

**TOWN OF TIVERTON  
ZONING BOARD OF REVIEW  
SPECIAL USE PERMIT**

APPLICANT: Bertrand Oulette  
PROPERTY OWNER: Oulette Family 2010 Trust  
PROPERTY: 2 Shore Road  
PLAT MAP 806 LOT: 150  
PRESENT ZONING: R-80  
PRESENT USE: Single Family Home One Lot

**RELIEF REQUESTED:**

The applicant proposes to raze the current residential structure located on the lot and rebuild a new structure within the current building's footprint. Therefore, the existing property structure will have the same setbacks as the previous structure. The applicant seeks a Special Use Permit pursuant to Article VII, section 4 and section 5 of the Tiverton Zoning Code.

In support of the request, the applicant submitted a completed Tiverton Zoning Board Application, which included a map entitled Zoning Exhibit Plan dated December 19, 2019, along with an elevation and floor plan of the proposed new structure.

The Zoning Board received comments concerning the request at a legally noticed hearing held on February 5, 2020 at 7 p.m.

Zoning Board members present: Vice Chair David Collins, Jackson, Taylor-Humphrey, Alzaibak, and 1<sup>st</sup> Alternate Hilton.

The following individuals spoke as representatives of the applicant:

The applicant, with legal counsel, appeared before the board, along with P.E. Bill Smith of Civil Engineering Concepts. The applicant testified that he intended to make the home a permanent year-round house. The current structure lacks a foundation, is poorly insulated, and structurally weak, which makes the replacement of the entire structure more economical. The house will contain a second story which will not exceed the maximum height of twenty-five feet, but the current existing setbacks will remain the same.

Mr. Smith, P.E., testified that the current septic system is newer and advanced, and can support the new structure.

Many neighbors and abutters attended the meeting in support of the application. The Board acknowledged a letter from Kimberly Waltz and Elaine M. Barboza, who were opposed to the granting of the relief. A letter in support of the proposal was received from the owners of the property at 300 High Hill Road, as well as 35 Shore Road (Madeline Dessert).

***Based on the following evidence which is part of the record, the Board finds:***

**The public convenience and welfare will be served by the granting of the relief sought.**

The proposed structure will represent a more stable and efficient home for the area. It will occupy the same footprint as the existing structure, and therefore not occupy any additional lot space/coverage.

**It will not be detrimental to the public health, safety, morals, or welfare.**

The new structure will conform to all the modern and updated building codes, ensuring sound building practices and providing safety not only to the owners but the abutters. The modern septic system will continue to provide clean and sanitary waste disposal from the residence and will not pose a threat to neighbors, given the proximity to the neighbors.

**It will be compatible with neighboring uses and will not effect the general character of the neighborhood.**

Many neighbors and abutters testified in support of this proposal, which evidences their belief that the proposal is consistent with the surrounding homes and structures. A letter dated January 24, 2020 from TL Holland Real Estate notes that “over the past decades many of the original cottages in the area have been winterized, improved and enlarged, including many with second floor additions.” The board concurs with this finding based on their own knowledge of the area.

**It will not create a nuisance in the neighborhood or endanger vehicular or pedestrian traffic.**

Again, the structure will occupy the same footprint of the old structure and will not impact vehicular or pedestrian traffic. Parking will remain as is.

**It will be compatible with the Comprehensive Community Plan of the Town of Tiverton.**

The proposed relief will allow a residential dwelling to be replaced in a current residential zoning district. All other safeguards, including the need for a Rhode Island Coastal Resources Management Commission permit will ensure protection of the Town and its long-term environmental and residential goals as set forth in their comprehensive plan.

Based on the findings of fact as stated above, the entire record submitted, and applying those facts to the legal standards necessary for a SPECIAL USE PERMIT, a motion was made to GRANT both requests by Vice-Chair Collins, seconded by Mr. Jackson.

A roll call was taken and the following members voted AYE TO APPROVE the relief sought: Collins, Jackson, Taylor-Humphrey, Alzaibak, and Hilton.

The official minutes of the meeting of February 5, 2020 are also incorporated by reference into this decision of the Tiverton Zoning Board.

Decision Approved and Accepted this 28<sup>th</sup> of February, 2020.

Dain B. Collins  
Mr. Collins, Vice-Chair

CERTIFICATION

I, Julie Barrett, certify that I sent a true copy of the within decision, by regular mail, postage prepaid, to the applicant on the 2nd of March 2020.

JMA

RECEIVED FOR RECORD  
Tiverton, R.I.  
NANCY L. MELLO TOWN CLERK  
Mar 02, 2020 01:03P