

July 22, 2013

Patricia A. Gomes  
831 Bulgarmarsh Road  
Tiverton, Rhode Island 02878

Re: Tiverton Zoning Board Relief; AP 218, Lot 128

Dear Ms. Gomes:

The following is the decision on your Petition heard by the Zoning Board of Review (the "Board") on July 3, 2013 for a special use permit from Article IV, Section 6.g of the Tiverton Zoning Ordinance to operate a riding stable or academy (the "Use") on property located at 831 Bulgarmarsh Road, Tiverton, Rhode Island, at AP 218, Lot 128 (the "Premises"), whereby a special use permit is required in a R60/R80 zoning district.

At the public hearing on this matter the petitioner was represented by counsel and also testified that there exists a permit for a barn and riding area on the Premises, issued in 2006. Following a consent agreement of the Town of Tiverton Municipal Court, dated February 15, 2013, entered as Exhibit 1, no commercial activity was allowed on the Premises without seeking a special use permit from the Board. The petitioner seeks (1) to allow riders of horses for fees; (2) to allow education for non-horse owners (i.e. to school people about horse riding and advertising for such service); and (3) to rent the indoor riding area to no more than six (6) people at a time during normal business hours. The petitioner also testified that no new lighting would be installed on the building or the Premises, that the manure shall be stored where it is shown on the plan presented, and that there shall be no artificially amplified noise. The petitioner further testified that there would be no change in building layout, no change to site views, that most teaching and riding would occur indoors, there exists a bathroom that is handicapped accessible and DEM approved, and the maximum number of horses allowed on the Premises would be twenty-seven (27). The petitioner testified that the use sought was compatible with the surrounding area, was not a nuisance, and was consistent with the Tiverton Comprehensive Plan, specifically the Quasi-Agricultural Use section. Abutter Alice LePage testified at the public hearing, stating that she was not opposed to the petition, her concern about noise was alleviated by the petitioner's testimony that only a bullhorn would be allowed and no amplified noise would be allowed, and that all prior problems concerning the manure on the Premises had been resolved.

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 contain approximately 7.42 acres of land area, more or less, zoned R-80.
2. That the proposal is permitted, subject to the issuance of a special use permit pursuant to Article XII, Section 11 of the Zoning Ordinance.
3. That the petitioner's proposal will require relief (a) to allow riders and their horses to use the Premises' facilities for a fee; (b) to allow education for non-horse owners, including the advertising of such services; and (c) to rent the indoor riding arena to no more than six (6) people at a time.
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. No objections were expressed at the public hearing regarding the Use and the Board was satisfied that the relevant provisions of the Comprehensive Plan concerning the Town's rural development and Quasi-Agricultural Use and the basis for the proposed new use did not conflict.
6. That the Board concurred with the factual statements of the petitioner 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 because of the petitioner's agreement of non-amplification by electronic means of any noise on the Premises.
- (5) Based on the testimony of the petitioner, 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. That the normal business hours shall be from 8:30 AM until 7:30 PM.
4. That the manure stored on the Premises shall remain as shown on the plan presented and attached hereto as Exhibit A.
5. That there shall be no artificially amplified noise on the Premises, with the sole exception of a bullhorn.
6. That there shall be no new lighting on the Premises.
7. That the maximum number of horses allowed at any time on the Premises is twenty-seven (27) horses.
8. That a trainer or trainers may utilize the facilities to teach lessons either privately, semi-privately, or in a small group not to exceed six (6) students.
9. That the petitioner and any subsequent owner of the Premises be required to have an insurance policy with a farm rider to cover the specific situations contemplated by the Use.
10. 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