

**Town of Charlestown Zoning Board of Review
4540 South County Trail, Charlestown, Rhode Island
Regular Meeting Minutes
April 16, 2024 at 7:00 p.m.**

I. **CALL TO ORDER:** Acting Chair Pangborn called the meeting to order at 7:01 p.m.

II. **PLEDGE OF ALLEGIANCE**

III. **ROLL CALL:**

Mr. Abbott, Mr. Lamontagne, Mr. Pangborn, Mr. Rettig, Mr. DeMarco and Mr. Isabella were present. Ms. Andrew and Mr. Rice were absent.

Also Present: Ms. Murray, Zoning Officer; Attorney Wyatt Brochu, Town Solicitor; Ms. Dion, Stenographer; Ms. Chin DeWalt, IT; and Mr. Stokes, Town Council Liaison were present.

IV. **PRE-ROLL:** All members in attendance will be present at the May 21, 2024, regular meeting.

V. **APPROVAL OF MINUTES:**

The approval of the minutes of January 16, 2024 was passed on until the regular meeting of May 21, 2024 for a quorum of eligible voting members.

A motion was made by Mr. DeMarco and seconded by Mr. Abbott to approve the minutes of the February 20, 2024 Workshop, as written. Approved; 5-0.

<u>Member</u>	<u>Vote</u>
Mr. DeMarco	Approve
Mr. Lamontagne	Approve
Mr. Rettig	Approve
Mr. Abbott	Approve
Mr. Pangborn	Approve

A motion was made by Mr. DeMarco and seconded by Mr. Abbott to approve the minutes of the February 20, 2024 Regular Meeting, as written. Approved; 5-0.

<u>Member</u>	<u>Vote</u>
Mr. DeMarco	Approve
Mr. Lamontagne	Approve
Mr. Rettig	Approve
Mr. Abbott	Approve
Mr. Pangborn	Approve

APPROVED: MAY 21, 2024

VI. PUBLIC HEARINGS - Discussion and/or potential action and/or vote:

#1623 Patrick Merner and Melanie Kils.e Merner

Requesting a Dimensional Variance in accordance with Article VII, Sections 218-41 and 43A(2) to construct an addition with a deck and stairs closer in the left side yard setback than allowed; 18.55' permitted, 6' proposed. Premises is located at 39 Southern Way and is further designated as Lot 137 on Assessor's Plat 10.

Application #1623 was passed on due to defective notice and will be re-advertised and re-noticed.

#1632 Michael S. and Dawn T. Nelson

Requesting a Special Use Permit in accordance with Article VI, Section 218-39D for the expansion/intensification of a pre-existing non-conforming use to expand an existing deck and enclose it with a roof and screened walls. Premises is located at 4810 Old Post Road and is further designated as Lot 55 on Assessor's Plat 7.

Dawn Nelson was present and sworn in. The existing deck is in a state of disrepair. The property has been in the family since 1994. They wish to expand the deck and construct a screen porch for protection from mosquitos.

Professional Land Surveyor Charee Jackson was present, sworn in and provided testimony. There is a slight increase in the size of the deck. It is roughly 5' longer than the existing deck.

Mr. Abbott asked for clarification regarding the intensification.

Ms. Murray explained that if they were rebuilding it in the exact same footprint, it would not be considered an expansion of a non-conforming use, but because they are adding a screen porch it is considered an expansion.

There was no correspondence.

There were no members of the public present in favor or against the application.

A motion was made by Mr. Rettig and seconded by Mr. Lamontagne to approve Application 1632. An amendment was made by Mr. DeMarco to include the following: It will not create conditions that will be inimical to the public health or safety. It won't pose a threat to drinking water. It won't alter the character of the surrounding area. Approved; 5-0

<u>Member</u>	<u>Vote</u>
Mr. DeMarco	Approve
Mr. Lamontagne	Approve
Mr. Rettig	Approve
Mr. Abbott	Approve
Mr. Pangborn	Approve

APPROVED: MAY 21, 2024

#1633 Robert Randell and Kassie Witte Famil Trust

Requesting a Dimensional Variance in accordance with Article VI, Section 218-37(£)(3) to construct a privacy fence higher than allowed; 6' permitted, 7.5' proposed. Premises is located at 4480B Old Post Road and is further designated as Lot 59 on Assessor's Plat 12.

Robert Randell and Kassie Witte were present and sworn in.

Mr. Randell explained that a larger window is being installed in the bathroom; therefore, the property owners wish to construct a privacy fence for the neighbors.

Mr. Abbott requested clarification regarding the height.

Architect Karl Sauerbrey was present, sworn in and provided testimony. The grade on that side of the house necessitates the height of the fence being taller than 6' for privacy. Plans were submitted to C.R.M.C. for their approval. It is due to the unique characteristics of the land. It will not be on the property line as most fences are. It is not due to prior action of the applicant. It will not alter the character of the house. There is no financial gain. It would be more than a mere inconvenience if it were not granted.

There was no correspondence.

There were no members of the public present in favor or against the application.

A motion was made by Mr. Abbott and seconded by Mr. DeMarco to approve Application #1633. The hardship is due to the unique characteristic of the subject land and height of the ground. It is not due to any prior action of the applicant. It will not alter the character of the surrounding area. Although it is not required, it is the least relief necessary. Approved; 5-0

<u>Member</u>	<u>Vote</u>
Mr. DeMarco	Approve
Mr. Lamontagne	Approve
Mr. Rettig	Approve
Mr. Abbott	Approve
Mr. Pangborn	Approve

#1634 Sandra Mueller-Jonas Revocable Trust dtd 9/10/2008

Requesting a Dimensional Variance in accordance with Article VII, Sections 218-41 and 43A(2) to demolish and rebuild a new four (4) bedroom single family dwelling exceeding the allowable lot coverage; 1,739 sq. ft. permitted, 2,720 sq. ft. proposed. Premises is located at 61 Midland Road and is further designated as Lot 415 on Assessor's Plat 2.

Application #1634 was withdrawn without prejudice to utilize the voluntary measure for dimensional requirements passed by the Town Council on April 8, 2024.

APPROVED: MAY 21, 2024

#1635 On Ouonne Pond. LLC

Requesting a Dimensional Variance in accordance with Article VII, Sections 218-41 and 43A(2) to demolish and rebuild a new single family dwelling exceeding the allowable lot coverage; 931 sq. ft. permitted, 1,606 sq. ft. proposed. Premises is located at 198 Shirley Drive and is further designated as Lot 133 on Assessor's Plat 3.

Application #1635 was withdrawn without prejudice to utilize the voluntary measure for dimensional requirements passed by the Town Council on April 8, 2024.

ADJOURNMENT:

A motion was made by Mr. DeMarco and seconded by Mr. Abbott to adjourn the meeting at 7:20 p.m. Approved (5-0)

<u>Member</u>	<u>Vote</u>
Mr. DeMarco	Approve
Mr. LaMontagne	Approve
Mr. Abbott	Approve
Mr. Rettig	Approve
Mr. Pangborn	Approve

Respectfully submitted,

The image shows a stylized signature in blue ink that reads "/41liu". The slash is a large, forward-sloping diagonal line, followed by the numbers "41" and the lowercase letters "liu".

Carol A. Nelle, Zoning Clerk

APPROVED: MAY 21, 2024