

PLANNING AND ZONING COMMISSION

Public Hearing Meeting Minutes
Zone Change - Tiverton
August 20, 2013
Draft Minutes Subject to Modifications

Present: Chairman D. Chadderton, Commissioners D. Taylor, J. Burns,
J. Fitzpatrick, R. Jurzynski, B. Giglio, D. Setaro and E. Groth.
Absent: Comm. J. Trzaski.

- I The meeting was called to order at 6:46 P.M. by Chairman D. Chadderton.
The Pledge of Allegiance was recited.

Chairman D. Chadderton stated that there will be two hearings this evening.
The first is a proposed zone change and the second is a hearing for a
Subdivision. Both hearings pertain to Application P-2003-197.

Chairman D. Chadderton read a letter regarding the issue of recusing himself
From this public hearing. He stated that he has no personal, financial or other
Interest in this application or the applicant and that he serves the town with
An open mind.

Comm. J. Fitzpatrick read a letter regarding the issue of recusing himself from
this public hearing. He stated that he has no personal or financial ties to this
Application or the applicant and can hear the application without prejudice.
Attorney Byrne spoke to this matter and stated that there do not appear to be
Any signs of impropriety and it is the final decision of the board members to
Recuse themselves.

- II John Garcia, licensed land surveyor for the applicant came forward and
stated that the parcel in question is 50 plus acres located on the south side
of Burton Road. They are seeking a zone change of the front portion from
R3 to R1. Lots 1,2,3,4,13 and 5 to be rezoned to R3. The lots would be
larger than the underlying zone. The lower lots will be city sewer with wells.
R3 requires 7500 sq ft with city water and sewers.
Chairman D. Chadderton asked the board members if they had any questions
and Comm. E. Groth asked what the net reason to change the zone was. Did
this change allow for more lots? The answer was no.

III Public Comments

Chairman D. Chadderton asked if there were any public comments and T.
Shepard, Fairfield Place came forward and asked why is preexisting non
conforming? Harder to expand, etc.

J. Macarewicz, Fairfield Place came forward and stated that the rule for subdivisions is 1 acre not ½ acre. He also wanted to know what affect this would have on traffic. He said that to allow this zone change goes against Planning and Zonings own rules. He also noted J. Martin, Haley Ridge Road came forward and stated that he felt that this matter should go before ZBA because this would be reducing the sq footage. He also stated that the board read the definition of spot zoning. He wanted to know what the benefit to the town would be except conformity.

Kevin McDuffie, Haley Ridge Road came forward and stated that he feels that the commission is going down a slippery slope and opening the commission up for lots of trouble and possible lawsuits. He noted that when he was on the board, that Dave Chadderton was known for using that phrase – going down a slippery slope. He suggested that the applicant leave the zoning as is and use that area for open space.

Gary Komarsky, Second St, came forward and asked if new subdivision required 1 acre lots and was told yes. He also noted that R1 is 1 acre lots as well.

D. Clemons, Haley Ridge Road came forward and stated that this zone change would be setting a precedent and would affect future subdivisions.

Chairman D. Chadderton asked 3 times if there were any other comments from the public and no one came forward.

Chairman D. Chadderton asked if there were any other comments or questions from the Commissioners and there were none.

IV Adjournment

A motion to close the public hearing at 7:52 was made by Comm. J. Fitzpatrick and 2nd by Comm. B. Giglio. All in favor.

Respectfully submitted,
Mary Ellen Fernandes
Clerk, August 23, 2013