

May 7, 2014

Steve Perry  
ADGKS, LLC  
118 Jane Street  
North Providence, Rhode Island 02904

Re: Tiverton Zoning Board Relief; AP 203, Lot 137

Dear Mr. Perry:

The following is the decision on your Petition heard by the Zoning Board of Review (the "Board") on April 2, 2014 for a special use permit from Article IV, Section 2 of the Tiverton Zoning Ordinance to construct a multi-family structure, namely a three unit condominium with two bedrooms per unit (the "Use") on property located at 0 Hurst Lane, Tiverton, Rhode Island, at AP 203, Lot 137 (the "Premises"), whereby a special use permit is required in a R60 zoning district.

At the public hearing on this matter the petitioner was represented by counsel and also presented expert testimony from Edward J. Avizinis of Natural Resource Services, Inc., a wetland biologist and soil scientist, Todd Chaplin, P.E., and Ken Scotti of ReMax Professionals. Mr. Avizinis testified to the wetland areas and proposed di-nitrification system for the Use. Further, Mr. Avizinis testified that in his expert opinion, the proposed Use will not be detrimental to the public health, safety, morals or welfare, will not adversely affect the general character of the area, and will not be a nuisance to the neighborhood.

Mr. Chaplin testified about the stormwater management plan of permeable driveways was within CRMC and RIDEM guidelines. Mr. Chaplin further testified that, in his expert opinion, the proposed Use will not be detrimental to the public health, safety, morals or welfare, will not adversely affect the general character of the area, and will not be a nuisance to the neighborhood. Further, Mr. Chaplin stated that in his expert opinion, the Use will be compatible with neighboring uses, will not hinder vehicular or pedestrian traffic in the area, and that there will be adequate provision for sanitary sewerage disposal and fire protection. Furthermore, Mr. Chaplin testified that that the proposed Use is compatible with the Comprehensive Plan of the Town of Tiverton.

Finally, Mr. Scotti testified with regard to the neighborhood demographics. He further testified that the proposed Use will be compatible with the Comprehensive Plan.

A neighbor voiced her opposition to the Use based on her observations of water problems in and around her nearby home.

After the testimony was completed at the public hearing for which due notice was given and a record kept, the Board, taking into consideration its knowledge and expertise and after taking into consideration all of the testimony at the public hearing, makes the following findings:

1. That the Premises contains approximately 4 acres of land area, more or less, zoned R-60.
2. That the proposal is permitted, subject to the issuance of a special use permit pursuant to Article IV, Section 2 of the Zoning Ordinance.
3. That there is no evidence presented that the project will be detrimental to public health, safety or morals, or welfare.
4. That the petitioner adequately explained that the sought after relief was compatible with the surrounding area and would not adversely affect surrounding property values or negatively affect the area or have an adverse effect on traffic conditions in the area.

5. That the Board was satisfied that the relevant provisions of the Comprehensive Plan concerning the Town's rural development and the basis for the proposed new use did not conflict.
6. That the Board concurred with the factual statements of the petitioner and his experts, whose information, analysis and conclusions were found credible, competent and made a part of the record.

As to the special use permit, the Board made a motion to approve the sought after relief. After deliberations, the Board voted unanimously to grant the application for a special use permit, as follows:

- (1) The public convenience and welfare will be served by allowing the establishment of the Use on the Premises.
- (2) The proposed Use will not be detrimental to the public health, safety, morals or welfare.
- (3) The proposed Use will be compatible with neighboring uses and will not adversely affect the general character of the area.
- (4) The proposed Use will not create a nuisance in the neighborhood, and will not hinder or endanger vehicular or pedestrian movement.
- (5) Based on the testimony of the petitioner and his experts, the Use will have adequate provision made for water service, sanitary sewage disposal and fire protection.
- (6) The requested Use is compatible with the Comprehensive Community Plan of the Town of Tiverton.

This petition is granted by the Board with the following stipulations and conditions:

1. That this decision must be recorded in the Land Evidence Records in the Town Clerk's Office before a building permit/certificate of occupancy is issued. (Please note that the appeal period (20 days) begins when said decision is recorded and posted with the Town Clerk's Office).
2. That the relief is limited to the plans and representations made by the petitioner to the Board and that any changes to the approved plan shall not be made without approval of the Zoning Board of Review.
3. This approval shall expire one year from the date of granting of such by the board unless the applicant exercises the permission granted or receives a building permit to do so and commences construction and diligently prosecutes the construction until completed. The board may, upon application thereof, for cause shown and without a public hearing, grant an extension, provided that not more than one such extension for a period of six months be granted. (At present, this approval is tolled pursuant to RI General Laws until June 30, 2015.)

Present this letter to the Building Inspector when applying for the necessary permits.

Sincerely,



Lise J. Gescheidt, Chair  
Tiverton Zoning Board of Review

RECEIVED FOR RECORD  
Tiverton, R.I.  
NANCY L. MELLO TOWN CLERK  
May 08, 2014 09:00A