



Town of Portsmouth

ZONING BOARD OF REVIEW
2200 East Main Road / Portsmouth, Rhode Island 02871
www.portsmouthri.com

(401) 683-3611

ZOOM MEETING

MINUTES

JUNE 18, 2020

Mr. Nott called the virtual Zoom meeting to order at 7:03 p.m. in the Town Council chambers.

I. ROLL CALL

MEMBERS PRESENT: Mr. James Nott, Chair, Mr. John Borden, Vice Chair, Mr. Benjamin Furriel, Secretary, Mr. Eric Raposa, Ms. Sue Horwitz, First Alternate and Mr. William Wladyka, Second Alternate

MEMBERS ABSENT: Ms. Kathleen Pavlakis

OTHERS PRESENT: Town Solicitor Kevin Gavin was present as legal counsel for the Board, Michael Asciola, Assistant Town Planner and Barbara Ripa as recording secretary.

II. MINUTES

A motion was made by Mr. Borden and seconded by Ms. Horwitz to accept the minutes of the meetings held on February 20, 2020, March 19, 2020 and April 16, 2020 as presented. The motion carried unanimously with Mr. Borden, Mr. Furriel, Mr. Raposa, Ms. Horwitz, Mr. Wladyka and Mr. Nott voting in favor.

III. CHAIRMAN'S REPORT

IV. OLD BUSINESS

- 1. (R-10) Manuel and Nelia Cunha (Owners) Seek Dimensional Variances for Front and Rear Yard Setbacks and Lot Coverage (Art. IV, Sec. B) and a Special Use Permit to Construct an Attached Garage to an Existing Dwelling on a Nonconforming Lot of Record (Art. VI, Sec. A.4) Located at 121 Rhode Island Avenue (4 - 107).**

A request to continue was made for OB 1., Manuel and Nelia Cunha, 121 Rhode Island Avenue, map 4, lot 107, to the regular meeting in July.

A motion was made by Mr. Borden and seconded by Mr. Raposa to continue the petition of Manuel and Nelia Cunha, 121 Rhode Island Avenue, map 4, lot 107 to the regular Zoning Board meeting in July. The motion carried unanimously with Mr. Borden, Mr. Furriel, Mr. Raposa, Ms. Horwitz, Mr. Wladyka and Mr. Nott voting in favor.

V. NEW BUSINESS

1. (R-20) Benjamin and Kathleen Gilroy and Deborah LaMond (Owners) Seek a Dimensional Variance for a Front Yard Setback (Art. IV, Sec. B) to Construct an Addition to a Single-Family Dwelling Located at 116 Cedar Avenue (20 - 350).

Benjamin Gilroy, 116 Cedar Avenue was sworn in on Zoom. Mr. Gilroy owns the property along with his parents. He is asking for a 15' front yard setback in order to build a two-bedroom addition on the west side. They have merged the lots and have renovated the inside and outside. They are expecting their first child. They merged the lots in an effort to conform more with zoning. The existing house is currently 5' away from the abutters property line. The old cesspool will be removed, and it will have a new septic. There is a shed that already existed on the property that is 10' x 30'. Chelsea Weibust, 270 Bellevue Avenue, Suite 181, Newport, designer, had calculated the lot coverage at 15.8% with the addition included.

The Chair called for abutters or interested parties. There were none.

The Board discussed the front yard variance and decided it was actually a 14' variance that is required.

Benjamin and Kathleen Gilroy and Deborah LaMond are before the Board seeking a **15' dimensional variance** for a **front yard setback** to construct an addition on map 20, lot 350.

Dimensional Variance(s) - Setback(s)	Dimensional Variance - Lot Coverage	Special Use Permit
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Mr. Borden	Approve	N/A	N/A
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The petitioner did a nice job of presenting their petition. They will not encroach further. They are staying under 20% lot coverage, which is commendable. It is a reasonable request and the least relief necessary. I approve a 15' setback variance in the front.

Mr. Furriel	Approve	N/A	N/A
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I vote to approve the dimensional variance for reasons stated by Mr. Borden.

Mr. Raposa **Approve** **N/A** **N/A**

I also approve of the dimensional variance for reasons previously stated by my peers.

Ms. Horwitz **Approve** **N/A** **N/A**

I approve of the dimensional variance for reasons previously stated.

Mr. Nott **Approve** **N/A** **N/A**

I approve for reasons previously stated by Mr. Borden. The Gilroys have done a good job by merging lots. It would be more than a mere inconvenience to deny. It is the least relief necessary.

- 2. (C-1) Global Partners LP (Applicant) and Alwar Equities, Inc., (Owner) Seek a One-Year Extension on a Special Use Permit to Redevelop and Expand an Automobile Fueling Station (Art. V Sec. F.1.), Convenience Store and Café (Art. V Sec. E.1., 3. & 14.3) Recorded in Land Evidence Records Book 912, Page 312, and as well as a One-Year Extension on a Special Use Permit to Install Signage in Excess of the Maximum Allowed Under the Ordinance (Art. V Sec. F.1.) Recorded in Land Evidence Records Book 912, Page 310 on June 26, 2020. The Subject Property is Located at 1568 West Main Road (51 - 34D).**

Attorney David Martland, 1100 Aquidneck Avenue, Middletown was present on Zoom to represent the petitioner. Mr. Martland said the relief was received a year ago and his clients sought DEM permits in March 2020. The COVID pandemic then occurred and they put everything on hold so they could look at the economy. They are asking for a one-year extension, with the relief being asked exactly the same.

A motion was made by Mr. Borden and seconded by Ms. Horwitz to approve the request of Global Partners LP and Alwar Equities, Inc., to grant a one-year extension on their zoning relief requests. The motion carried 5 – 0 with Mr. Borden, Mr. Furriel, Mr. Raposa, Ms. Horwitz, and Mr. Nott voting in favor.

- 3. (R-20) Rodney and Kelli Gudz (Owners) Seek a Dimensional Variance for Rear Yard Setback (Art. IV, Sec. B) to Construct an In-Ground Swimming Pool Located at 32 Anchor Drive (23 - 67).**

Rodney Gudz was present on Zoom and was sworn in. He is seeking a rear yard setback to construct an in-ground swimming pool. Their house is set back on the property and their septic is in the front. They will need a 20' variance to put the pool in. The Board reminded them the pool will need to be fenced in by a 6' fence as well. They chose a pool not as wide and a little longer so they would not encroach as much.

The Chair called for abutters or interested parties.

Carolina Briano, 73 Botelho Drive spoke about her concerns with her child.

Rodney and Kelli Gudz, map 23, lot 67, are seeking a **20' rear yard dimensional variance** for construction of an in-ground swimming pool.

Dimensional Variance(s) - Setback(s)	Dimensional Variance - Lot Coverage	Special Use Permit
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Mr. Borden	Approve	N/A	N/A
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Requesting a pool is an appropriate accessory use of their property and in his opinion it's not a structure. There is a drainage easement. They are requesting a 16' wide pool. To deny would amount to more than a mere inconvenience, so I approve.

Mr. Furriel	Approve	N/A	N/A
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I vote to approve the dimensional variance for reasons stated by Mr. Borden.

Mr. Raposa	Approve	N/A	N/A
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I approve of the dimensional variance for reasons previously stated by Mr. Furriel.

Ms. Horwitz	Approve	N/A	N/A
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I approve of the dimensional variance for reasons previously stated.

Mr. Nott	Approve	N/A	N/A
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I approve for reasons previously stated by Mr. Borden. The fence will take care of the neighbor's concerns, and I approve.

A motion to adjourn was made by Mr. Borden and seconded by Mr. Furriel. The motion carried unanimously with Mr. Nott, Mr. Borden, Mr. Furriel, Mr. Raposa, Ms. Horwitz, and Mr. Wladyka voting in favor. The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Barbara A. Ripa, Recording Secretary

Approved:  Date: October 15, 2020