSED THE PUBLIC HEARING.

There ensued discussion.

Mr. Dreczko moved that petition #1180 Town of Charlestown requesting a Dimensional Variance under Article VI, Section 218-32C, Table 32.1 Dimensional Regulations to construct a salt shed higher than allowed in a Municipal Zone be approved. Premises located at 4540 South County Trail, Charlestown and is further designated as Lot 9 on Assessor's Map 23.

Mr. Crosson seconded the motion.

Mr. Dreczko stated that based on the testimony and other structures in town, he felt that it would be the least relief necessary to accommodate the equipment required to go in and out of the building. The building will not only prevent the salt from leaching into

groundwater but it protects the Town's investments because once it goes into the groundwater is not able to spread on the roads. The Planning Commission seems to be in agreement that each and every issue that they raised has been addressed. The relief to be granted is the least relief necessary and not contrary to the public interest and welfare. We received fine testimony from Messrs. Matuza and Arsenault.

VOTE: Dreczko – aye Crosson – aye Frank – aye Meyer – aye Rzewuski - aye

THE PETITION WAS GRANTED UNANIMOUSLY.

Mr. Rzewuski called the third petition.

Petition #1181 Christine A. Leggio

Requesting a Special Use Permit under Article XV, Section 218-93 to allow an Accessory Family Dwelling Unit in an R2A Zone. Premises located at 77 Pond Shore Drive, Charlestown and is further designated as Lot 316 on Assessor's Map 10

Ms. Leggio was sworn and explained the proposed Accessory Family Dwelling Unit. There ensued discussion.

Mr. Rzewuski asked if there will be access into the primary residence.

Ms. Leggio explained that 2 doors would access the apartment. She reviewed the requirements for an AFDU and asked that the Board approve the Special Use as requested. There will be no structural changes.

There were no objectors present.

Mr. Crosson moved that the public hearing be closed.

Mr. Dreczko seconded the motion.

THE BOARD UNANIMOUSLY CLOSED THE PUBLIC HEARING.

Mr. Meyer moved that petition #1181 Christine A. Leggio requesting a Special Use Permit under Article XV, Section 218-93 to allow an Accessory Family Dwelling Unit in an R2A Zone be approved. Premises located at 77 Pond Shore Drive, Charlestown and is further designated as Lot 316 on Assessor's Map 10.

Mr. Crosson seconded the motion.

Ms. Leggio has demonstrated that she has conformed to all the requirements as outlined in Section 218-93. The hardship from which the applicant seeks relief is due to the unique characteristics of the structure and not to the general characteristics of the surrounding area. It is not due physical or economical disability of the applicant. The public welfare and convenience will be substantially served. The applicant came well prepared and showed that she fully understands the requirements for AFDU.

VOTE: Meyer – aye Crosson – aye Frank – aye Meyer – aye Rzewuski - aye

THE PETITION WAS GRANTED UNANIMOUSLY.

Adjournment

There being no further business, the meeting adjourned at 7:55 PM.