

ZONING


NOV 09 2017
BY: JB

Application for Special Use Permit

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

Date: November 8, 2017

The undersigned hereby applies to the Westerly Zoning Board of Review for a **special use permit** pursuant to the provisions of § 260-34 of the Westerly Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

Applicant(s): OHS Properties, LLC Address: 8 Sound Shore Drive, Suite 140
Greenwich, CT 06830
Owner(s): OHS Proeprties, LLC Address: Same
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 \$200, 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 \$200 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 **special use permit** must accompany the application in order to be considered a complete application.
2. Location of premises: 4 Margin Street and 8 Margin Street
3. Plat: 76 Lot: 46 & 47 Zoning District: HDR-6
911 Address: 4 & 8 Margin Streets, Westerly, RI
4. Dimensions of lot: (frontage) feet by (depth) feet; Area (square feet or acres): _____
See Attached
5. Present use of premises: See Attached
6. Proposed use of premises: Integrated Bed-and-Breakfast Inn
7. Is there a building on the premises at present: Yes
8. How long have you owned the premises: See Attached
9. Year that lot was platted and recorded: 1979

ZONING

10. Have you submitted plans to the Zoning Inspector: No
11. Has a permit been refused: No 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: See Attached
13. Size (in square feet) of all proposed buildings and accessory structures: See Attached
14. Indicate the number of families to reside in the building: One-family resident manager
15. Clearly state the grounds for which this special use permit is sought, citing relevant section of Zoning Ordinance:

See Narrative Filed Herewith

16. Request for waiver: Indicate checklist items that are requested to be waived by the Zoning Board and the reasons for the request:

None

Respectfully submitted:

Print Name: OHS Properties, LLC by Nicholas C. Moore, Manager

Signature: NICHOLAS C. MOORE

Address: 8 Sound Shore Drive, Suite 140, Greenwich, CT 06830

Phone Number: 917-574-8500

Special Use Permit
Continuation Page

Re: 4 Margin Street
8 Margin Street

4. 4 Margin Street
Frontage: 304' +/-
Depth (varies): 315' to 1015' +/--304' +/-
Area: 5.36 acres

8 Margin Street
Frontage: 124.30'
Depth: 252.35'
Area: .83 acres

5. 4 Margin Street: Presently 1 family home
8 Margin Street: Presently 2 family home

8. 4 Margin Street
Current Owner: 1 year 5 months
Related Owner: 3 years 8 months
5 years 1 month

8 Margin Street
Current Owner: 1 year 5 months
Related Owner: 1 month
1 year 6 months

12. 4 Margin Street
Principal structure footprint: 2,727 s.f. +/-
Principal structure living area: 5,373 s.f. +/-
Accessory structures: Shed #1 625 s.f. +/-
Garage 1500 s.f. +/-
Shed #2 200 s.f. +/-
Barn 600 s.f. +/-

8 Margin Street

Principal structure footprint: 2,068 s.f. +/-

Principal structure living area: 4,244 s.f. +/-

Accessory structure 280 s.f. +/-

13. 4-8 Margin Street

Proposed temporary structure (tent) 3,910 s.f. +/-

NARRATIVE

The applicant is OHS Properties, LLC, the owner of property at 4 and 8 Margin Street, Westerly, Rhode Island. The application requests a Special Use Permit and Development Plan Review approval for a Bed-and-Breakfast Inn pursuant to Sec. 260-54 of the Zoning Ordinance of the Town of Westerly enacted on August 21, 2017.

The properties are located within the Bed and Breakfast Overlay District, are adjacent to each other, and are to be considered a single, integrated Bed-and-Breakfast Inn. They are both in the HDR-6 zoning district and each meets the minimum requirements of the Zoning Ordinance.

It is intended that the properties operate under a single full-time resident manager during all periods of operation as a Bed-and-Breakfast Inn.

Both properties are located in the Perry Homestead Historic District within the National Park Service National Register of Historic Places. (See Attachment #1). The Register recognizes not only the main houses on the properties as significant, but also the “notable” landscape features “which serve to join the properties in a uniform composition”.

The 4 Margin Street property has been recently, meticulously restored. The first floor contains a kitchen, half bath, breakfast area, gathering spaces, and an enclosed garden room. This garden room and its companion on 8 Margin Street both overlook the landscape features between the two properties and are recognized as important elements by the National Register. Its second floor includes a two-bedroom family suite with its own full bath; 2 one-bedroom guest rooms, each with its own full bath; and a separate sitting room. Its third floor has 2 two-bedroom family suites, each with its own full bath. (See floor plan, with accompanying architect’s calculation, 4 Margin Street, Attachment #2).

The 8 Margin Street property is in the process of being cosmetically refurbished, together with updates and installation of new mechanical systems and such other modifications to comply with building code requirements for Bed-and-Breakfast occupancy.

This work includes conversion of an existing kitchen and half-bath in the first floor to a new guest room and full bath. The remainder of the first floor includes a warming pantry and gathering spaces and the companion enclosed garden room described above.

The second floor has 4 guest rooms, each with its own full bath. The third floor is a two-bedroom manager residence. (See floor plan, with accompanying architect's calculation, 8 Margin Street, Attachment #3).

The total area of the properties is 6.08 acres. There are several outbuildings on the property. It is intended that they remain and be refurbished in the future.

The eight bedrooms in 4 Margin Street and five bedrooms in 8 Margin Street allow a total occupancy of 26. Section 260-54(d)(2)(d) provides that the number of bedrooms in a Bed-and-Breakfast Inn is to be confirmed by the Building Official and Fire Department. These officials have confirmed the combined 13-bedroom count. (See Attachment #4).

The site plan and existing conditions plan are Attachment #5 hereto. The site plan and floor plans demonstrate that this occupancy can be effectively and efficiently accommodated by the configuration of the structures and the physical layout of the property.

Section 260-45E(3)(g), Development Plan Review requires the recommendation of the Rhode Island Historic Preservation & Heritage Commission with respect to buildings in an Historic District. A positive recommendation has been obtained. (See Attachment #6).

The Bed-and-Breakfast Inn provisions of the Ordinance allow two classes of events. "Subordinate Events" and "Special Events". Subordinate Events allow for total guests of no more than twice or double the total capacity of the establishment. In this case, therefore, 52 total guests. The total guests allowed for Special Events is to be determined by the Zoning Board in conjunction with the Special Use Permit. The applicant requests that the maximum number of guests be established at 174 guests in addition to those permitted at Subordinate Events.

The site plan depicts at least two outside locations on the property where the number of guests can be accommodated in. Both alternatives are located between

the two principal residential structures and the outbuildings, substantially sheltering these activities from other neighboring properties.

Section 260-54(d)(2)(j)[2](II) also indicates that the applicant is to identify interior and exterior areas to be used for event purposes and guest congregation. It provides that the Fire Department will determine the maximum number of guests allowed in those spaces.

a) The proposed outdoor space is a tent 46' x 85' or 3910 sq. ft. The Fire Department has determined that such a tent will allow total occupancy of 260 people. (Attachment #4). The applicant seeks a maximum of 200 non-patron guests, 26 patron guests, 2 resident manager(s), and 20 support personnel for a total of 248 total capacity;

b) The floor plans also depict interior first floor space at 4 Margin Street of 2002 sq. ft. The Fire Department has determined that the space could support up to 133 patron and non-patron guests. (Attachment #4);

c) The floor plans also depict interior floor space at 8 Margin Street of 1238 sq. ft., which yields a maximum total capacity of 82 patrons and non-patron guests. (Attachment #4)

The site plan also depicts parking accommodations for the maximum numbers of permitted guests. All parking will be located upon existing asphalt surfaces or grass. While there is a small area of additional pavement (558 s.f. +/-) associated with relocation of an access way to Beach Street to attain better line of sight, there is no increase in off-site stormwater runoff.

The site plan also depicts the extent of existing vegetative buffers which will not be disturbed as well as a fence requested by the neighbor at 2 Margin Street.

Applicant believes the extensive vegetative buffers satisfy all screening requirements of the Ordinance, subject however, to any in-fill planting the Zoning and/or Planning Boards may direct.

The types of Subordinate Events limited to 52 attendees which are anticipated are literary, educational, artistic and cultural presentations and workshops, cooking demonstrations and wine tastings, small corporate meetings,

training sessions and retreats, small parties and similar events. Most are anticipated to be inside the structures.

The types of Special Events with attendees increased by 174 non-patron guests over a Subordinate Event which are anticipated are those listed in the Ordinance, such as weddings, cultural or charitable events, garden parties, dinners or conferences. Most are anticipated to be tented outside the structures.

While located in the usually compact HDR-6 zoning district the two properties comprise 6.08 acres. The site plan (Attachment #5) demonstrates the ability of the property to effectively and efficiently accommodate all patron and non-patron guests and effectively screen activity from adjacent properties. As mentioned above, the site plan also provides for moving an existing driveway on Beach Street to improve visibility particularly in exiting the property.

With reference to the general considerations for a Special Use Permit, a Bed-and-Breakfast Guesthouse was previously operated at 4 Margin Street without any negative impact on the surrounding property. (See Certificate of Ownership and Zoning Official Certification, Attachment #7).

This applicant first proposed a Zoning Ordinance Amendment to accommodate its desire to rehabilitate, preserve and operate the 4 and 8 Margin Street properties generally as described above. The applicant in turn spurred the Town Planner to draft and promote the August 21, 2017 amendment.

During the discussions and hearings, it was acknowledged by Town Officials that an as-of-right subdivision of 22 lots was possible on the 4 Margin Street property and that by Special Use Permit 34 two-bedroom townhouses were also permitted on that property. In fact, neighboring property owners provided evidence that the prior owner had procured conceptual plans for such development in an attempt to market the properties before the current owner bought the property at the behest of at least two neighboring property owners who identified the use sought in this application as a substantially superior outcome. A traffic study by the project civil engineer demonstrates that except on the 10 occasions per year in which special events will be permitted the number of trip ends per days is substantially less than the daily trip ends per day generated by either the subdivision or townhome development of the property. (Attachment #8). The

traffic circulation is further aided by the inclusion of proposed cross-easements to be exchanged with the abutting property owners, The Harvey C. Perry II Revocable Trust u/a dated May 18, 2011 and The Sarah G. Perry Revocable Trust u/a dated May 18, 2011. The proposed easements are Attachment #9.

Thus, this proposed use of the property and structures as described above is compatible with neighboring residential uses and will not adversely affect the surrounding neighbors' use and enjoyment of their residential property. The proposal leaves in place virtually all existing vegetation, including the landscape features recognized in the National Register of Historic Places as significant, and adds minimal impervious surface and contains additional stormwater on the site.

There are no freshwater wetlands on the site. A small portion of the front yards of the properties are in an AE 10 floodplain. There are no structures in this area. The homes on 4 and 8 Margin Street have first floor elevations of 16.95' and 14.4' respectively. (See letter of Ecotones, Inc., Kevin Fetzer, PWS, Principal Biologist/Soil Scientist, Attachment #10).

The protection of the historic structures by the adaptive reuse and protection of the grounds contribute to the orderly development of the Town and are certainly not environmentally detrimental.

As demonstrated above and by the site plan, all best practices and procedures to minimize adverse effects on neighboring properties have been considered and employed. Immediately adjacent neighboring property owners and the owner/developer have agreed upon certain Restrictive Covenants, which are Attachment #11 hereto.

An additional comment regarding that protection is also pertinent. The amendment further provides:

“Each Special Event shall require a ‘one-time-event’ license in accordance with Chapter 221 of the Town Code”.

This provides further consequences to the property owner—abuse of the Special Event opportunity provided by the Special Use Permit to the detriment of neighboring property owners may result in the inability to obtain a license for such events in the future.

Multiple provisions of the Comprehensive Plan are served by this Special Use Permit, as identified by the Town Planner in the Narrative which accompanied his draft of the newly adopted Bed-and-Breakfast Overlay District:

Goal 4: Ensure economic development strategies are focused on helping locally-owned businesses prosper and encourage entrepreneurial activities.

Objective 1. Seek diversity and sustainability in the economy.

Objective 2. Focus on economic development efforts on helping locally-owned businesses prosper.

Goal 8: Balance the sometimes-competing aspects of Westerly as a resort community comprised of four key elements: seasonal homes and residents; a year-round residential community; a short-term tourist destination; and a regional service and retail center.

Objective 1. Embrace Westerly's past and future as a resort community by planning better, managing growth, treating our guests with respect, and encouraging positive visitor experiences.

Objective 2. Establish a strategy to extend the length of stay of vacationers and tourists, increasing their positive economic contribution to the community and reducing their negative impact on infrastructure and municipal services.

Objective 3. Encourage development that supports a broad spectrum of seasonal residences throughout the community, providing a range of housing alternatives and value and helping to secure Westerly's significant seasonal-resident tax base.

Objective 4. While making the opportunity to enjoy Westerly's attributes available to tourists and visitors, also protect the interests of local residents and taxpayers in using and enjoying the community's natural and cultural resources.

Tom Liguori

From: Al W. Oakes
Sent: Thursday, November 02, 2017 11:50 AM
To: 'Tom Liguori'
Subject: areas at 4 & 8 Margin Street

8 Margin Street

1238 square feet

Meeting Room, Foyer, Halls, Open Room, Pantry

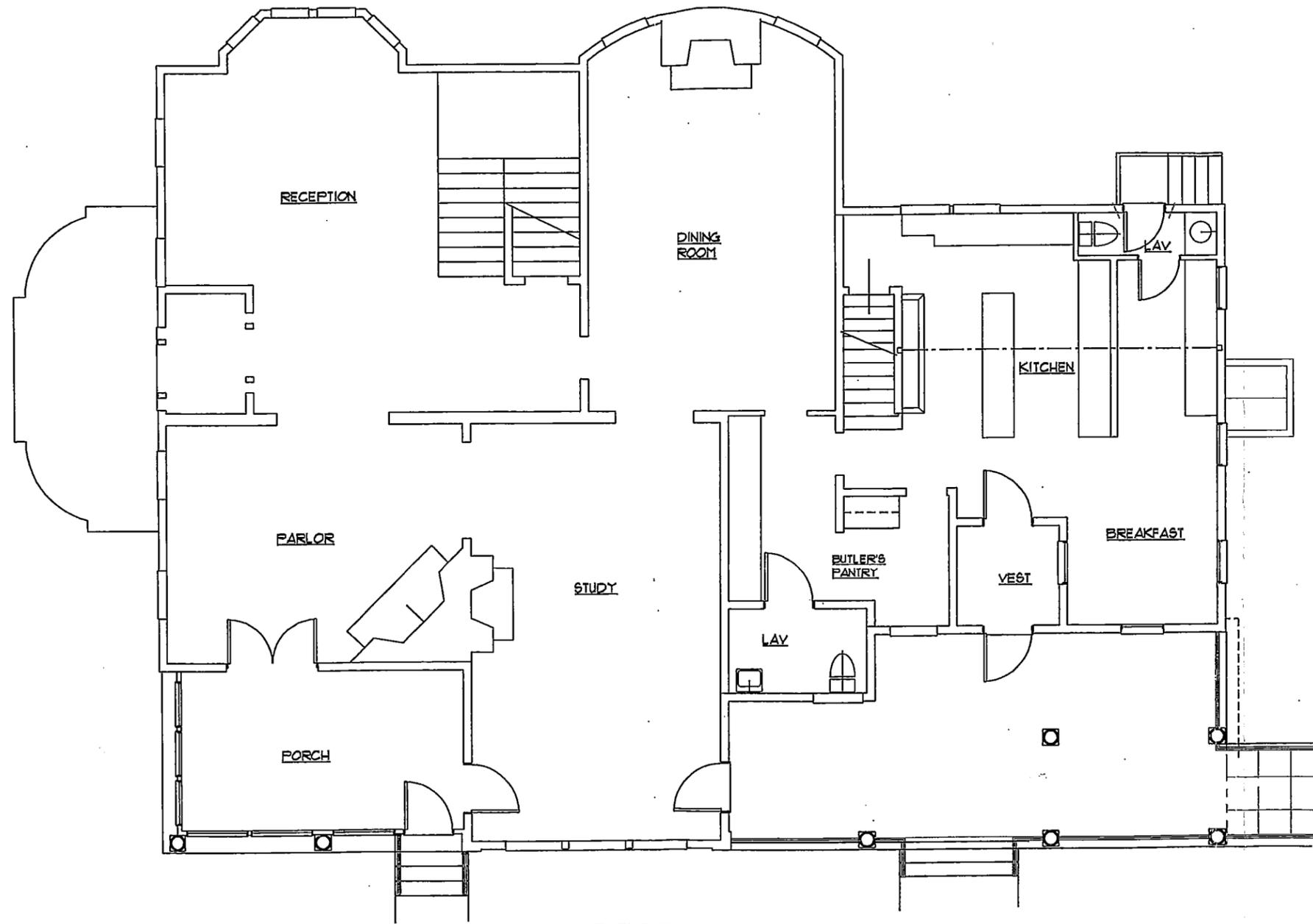
* excluding HC Suite and HC Bath Room, and public Bath Room at entrance.

4 Margin Street

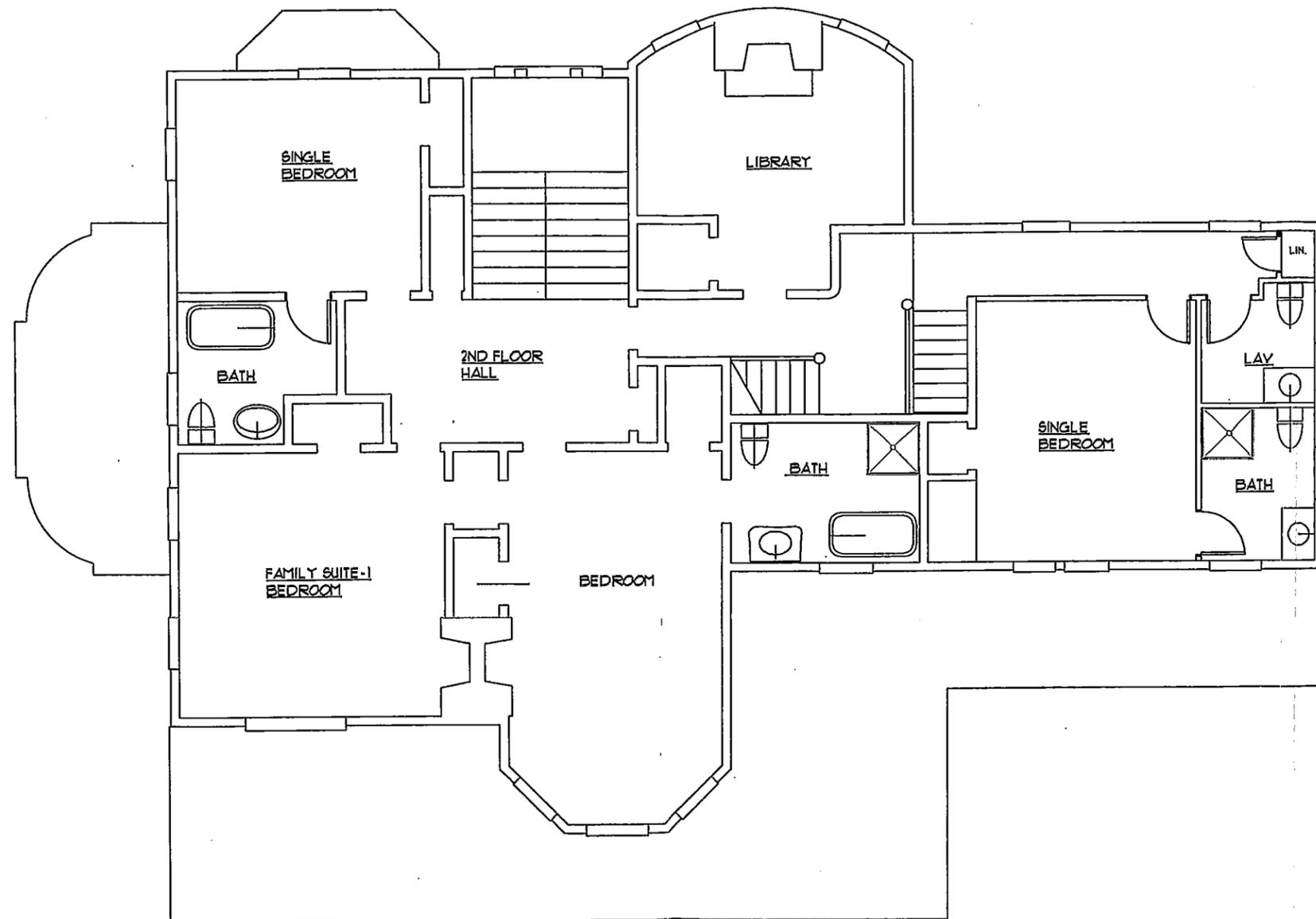
2002 square feet

Reception, Dining, Parlor, Study, Porch, Public Lav.

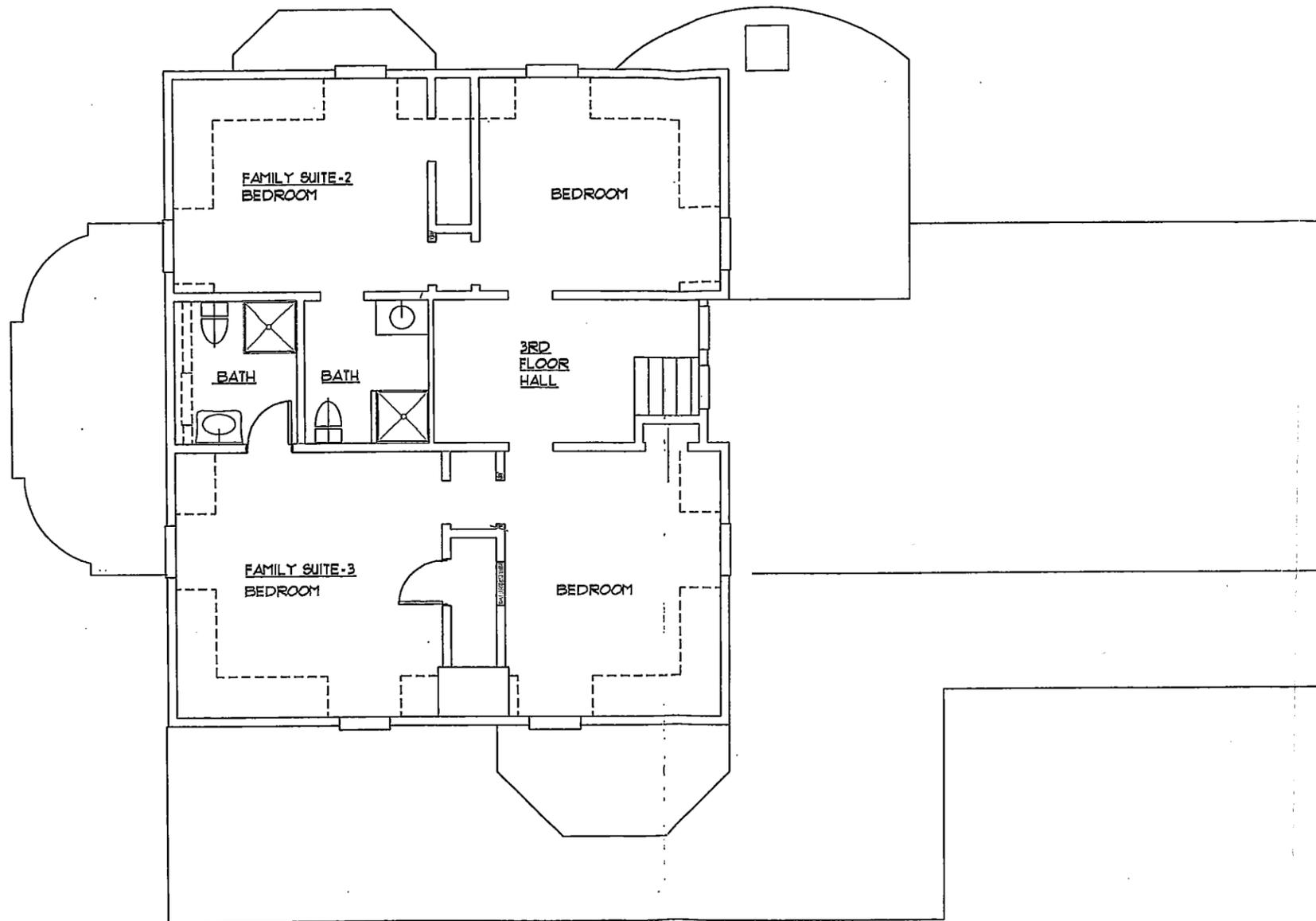
excluding Butler Pantry and Kitchen



FIRST FLOOR



SECOND FLOOR



THIRD FLOOR

Tom Liguori

From: Al W. Oakes
Sent: Thursday, November 02, 2017 11:50 AM
To: 'Tom Liguori'
Subject: areas at 4 & 8 Margin Street

8 Margin Street

1238 square feet

Meeting Room, Foyer, Halls, Open Room, Pantry

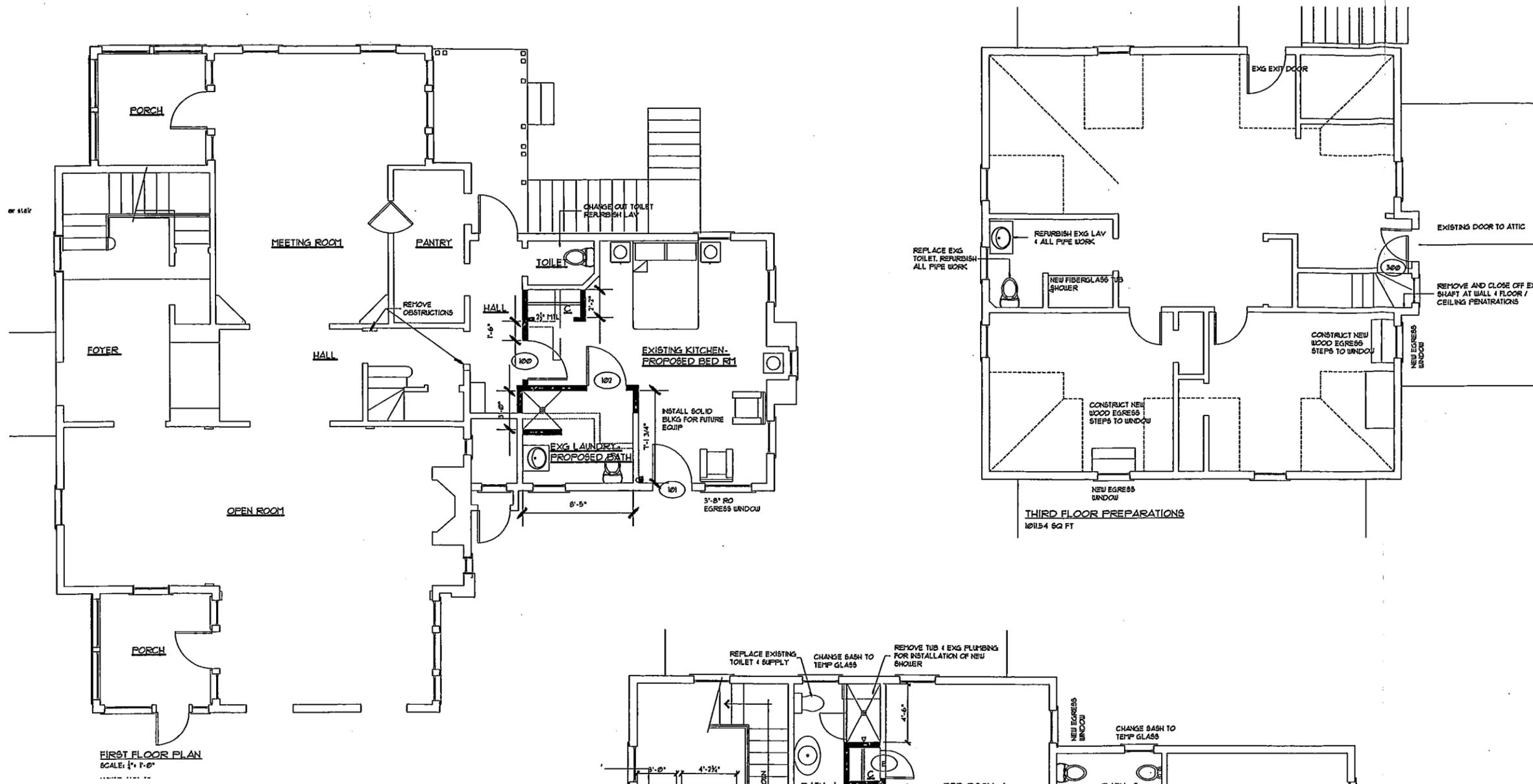
* excluding HC Suite and HC Bath Room, and public Bath Room at entrance.

4 Margin Street

2002 square feet

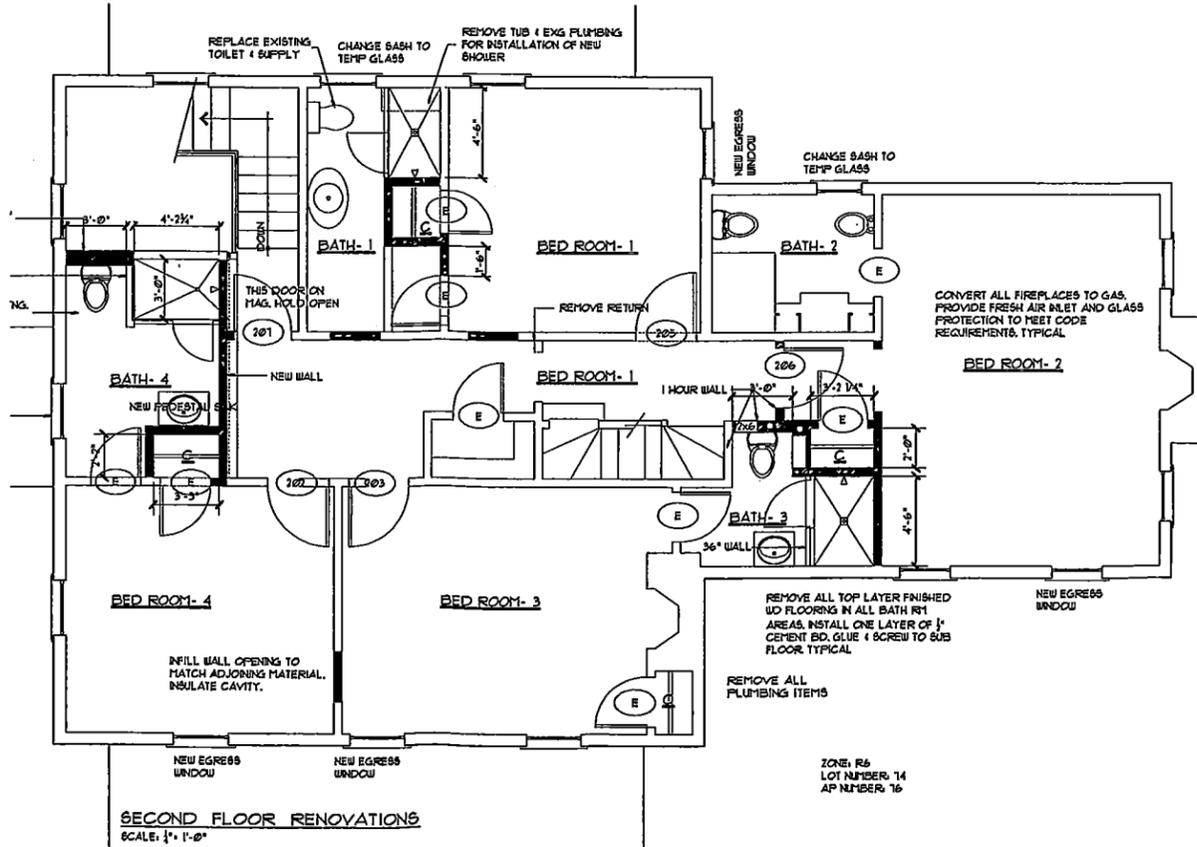
Reception, Dining, Parlor, Study, Porch, Public Lav.

excluding Butler Pantry and Kitchen



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

THIRD FLOOR PREPARATIONS
101154 SQ FT



SECOND FLOOR RENOVATIONS
SCALE: 1/4" = 1'-0"

Arris is a term for an
architectural refinement
of the edge
where two surfaces meet.

arris
DESIGN INC.

is also the name
of a team of
registered architects
located at
14 Imperial Place #302
Providence, Rhode Island
02903
Tel. 401-274-4438
E-Mail awcakes@arrisdzn.com



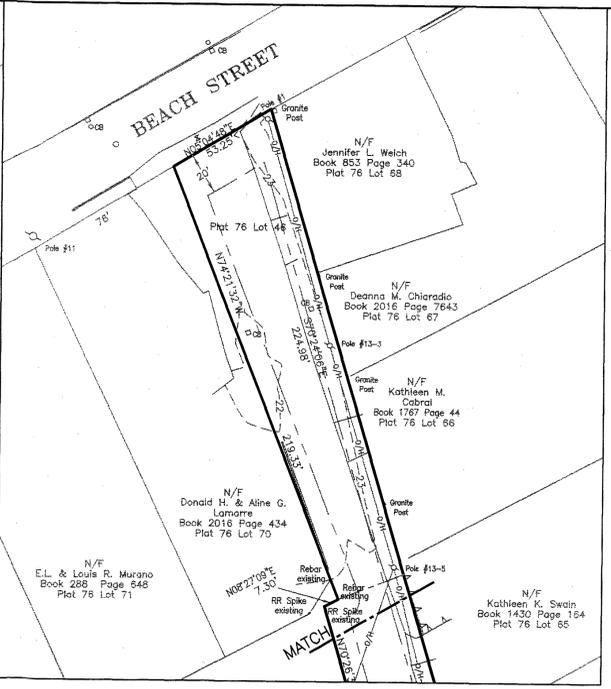
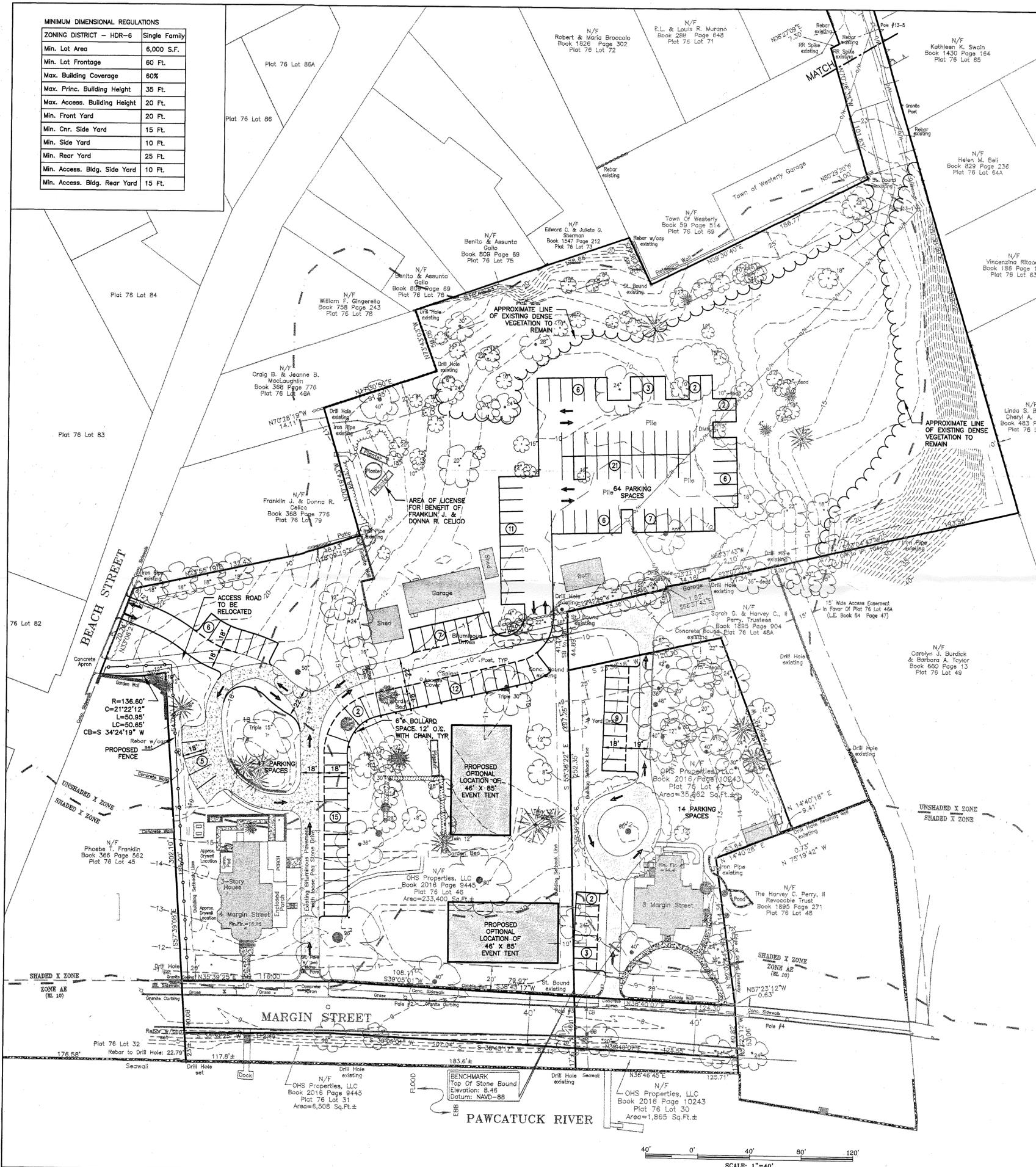
Project
TWO FAMILY RENOVATION
8 MARGIN STREET
WESTERLY, RHODE ISLAND

REVISED:
ISSUED FOR CONST.
DATE: OCT. 11, 2017
SCALE: 1/4" = 1'-0"
DRAWN BY: AWO
Checked by

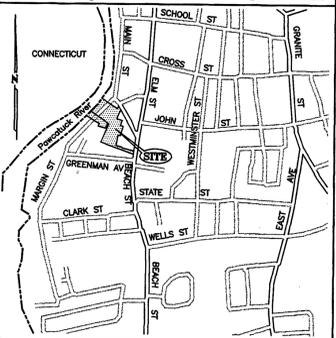
PLANS

MINIMUM DIMENSIONAL REGULATIONS

ZONING DISTRICT - HDR-6	Single Family
Min. Lot Area	6,000 S.F.
Min. Lot Frontage	60 Ft.
Max. Building Coverage	60%
Max. Princ. Building Height	35 Ft.
Max. Access. Building Height	20 Ft.
Min. Front Yard	20 Ft.
Min. Chr. Side Yard	15 Ft.
Min. Side Yard	10 Ft.
Min. Rear Yard	25 Ft.
Min. Access. Bldg. Side Yard	10 Ft.
Min. Access. Bldg. Rear Yard	15 Ft.



CHERENZIA & ASSOCIATES, LTD.
 Civil Engineers
 Land Surveyors
 Land Use Planners
 Environmental Engineers
 99 Mechanic St.
 Pawcatuck, CT 06379
 Tel: 860.629.6500
 Fax: 860.599.6690
 P.O. Box 513
 Westport, RI 02891
 Tel: 401.596.7747
 www.cherenzia.com



LOCATION MAP

NOTES:
 1. REFERENCE IS MADE TO THE FOLLOWING PLAN:
 a. PROPERTY SURVEY PREPARED FOR OHS PROPERTIES, LLC BEACH & MARGIN STREETS PLAT 76 LOTS 46 & 47 WESTERLY, RHODE ISLAND SCALE: 1" = 40' DRAWN BY: TWS OCTOBER 12, 2017 CHECK BY: MAC CHERENZIA & ASSOCIATES, LTD. PAWCATUCK, CONNECTICUT

OWNER/APPLICANT:
 OHS PROPERTIES, LLC
 8 SOUND SHORE DRIVE
 SUITE 140
 GREENWICH, CT 06830

PLAN REVISIONS

REV. NO.	DATE	DESCRIPTION	DWN BY	CHK BY

SCALE: 1"=40'
 CA JOB # 216038
 OCTOBER 26, 2017

DRAWN BY: TMT
 CHECK BY: SFC

ISSUED FOR PERMITTING

SITE PLAN

PROPOSED BED-AND-BREAKFAST WITH SUBORDINATE & SPECIAL EVENTS PLAN
 4 AND 8 MARGIN STREET
 WESTERLY, RHODE ISLAND
 PLAT 76 LOT 46 & 47

PREPARED FOR
OHS PROPERTIES, LLC

SERGIO F. CHERENZIA
 No. 9238
 REGISTERED PROFESSIONAL ENGINEER (CIVIL)

C-1

SHEET 1 OF 1

CHERENZIA & ASSOCIATES, LTD.

BEDROOM OCCUPANCY AND SUBORDINATE EVENT CALCULATION

4 Margin Street		
Family Suites (3)	6 Bedrooms x 2 Occupants	12 Occupants
Single Bedrooms (2)	2 Bedrooms x 2 Occupants	4 Occupants
		16 Occupants
8 Margin Street		
Single Bedrooms (4)	4 Bedrooms x 2 Occupants	8 Occupants
Proposed Single Bedroom (1)	1 Bedroom x 2 Occupants	2 Occupants
		10 Occupants
Total Occupancy		26 Occupants
Additional Subordinate Event Capacity		26 Occupants

PARKING CALCULATION

4 Margin Street	16 Occupants	8 spaces
8 Margin Street	10 Occupants	5 spaces
Resident Managers		2 spaces
Additional Subordinate Event Capacity	26 guests	13 spaces
Additional Special Event Capacity	174 guests	87 spaces
Caterer, etc.	20	10 spaces
TOTAL REQUIRED PARKING		125 spaces
TOTAL PROVIDED PARKING		125 spaces