

TOWN OF TIVERTON
ZONING BOARD OF REVIEW

DECISION FOR DIMENSIONAL VARIANCE

RE: Application of Dadson Mobile Home Owners Association

Property Owner: Dadson Mobile Home Owners Association (Lot 125) & Henry Cory Durfee, Jr, Eunice Durfee, David Cory Durfee and Rosalie Dodge Durfee (Lot 126)

Property Address: 301 Bulgermarsh Road

For property located at Assessor's Plat 410 Lot 125 & 126 in Tiverton, Rhode Island in the following zoning district: R40 & R80

This matter was heard before the Board at a public hearing on January 6, 2016 upon Applicant's request for a Dimensional Variance under the Tiverton Zoning Ordinance to acquire additional land from Lot 126, through an Administrative Subdivision, to construct a new community septic system.

Marlene Beaulieu spoke on behalf of the application. Ms. Beaulieu is a resident and former President of the Association, and she testified that the oldest part of the park was built in 1950 and was completed in the 1980s. There are 102 mobile homes in the park with each home on a small parcel of land. The residents are low and moderate income. The Association now owns the land where the homes are located. The Homeowners Association's biggest struggle is with a fragile septic system with owners having septic tanks, which need to be pumped annually. Several systems in the park have failed. To address this need, the Association looked at the alternative of creating one system for the entire park. There was no area within the park that could meet the needs for a new septic system for all the residents. The Association then contacted a neighbor to the south about purchasing some acreage to place a system that would connect all the homes into a single system.

William Smith of Civil Engineering Concept, Little Compton, Rhode Island, is qualified by the Board as an expert in civil engineering, and he testified that there was no location on the petitioner's land that was capable of supporting a septic system for the park. He testified that it was necessary to acquire additional land to locate the new septic system. He testified that the land in the park has ledge and was not sufficient to support a septic system for the homeowners. He explained that the systems in the park have failed and that more would fail in the future. He testified that the addition of the land to the south was necessary and the only alternative to solve the septic system problems and that this variance request was the least relief necessary.

It was moved by Mr. Collins, with a second by Ms. Taylor-Humphrey, to approve the application of Dadson Mobile Home Owners' Association for a dimensional variance, subject to the

following conditions: (1) that no additional structures or dwelling units be constructed or located on the premises (2) that the subject parcel shall not be used for frontage or access purposes for any development off-site (3) that the granting of this dimensional variance is subject to final approval by the Planning Board of the Applicant's subdivision application. In support of this motion, the Board makes the following findings of fact:

- I. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure, and not due to the general characteristics of the surrounding area, and is not due to a physical or economic disability of the applicant. There is limited space available within the park for a new system(s);
- II. That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. The park was constructed prior to the current zoning and the septic system(s) have a life expectancy and will continue to deteriorate;
- III. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this zoning ordinance or the Comprehensive Plan. No additional home sites are proposed and the bulk of the work will be performed underground and will be located to the south away from the existing neighbors;
- IV. That the relief to be granted is the least relief necessary. No more relief is granted than is needed to allow the park to continue its operation in a safe and sanitary way; and
- V. The variance request is not based in any manner on the present non-conformance that exists on adjacent properties, as the request is to provide adequate OWTS and infrastructure to maintain the current operation of the park.

All in favor to approve this application.

Voting to Approve: Ms. Gescheidt Mr. Collins Mr. Jackson Mr. Taylor Ms. Humphrey Mr. Alzaiback
Voting to Deny: None

1-22-16

Date



L. Gescheidt, Chairwoman