

*Town of Westerly
Rhode Island*

DEPARTMENT OF PLANNING
AND CODE ENFORCEMENT



Town Hall
45 Broad Street
Westerly, RI 02891

Zoning Narrative

Date: **July 10, 2017**
 Petitioner: **Windridge LLC**
 Location: **6 OVERLOOK DR**
Assessor's Plat/Lot '180-012'
Zoning Submittal No. 17/2562

SUMMARY:

The petitioner is requesting a **Rear-yard setback variance** from §260-19 (Minimum Dimensional Requirements) of the Zoning Ordinance to **change the boundary line between 6 & 10 Overlook Drive to accommodate new entrance** at the above-referenced property.

FINDINGS OF FACT:

Existing Conditions

- A. Parcel 180-012 consists of approximately 56,506 square foot of land area with 36.31' of frontage on Ocean View Highway. This parcel is located in an LDR-43 Zoning District.
- B. Lot 180-012 contains an existing legal dimensionally non-conforming residential structure.

Current Proposal

- C. The applicant is proposing to change the boundary line between 6 & 10 Overlook Drive to accommodate new entrance at 6 Overlook Drive.
- D. The primary structure encroaches into the required 40' rear setback associated with this property. The primary structure requires a **19.3' Rear-yard setback variance** from §260-19 Minimum Dimensional Requirements of the Zoning Ordinance.

Dimensional Information				
Dimensional Requirements	Primary Structure (Required)	Accessory Structure (Required)	Proposed	Variance(s)
Rear-yard	40'		20.7'	19.3'

- E. Within the Zoning Application, the petitioner states “Change of boundary between 6 & 10 Overlook Drive to accommodate new entrance into 6 Overlook Drive.”
- F. At the 06/07/2017 Zoning Board meeting the applicant was granted their request of waivers for the following checklist items associated with this application:
 - i. Item C – Letter from a biologist indicating that there are no coastal or freshwater wetlands on or in proximity to the site.
 - ii. Item D – RIDEM On-Site Wastewater System approval or change of use permit.

RELIEF REQUESTED

§260-19 (Minimum Dimensional Requirements)

19.3 Rear-yard Setback Variance

STANDARDS TO BE MET

In accordance with §260-33 Variances of the Zoning Ordinance, in granting variances the Zoning Board shall require that evidence satisfying the following standards be entered into the record of the proceedings:

1. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant;
2. 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;
3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan upon which this chapter is based; and
4. That the relief to be granted is the least relief necessary.

In addition to the above standards, the Zoning Board shall require that evidence be entered into the record of the proceedings that:

5. The hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

RECCOMENDATION

At the 16 May 2017 Planning Board meeting the following motion offered by Mr. Salvatore Zito, duly seconded by Mr. Daniel Joubert prevailed 5-0: "The Westerly Planning Board looks favorably upon this administrative subdivision as proposed and finds that there would be no impediment to final approval by the administrative officer. The Westerly Planning Board also recommends that the Zoning Board look favorably upon the request for variance associated on this application."

There is an official recommendation from the Planning Board to the Zoning Board for favorable treatment of this application for a variance. The property is a well know legal dimensionally non-conforming property with two joined houses that are on separate land parcels. The administrative subdivision approved by the Planning Board allows for an adjustment to the property boarder between the 6 & 10 Overlook Drive. This Project is to allow for improved property access.



Advisory Opinion Westerly Planning Board

DATE: **May 31, 2017**
TO: **Westerly Zoning Board of Review**
FROM: **Westerly Planning Board**
RE: **Menna-Windridge Administrative Subdivision
6 & 10 Overlook Drive**

At their meeting on May 16, 2017 the Planning Board unanimously rendered a favorable advisory opinion on the proposed Administrative Subdivision for the above referenced property. The applicant is seeking to relocate a parcel boundary line to accommodate a new entrance into the property identified as 6 Overlook Drive. As a result of this subdivision, the applicant will require a dimensional variance as the new parcel boundary will be 22'7" from the existing dwelling located at 10 Overlook Drive.

Legal Motion

The Westerly Planning Board looks favorably upon this administrative subdivision as proposed and finds that there would be no impediment to final approval by the administrative officer. The Westerly Planning Board also recommends that the Zoning Board look favorably upon the request for variance associated on this application.

Said motion was made by **Mr. Salvatore Zito**, duly seconded by **Mr. Daniel Joubert**, and passed unanimously 5-0 (J. Armstrong; R. Constantine; C. DeNoia; D. Joubert; S. Zito).

Respectfully Submitted,

Jason Parker, AICP, CFM – Town Planner
Town Planner

ZONING

Application for Dimensional Variance

To: Westerly Zoning Board of Review
Town Hall – 45 Broad Street
Westerly, RI 02891

Date: 5/24/17

The undersigned hereby applies to the Westerly Zoning Board of Review for a **dimensional variance** pursuant to the provisions of § 260-33 of the Westerly Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

Applicant(s): Windridge, LLC Address: 21 Smith St., Dover MA 02030

Owner(s): Windridge, LLC Address: 21 Smith St., Dover MA 02030

Lessee: _____ Address: _____

1. Filing instructions:

- a. Original application and 10 copies, typed or legibly printed, must be filed with the Zoning Office in accordance with the minimum time required to post adequate notice.
- b. A filing fee in the amount of **\$150**, plus legal advertising and recording fees, shall accompany an application to the Zoning Board of Review to cover the costs of processing (payable to "Town of Westerly – Zoning"). In addition to the \$150 fee, the applicant shall also be responsible for all additional costs, if any, incurred by the town in the course of review of this application, such as third-party review, cost of additional advertising and stenographic fees, and will be billed when the final costs have been determined.
- c. All required checklist items for a **dimensional variance** must accompany the application in order to be considered a complete application.

2. Location of premises: 6 Overlook Drive

3. Plat: 180 Lot: 12 Zoning District: LDR-43

911 Address: 6 Overlook Drive, Westerly RI 02891

4. Dimensions of lot: (frontage) feet by (depth) feet; Area (square feet or acres): See attached plan.

Irregular Shaped 56,506 SF

5. Present use of premises: Residential

6. Proposed use of premises: Residential

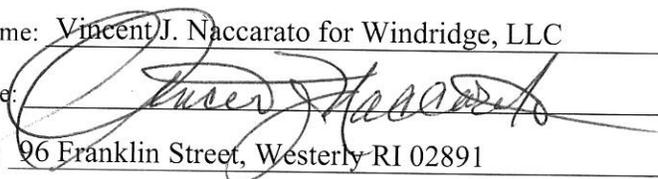
7. Is there a building on the premises at present: Yes

ZONING

8. How long have you owned the premises: Sept. 30, 2015
9. Year that lot was platted and recorded: 1910
10. Have you submitted plans to the Zoning Inspector: No
11. Has a permit been refused: No - none requested If a permit has been refused, attach a copy of the denial in writing.
12. Size (in square feet) of all existing buildings and accessory structures:
2346 gross area
13. Size (in square feet) of all proposed buildings and accessory structures:
No proposed buildings
14. Indicate the number of families to reside in the building: Single family
15. Describe the extent of the proposed alterations: Change of boundary between 6 & 10 Overlook Drive to accommodate new entrance into 6 Overlook Drive.
16. Indicate the section of the Westerly Zoning Ordinance under which application for **dimensional variance** is made: Sec. 260-33 (Variances), Attachment 10 (Schedule of Dimensional Regulations)
17. State what relief is sought (dimensions, in number of feet):
Side: _____ Side: _____ Rear: 19.3 Front: _____ Height: _____
18. Clearly state the grounds for which this **dimensional variance** is sought: New entrance needs to be located further into 6 Overlook Drive to make passage easier/safer for vehicles, including emergency vehicles.
19. Request for waiver: Indicate checklist items that are requested to be waived by the Zoning Board and the reasons for the request:
Checklist item C (letter from biologist) as no wetlands exist on or near the property.
Checklist item D (OWTS application) as no OWTS approval is not required.

Respectfully submitted:

Print Name: Vincent J. Naccarato for Windridge, LLC

Signature: 

Address: 96 Franklin Street, Westerly RI 02891

Phone Number: 401-596-0321

Town of Westerly

Geographic Information System (GIS)



Date Printed: 3/27/2017



MAP DISCLAIMER - NOTICE OF LIABILITY

This map is for assessment purposes only. It is not for legal description or conveyances. All information is subject to verification by any user. The Town of Westerly and its mapping contractors assume no legal responsibility for the information contained herein.



PARKINSON ANTHONY TROUP &
PARKINSON ALEXANDRA
16 CLARK ROAD
WELLESLEY MA 02481

SMART W GREGORY &
SMART KATHY P
PO BOX 602660
SIOUX FALLS SD 57186

CHADWICK JOHN D 2011 IRREV FAM

31 HILLCREST PARK RD
OLD GREENWICH CT 06870

CAPPUCCIO LOUIS B JR LIV TRUST &
CAPPUCCIO LAWRENCE J LIV TRUST
PO BOX 763
WESTERLY RI 02891

WILLIAMS EUGENE F JR ET AL TRUSTEES

% US TRUST
ST LOUIS MO 63102

CAPPUCCIO LOUIS B JR LIV TRUST &
CAPPUCCIO LAWRENCE J LIV TRUST
PO BOX 763
WESTERLY RI 02891

MENNA GILBERT G

21 SMITH ST
DOVER MA 02030

WINDRIDGE LLC

21 SMITH ST
DOVER MA 02030

READ WILLIAM C II &
CAMPBELL KATHLEEN A
68 WOODS END RD
NEW CANAAN CT 06840

LETT BENJAMIN &
LETT BEAUMONT
15 OCEAN VIEW HWY
WESTERLY RI 02891

Town of Westerly
Rhode Island

DEPARTMENT OF PLANNING
AND CODE ENFORCEMENT



Town Hall
45 Broad Street
Westerly, RI 02891

May 24, 2017

Windridge LLC
21 Smith Street
Dover, MA 02030

RE: Zoning Submittal No. 17/2562
6 OVERLOOK DR
Assessor's Plat/Lot '180-012'

To Whom It May Concern:

In reviewing your application for the above-referenced Zoning Certificate it has been determined that additional relief from the Zoning Ordinance is required.

In order to proceed with your proposed application a Public Hearing with the Zoning Board of Review is required to grant the relief listed below required for approval:

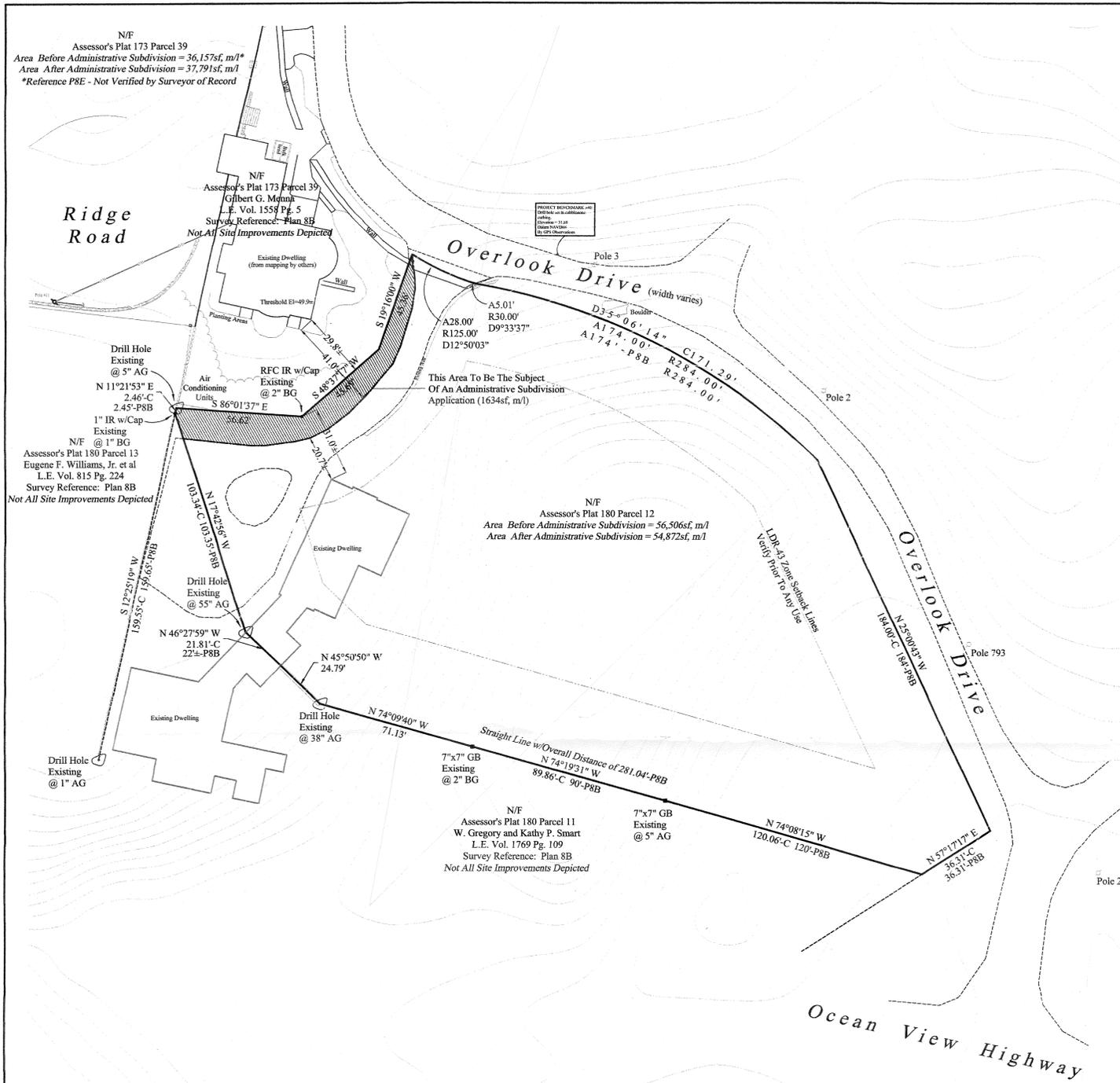
	<u>Variance Required (feet)</u>
Rear-yard Setback Variance:	19.3

Applications and information associated with Zoning Applications are available in our office. The attached Abutters Notification Letter should be sent out after you have made application to the Zoning Board and no later than fourteen (14) days prior to the Public Hearing for this application.

Should you have any questions please don't hesitate to contact me at (401) 348-2551.

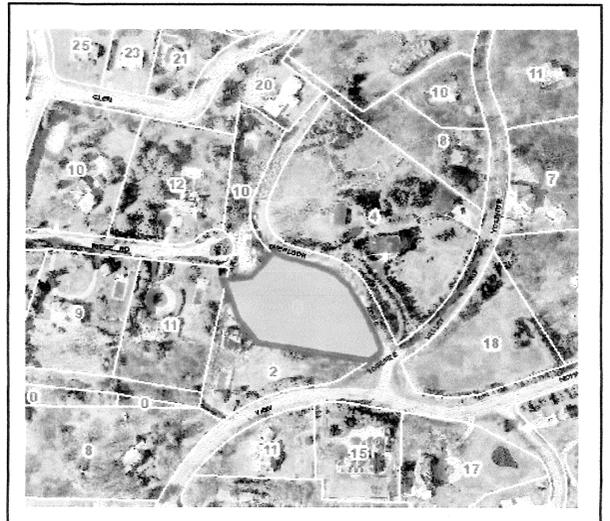
Sincerely,

Nathan Reichert
Zoning Official



PLAN NOTES:

- The parcel is substantially depicted on Westerly, Rhode Island Tax Assessor's Plat Map 180 as Parcel 12.
- The parcel is zoned "R43" per Parcel Summary Sheet, dated 10-19-2015. Use of and/or reliance upon this zoning designation shall be subject to verification of current zoning status by the Town of Westerly, Rhode Island.
- Stone Walls. The line of any stone wall(s) depicted hereon may vary slightly from the geometric centerline represented on the mapping. While reasonable efforts have been made to monument and/or delineate the centerline of the wall(s), these minor variations are typical of wall construction in the locale.
- Associated Locations. The geometric points and/or monumentation associated with the boundary(s) of the parcel(s) represented hereon are consistent with the Class of Survey specified in the surveyor's certification. The location of all other associated site features as may be depicted hereon are consistent with either a Class III or a Class IV Standard of Survey, unless expressly stated to the contrary.
- Water Boundaries. Where applicable, the property may contain natural water boundaries which are subject to change due to natural and artificial causes and may or may not represent the actual location of the limits of title.
- Buildings. Buildings as depicted hereon have been located at the foundation or structure face, unless expressly stated to the contrary. Overhangs and protrusions at elevations above the foundation are NOT necessarily represented.
- Utilities. Utility lines and locations that are apparent at the time of the survey are depicted hereon. The existence of any underground utilities, and the location of same where represented, have been ascertained from associated surface features and/or recollections of knowledgeable parties, unless expressly stated hereon. Use of and/or reliance upon these locations shall be subject to verification of the actual location by the appropriate regulatory authority at the direction and expense of the end user of that data.
- Reference Documentation - Plans:
 - "Plat of Land of Ethel A.B. Clark, Adjoining Valley Path, Watch Hill, Westerly, R.I., Scale: 1"=40', October 1924, Rossi & Lewis Engrs." as recorded in the land evidence records of the Town of Westerly, Rhode Island at Plat Book 6 Page 19.
 - "Property of Duer McLanahan, Helen McLanahan, Husted and George X. McLanahan, Watch Hill, Westerly, R.I., Scale: 1"=30', May 1936, Rossi & Lewis Engrs." as recorded in the land evidence records of the Town of Westerly, Rhode Island at Plat Book 6 Pages 39 & 40.
 - "Harbor Hill Estates Subdivision, Watch Hill, R.I., Scale: 1"=50', Aug. 16, 1957, H. J. Turrisi, Eng." as recorded in the land evidence records of the Town of Westerly, Rhode Island at Plat Book 8 Pages 50 & 51.
 - "Sketch Showing Boundary Markers Found 8/27/93, Property of Jay M. Courage, Ocean View Highway, Watch Hill, Westerly, Rhode Island, Scale: 1"=40', September 1, 1993, Joseph P. Toscano, Jr., PLS" as resides in the records of the building official of Town of Westerly, Rhode Island.
 - "Site Plan Prepared For Garland H. Davies, Overlook Drive, A.K.A. 10 Pautipaug Way, Plat 173 Lot 39, Westerly, Rhode Island Scale: 1"=20', January 18, 2002, Cherenzia & Associates, Ltd., Westerly, Rhode Island" as provided to the Surveyor of Record.
 - "Property Survey and Existing Conditions Plan, Assessor's Plat 173, Parcel No. 39, Property Of Gilbert G. Menna, 14 Ridge Road, (10 Overlook Drive), Watch Hill, Westerly, Rhode Island, Scale: 1"=20', August 23, 2006, DiCesare-Bentley, Groton, CT" as provided to the Surveyor of Record.
 - "Site Plan Prepared For Gilbert Menna, Overlook Drive, A.K.A. 10 Pautipaug Way, Plat 173 Lot 39, Westerly, Rhode Island Scale: 1"=20', February 15, 2007, Cherenzia & Associates, Ltd., Westerly, Rhode Island" as provided to the Surveyor of Record.
 - "Plan Showing As-Built ISDS Location, Sewage Disposal System Design for Gilbert G. Menna, Assessor's Map 173, Lot 39, 10 Overlook Drive, Westerly, Rhode Island, Scale: 1"=20', January 8, 2009, Joseph P. Toscano, Jr., PLS" as provided to the Surveyor of Record.
- Electronic data files of Joseph P. Toscano, Jr., PLS as provided to the Surveyor of Record.
- Regulated Wetland Features. Unless expressly represented hereon, there may be regulated freshwater and/or coastal wetland features on, or in proximity, to the subject site. The end user of this mapping product shall be responsible for the identification and protection of said features, together with any and all permits which may be required.
- Professional Service Agreement. Reference is hereby made to the Professional Services Agreement for this project, together with all specifications, limitations, and conditions contained therein, and dated 08-26-2015.
- Basis for bearings and elevations (where depicted) are Rhode Island State Plane Coordinate System (NAD 83 and NAVD 88 respectively) as determined by data transmitted from MTS Reference Stations using the MTS RTK Reference Network via Leica GS14 GPS Receiver and observations made onsite on the date(s) cited hereon.
- Flood Zone Data. Based solely upon graphic analysis, the parcel's structures appear to fall in a Zone X as per FEMA Flood Insurance Rate Map (FIRM), Washington County, Rhode Island (All Jurisdictions), Panel 253 of 368, Map Number 44009C0253, Map Revised: 10-16-2013, as obtained from online sources 10-19-2015. Note that there are others types of flood hazard zones on the subject site.
- LiDAR Topographic Data. Certain topographic data as may be depicted hereon has been taken directly from the RIGIS website and is based upon the two (2) foot contour data available on that site. This data has not been verified by the Surveyor of Record. Further, the Surveyor of Record recommends onsite verification of this data prior to any use. Use without such verification shall be the user's sole risk.



SURVEYOR'S DECLARATION Location Map
May Not Be To Scale

This plan, and underlying survey product, was prepared for the exclusive use of the person, persons, or entity named in this Declaration. Said Declaration does not extend to any unnamed person, persons, or entity without an express Re-Declaration by the Surveyor of Record naming said person, persons, or entity.

To Windridge, LLC, it is hereby declared that this survey has been conducted and this plan has been prepared pursuant to Section 9 of the Rules and Regulations adopted by the Rhode Island State Board of Registration for Professional Land Surveyors on November 25, 2015, as follows:

The TYPE of survey is Limited Content Boundary Survey-Stakeout Survey with field observations performed in accordance with the Measurement Specification of CLASS I.

In addition, associated mapping elements are identified as a Data Accumulation Survey with field observations performed in accordance with the Measurement Specification of CLASS III.

In addition, any topographic elements depicted hereon have been performed in accordance with the Measurement Specification of T-4.

Further, the information depicted hereon was obtained (a) from field observations made on the site between October 2015 to May 2016, (b) that these field observations were subsequently reduced and computations performed that resulted in the (typically) indirect geometric information depicted hereon, (c) that the purpose of the conduct of the survey and for the preparation of the plan was solely for reconstructing the parcel boundaries and supporting an application for an Administrative Subdivision and Dimensional Variance to the Town of Westerly, Rhode Island, and (d) that this information is correct to the best of my knowledge and belief and is subject to all limitation, notations, and qualification stated hereon.

Alfred W. DiOrto, PLS, CPESC, [RI PLS #1752]
Principal Surveyor and President, Alfred W. DiOrto, RLS, Inc.
RI Certificate of Authorization No. A37

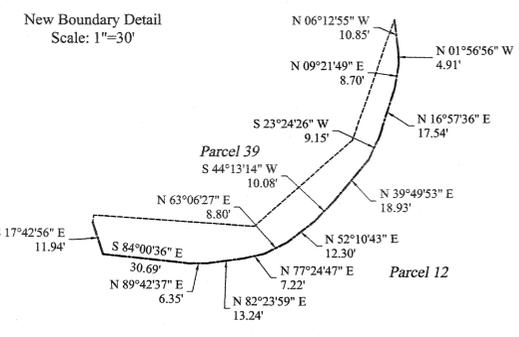
Plan to Accompany Application For Administrative Subdivision and Dimensional Variance Prepared For Windridge, LLC Assessor's Plat 180 Parcel 12 6 Overlook Drive Watch Hill Westerly, Rhode Island Scale: 1" = 30' April 1, 2017 Sheet 1 of 1

Alfred W. DiOrto, RLS, Inc.
Professional Land Surveyors • Land Use Consultants
Certified Professional Erosion Control Specialists
Licensed OWTS Designers • Installers • Inspectors • Soil Evaluators
Hopkinton, Rhode Island

LEGEND

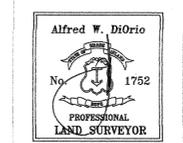
P	Referenced Plan Measurement	Set	Survey Monumentation Placed by Alfred W. DiOrto, RLS, Inc.	M/L	More or Less
C	Calculated Measurement			N/F	Now or Formerly
M	Measured Direct	Exist.	Survey Monumentation Recovered and Utilized by Alfred W. DiOrto, RLS, Inc.	100	Existing Contour
S	Scaled Measurement			100	Proposed Contour
D	Referenced Deed Measurement		Stone Wall	100'	Existing Spot Location
AG	Above Grade	AWD	Alfred W. DiOrto, RLS, Inc.	100'	Existing Utility Pole Location
BG	Below Grade	PC	Point of Curvature	Pole 51	Existing Overhead Utility Lines
IP	Iron Pipe	PT	Point of Tangency		Delineated Wetland Edge (By Others)
IR	Iron Rod	AP Parcel	Assessor's Plat & Parcel Reference		Perimeter Wetland Edge
DH	Drill Hole	LE Vol	Land Evidence Volume		100 Foot Riverbank Wetland
SW	Soil Evaluation/Ground Water Test Pipe	Pg	Page		200 Foot Riverbank Wetland
WL 15A	Wetland Flag Identification	Wetland	Wetland Feature		Proposed Location Erosion Control Measures
acs.	Acres				
sf	Square Feet				

PROPERTY OWNER Parcel 12:
Windridge, LLC
21 Smith Street
Dover, MA 02030-1703



If the surveyor's seal is not embossed and the surveyor's signature in blue ink, the plan and its limitations are copies and should be assumed to have been altered, incomplete, or fraudulent.

A valid reproduction of this plan contains BOTH an inked stamp impression and a live embossed seal impression of RI Professional Land Surveyor #1752



Alfred W. DiOrto, RLS, Inc.
PO Box 999, Ashaway, Rhode Island 02804
401/377-8124 800/797-8124
Cellular 401/742-1850
www.awdris.com

PDF VERSIONS NOT EMBOSSED

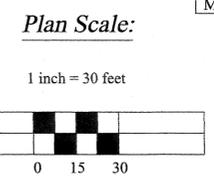
For Administrative Subdivision

Westerly Planning Department Approved
Administrative Officer: _____
Date: _____

Westerly Planning Board Approved
Chairman: _____
Date: _____

RIGL 34-13-1 INDEX	
ABUTTING STREETS	Ocean View Highway
	Overlook Drive
	Yosemite Valley Road

LDR-43 Zone Criteria			
	Existing	Proposed	
Minimum Lot Size	43,560 sf	56,506 sf	54,872 sf
Minimum Lot Frontage	200 feet	427.32 feet	200 feet
Max. Percent Imper. Surface	22.5%	4.2%	4.2%
Max. Height Princ. Bldg.	35 feet	35.5	35.5
Max Height Acc. Bldg.	20 feet	N/A	N/A
Minimum Front Yard	35 feet	35 feet	35 feet
Minimum Side Yard	30 feet	0.0 feet	0.0 feet
Minimum Rear Yard	40 feet	31 feet	20.7 feet
Minimum Corner Side Yard	32.5 feet	32.5 feet	32.5 feet



RECEIVED FOR RECORD
WESTERLY, RI 20
AT _____ O'CLOCK _____ M, AND
RECORDED IN BOOK NO _____
PAGE _____ OF THE LAND EVIDENCE RECORDS

Donna L. Giordano
WITNESS TOWN CLERK

Revision Schedule	
Revision Date	Revision Description