

ZONING BOARD OF REVIEW
Minutes
November 4, 2015
Coventry Town Hall
1670 Flat River Road
Work Session & Regular Meeting
7:00 p.m.

Meeting started at 7:00 p.m.

Members in Attendance: Bob Crowe, Denise DeGraide, Russell Lacaillade, John D’Onofrio, Jeanne Kostyla and Irene Drew.

Mr. Crowe: The record reflects tonight we have 4 of the original members that heard the applications of Mr. Forcier and Mrs. Colwell that we have as an appeal. I have been instructed that because of the original people that heard the application are not here tonight will be held over to next month.

COVENTRY ZONING BOARD OF APPEALS
November 4, 2015
Town Council Chambers
1670 Flat River Road
Work Session & Regular Meeting
7:00 p.m.

Re: Appeal of Suzanne Colwell
Location of Property: AP 324 Lot 20; Peckham Lane
Zone: RR-2

This case is on appeal in the Rhode Island Superior Court, where the Court has directed the Zoning Board to make sufficient findings of fact to support its decision that the relocation of fifteen campsites and accompanying construction did not constitute an illegal expansion or alteration of a legal non-conforming use.

Re: Appeal of Thomas Forcier
Location of Property: AP 324 Lot 20; Peckham Lane
Zone: RR-2

This case is on appeal in the Rhode Island Superior Court, where the Court has directed the Zoning Board to make sufficient findings of fact to support its decision that the relocation of fifteen campsites and accompanying construction did not constitute an illegal expansion or alteration of a legal non-conforming use.

Mr. D’Onofrio: Can I have some clarification on that because in the past, let’s say those two members are no longer on the Board, what would you do.

Ms. Assalone: I think it’s important for the record to reflect that Virginia Soucy is absent tonight. I have simply been directed from the Ms. Izzo and coming from the Solicitor’s Office, that they believe that because the original members who voted on the Decision are part of this present Board, that the vote should be limited on a remand because the Judge specifically remanded for the members to simply cite

what their findings of fact were that supported their decision that it should be those members. Unfortunately we don't have a quorum and counsel for the litigants were notified prior to the hearing as soon as it was found out which was about 2:30 this afternoon.

Mr. D'Onofrio: So this is not the usual sort of appeal.

Ms. Assalone: It's been remanded, it hasn't been reversed. It has been remanded and the Court has said the following:

"...accordingly this Court remands the matter to the Zoning Board to make sufficient findings of fact. The Zoning Board is directed to making Findings of Fact supporting its decision that the relocation of 15 campsites and accompanying construction did not constitute an illegal expansion or alteration of legal or non-conforming use."

It seems to direct the Zoning Board who is sitting and you actually have them to make those Findings of Fact.

Mr. D'Onofrio: So will there be any more evidence submitted?

Ms. Assalone: There will not because they are simply here for a remand, not a reversal. In my opinion we might give them the Findings of Fact, it will go back up and the Judge might reverse it or do a number of things but at this point it's the opinion of the Solicitor's office that you do not reopen the hearing because the court was very clear that they want your Findings of Fact basically based on the evidence that was presented to you.

Mr. Crowe: Anybody have any questions?

Mr. Lacaillade: So we don't have a quorum?

Ms. Assalone: For that issue, we do not have a quorum. You only have four and need five.

Mr. Crowe: If anybody is here for that appeal that has been postponed until December 2, 2015. At this time I would like to call to order the Coventry Zoning Board of Review. Fire exits are to your rear, the exits behind us take you into the building.

Mr. Crowe: We are going to approve the Minutes from last month.

Mr. Lacaillade: I move that we accept the Minutes as presented.

Ms. Kostyla: Second.

Mr. Crowe: Motion made and seconded all those in favor say aye.

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

OLD BUSINESS

Applicant:	Philip Theroux and Patricia Theroux
Owner:	Same
Location of Property:	AP 49 Lot 38; 220 Shady Valley Road
Zone:	RR-2
Existing Use:	Single Family Dwelling
Proposed Use:	Same

Applicant is requesting a dimensional variance to construct a accessory structure 16 feet from the side property line where 26 feet is required as well as a dimensional variance to construct the accessory structure in the front yard.

Mr. Crowe: Taking a look at this, I did speak to the applicant and he did outline everything as presented. He is seeking relief due to the unique characteristics of the land, the house has been constructed 35 feet from the pond. Putting the accessory structure to the rear of the lot is not feasible. The size being proposed will meet the side setbacks. The hardship is not the result of any prior action of the applicant. The garage does not give him any financial gain at this time. There was no information provided to the Board that leads me to believe that there would be any financial gain on this application. The requested variance will not alter the characteristics of the surrounding area. The adjacent abutting property owner has a very large garage and it's directly in front of that house. The relief being granted due to the fact that he is still staying 16 feet from the side lot lines will not bring any impact at all, he is doing the least amount. Mr. Theroux stated that he has the right to operate his construction business from home underneath the guidance of the customary home occupation. On these requirements of this all equipment will be kept inside and the structure will conform to the Ordinance. If the variance is denied it will require him to make storage outside.

Mr. Lacaillade: I didn't have a problem with it. It's going to fit right in there.

Ms. Kostyla: I think it would be better.

Mr. D'Onofrio: I wasn't here last month; I went through the minutes and noting jumps out at me. Again it's pretty cluttered down there and this will be an improvement.

Ms. Drew: I agree, it's a nice property. It's much better than the alternative.

Ms. DeGraide: I agree, I think it will make an improvement to the area.

Mr. Crowe: Upon the Board's each and every individual site review, each member went and was able to observe the proposed site and he has staked out exactly how he is doing it, upon each Board members evaluation of the site review, does anybody think there will be a financial gain on this?

Board: No.

Mr. Crowe: When we do an in-law it must be reviewed after its been approved and then after that nephew moves out it would revert back to a single family.

Mr. Barone: I didn't know any of that at the time, he only has a year left of school so I don't think it's worth doing. He is living with my sister and my mom passed away recently so.

Mr. Crowe: Okay, so you want to withdraw the application?

Mr. Barone: Yes.

Ms. DeGraide: Motion to adjourn.

Mr. D'Onofrio: Second.

Mr. Crowe: Motion made and seconded all those in favor say aye.

Board: Aye.

Mr. Crowe: Nays? Ayes have it

Meeting adjourned at 7:18 p.m.