

A meeting of the Zoning Board of Review of the Town of South Kingstown, County of Washington, in the State of Rhode Island was held at the Town Hall, 180 High Street, Wakefield on September 15, 2010.

Members Present: Ernest D. George, Jr.  
Robert Toth  
Stephanie A. Osborn  
Douglas W. Bates  
Robert J. Cagnetta, Alt. #2

Also present were Nancy Letendre, Special Legal Counsel and Jeffrey T. O'Hara, Building Inspector and Clerk.

Mr. George explained the burden of proof of an applicant seeking a Special Use Permit or Variance.

Mr. George read the first petition.

**Continuation of the Petition of Willow Dell Beach Club, Inc.**, 156 Cards Pond Road, South Kingstown, RI for a **Special Use Permit** to modify the special use permit granted on October 21, 1985 to permit the relocation of the beach club building and parking to another area on the lot than previously stipulated. Premises located at 156 Cards Pond Road, South Kingstown, RI, Assessor's Map 92-1, Lot 36 and Zoned R-200, Section 200E and 907.

The Chair noted that there were only 5 members tonight and as he will be recusing from participation, they would need to continue until October 20, 2010.

The Chair made a motion to continue the petition of Willow Dell Beach Club, Inc. until October 20, 2010.

Mrs. Osborn seconded the motion.

WHEREUPON A VOICE VOTE WAS TAKEN/MOTION PASSES TO CONTINUE UNTIL OCTOBER 20, 2010.

Mr. George read the second petition.

**Petition of Michael Gamache**, 143 Buff Cap Road, Tolland, CT for a **Variance** to construct a 7'-10" x 12' addition to a dwelling closer to a side line than permitted (10' required – 5.3' requested) in an R-80 Zone. Premises located at 6 Fifth Avenue, South Kingstown, RI, Assessor's Map 95-1, Lot 54, Section 207 and 907.

The Chair read a letter dated September 14, 2010 from Michael E. Gamache stating that he did not wish to proceed with the petition at this time and hereby withdraw the petition from the Zoning Board of Review docket.

The Chair made a motion to withdraw the petition of Michael Gamache without prejudice.

Mrs. Osborn seconded the motion.

WHEREUPON A VOICE VOTE WAS TAKEN/MOTION PASSES TO WITHDRAW WITHOUT PREJUDICE.

Mr. George read the third petition.

**Petition of Sylvia Vignali**, 175 Alden Avenue, New Haven, CT for a **Special Use Permit** to construct a 4'-8" x 16' open deck in an R-200 Zone. Premises located at Row 2 West, Cottage #6, Roy Carpenters Beach, 240 Cards Pond Road, South Kingstown, RI, Assessor's Map 92-1, Lot 09-236, Sections 203 and 907.

Sylvia Vignali was sworn.

She will be going no closer to any of the neighboring cottages.

There was no one in opposition present.

Mr. Toth moved that the petition of Sylvia Vignali for a special use permit to construct a 4-foot 8-inch by 16-foot open deck in an R-200 Zone be granted. Premises located at Row 2 West, Cottage #6, Roy Carpenters Beach. Sylvia Vignali testified before the Board and stated her needs for the deck. The old deck was rotten and in need of repair, and this is down at Roy Carpenter's Beach. The Board is very familiar with that area. The burden here is health, safety, and welfare, and we're very familiar with the property, and her construction is not going to go any closer to the surrounding cottages, and there is an adequate distance between the cottages to ensure the public safety. We're familiar with the parking, trash down there, storage, it's all adequate, and I would move that she can construct the addition in accordance with the site plan she submitted to the Board, and under Section 907(2), special use permit, the special use is specifically authorized by this Ordinance and the subsection is Section 203 and 907. The granting of the special use permit will not alter the general

character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of the Town. The Board has looked at the other issues, ingress, egress to the lot, off-street parking, utilities, screening, buffering, and it's all adequate, so I move we grant the petition.

Mr. Cagnetta seconded the motion.

VOTE: Toth, Aye; Cagnetta, Aye; Osborn, Aye; Bates, Aye; George, Aye.

IT WAS THE UNANIMOUS DECISION OF THE BOARD TO GRANT THE PETITION.

Mr. George read the fourth petition.

**Petition of Sharon Paddock**, 20 Victory Street, Wakefield, RI for a **Variance** to construct a 7' x 11' open deck closer to a rear line than permitted in an R-10 Zone (30' required – 8' requested). Premises located at 20 Victory Street, South Kingstown, RI, Assessor's Map 56-2, Lot 279, Sections 401 and 907.

Sharon Paddock was sworn.

Ms. Paddock explained the location of the deck on the site plan submitted.

There is already a door in the back and concrete steps are there now.

The deck will be no more than 3 feet from the ground.

There was no one in opposition present.

Mr. Toth moved that the petition of Sharon Paddock, 20 Victory Street, for a variance to construct a 10-foot by 11-foot open deck closer to a rear line than permitted in an R-10 Zone be granted. Sharon Paddock testified before the Board, and under Section 907, Standards for Relief, the hardship from which the applicant seeks relief is due to the unique characters of the subject land and structure in this situation. It's a very small nonconforming lot of record, and also due to the configuration of the home, there's no other reasonable alternative to locate this deck. There's a sewer location, a hot tub, and it's just a small footprint. Also, 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 granting of this requested variance will not alter the general characteristic of the surrounding area or impair the intent or purpose of this Zoning Ordinance or the Comprehensive Plan of the Town. It's the least relief necessary, and if the dimensional variance is denied, the hardship that will be suffered by the owner of the subject property shall amount to more than a mere inconvenience. I would also move that we tie the construction to the site plan that she submitted.

Mrs. Osborn seconded the motion.

VOTE: Toth, Aye; Osborn, Aye; Cagnetta, Aye; Bates, Aye; George, Aye.

IT WAS THE UNANIMOUS DECISION OF THE BOARD TO GRANT THE PETITION.

Mr. George read the fifth petition.

**Petition of Christopher & Kathy Kabrick**, 18 Norma Road, South Windsor, CT for a **Variance** to construct an addition and open deck closer to a front line (25' required – 20.3' requested) and closer to a rear line (30' required – 2.1' requested). Also, a 2<sup>nd</sup> floor open deck closer to a rear line (30' required – 4' requested) in an R-40 Zone. Premises located at 67 Billington Avenue, South Kingstown, RI, Assessor's Map 69-2, Lot 25, Section 207 and 907.

Attorney John Kenyon was present on behalf of the applicant.

The applicants own two lots on either side of Billington Avenue. They are proposing to replace the existing septic. No relief is needed for the septic. They are proposing to renovate the existing structure. The lot is nonconforming. The addition will meet the side setbacks. They are requesting a front and rear yard variance.

Mr. Kenyon explained the configuration of the lot which is an hourglass shape.

Mr. Kenyon called his 1<sup>st</sup> witness.

Craig Carrigan, professional engineer, was sworn.

Mr. Carrigan is familiar with the applicant's property and the surrounding properties.

He prepared the site plan for the applicant.

***Applicant's Exhibit #1***, OWTS Design for Assessor's Plat 69-2, Lot 25, Dated June 8, 2010, was submitted.

Mr. Carrigan described the existing conditions on the lot. They are proposing to replace the septic system. He pointed to the location of the new OWTS on the plan submitted. No relief is needed for the OWTS. He described the additions proposed pointing to the location on the plan submitted. The additions proposed are the least relief necessary.

Mr. Kenyon called his 2<sup>nd</sup> witness.

Christopher Kabrick, the applicant, was sworn.

Mr. Kabrick and his wife Kathy are the owners. They purchased the property on March 9, 2010.

**Applicant's Exhibit #2**, Current Structure Photos, Proposed Modifications Drawings and Proposed Addition/Renovation, 67 Billington Avenue, Existing & Proposed Floor and Architectural Plans and Elevation Plans (reduced size copies), were submitted.

Mr. Kabrick explained the changes proposed using the architectural plans submitted. He noted that copies of the architectural plans were sent to the neighbors.

**Applicant's Exhibit #3**, Proposed Addition/Renovation, 67 Billington Avenue, Existing & Proposed Floor and Architectural Plans, Dated August 16, 2010, (full size plans), were submitted.

There is no way to renovate the house without some type of relief.

Jeffrey O'Hara questioned the height of the structure. Mr. Kabrick stated 35 feet.

Roberta Croce, resident on 59 Billington Avenue, was sworn. She has lived there since she was a child. She questioned if they owned the land the dock was on. She questioned where their property line was on the water. Mr. Kenyon showed her the property line on the site plan submitted. Mrs. Croce owns property directly adjacent to the Kabrick's lot. She prefers the open space but has no objection to this proposal.

There was no one in opposition present.

Mrs. Osborn made the motion to pass the petition of Christopher and Kathy Kabrick of 18 Norma Road, South Windsor, Connecticut, for a variance to construct an addition and open deck closer to a front line, 25 feet required, 20.3 feet requested, and closer to a rear line, 30 feet is required, 2.1 feet is requested. Also, a second floor open deck closer to a rear line, 30 feet required, 4 feet requested, in an R-40 Zone. Premises are located at 67 Billington Avenue, South Kingstown, Rhode Island, Assessor's Map 69-2, Lot 25. John Kenyon has represented the applicant this evening, along with Craig Carrigan, the engineer. They have showed and informed us of where the septic system will be. We have architectural drawings of the new face lift of the building attached to the site plan that's presented this evening, because the side lines are a little peculiar, and normal with frontage not being the landowner's incorporating in their site, so everything is marked as presented this evening. The variance would be a hardship if the applicant was denied because the property is certainly a peculiar-

shaped piece of property and it is also enhancing the surrounding area of the properties by doing the additions. And granting the request by enhancing will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or Comprehensive Plan. And in granting the variance, the subject land or structure cannot be of any beneficial use if it is required to conform to the provisions of the Zoning Ordinance, and in granting the variance, I move that we grant this.

Mr. Cagnetta seconded the motion.

VOTE: Osborn, Aye; Cagnetta, Aye; Bates, Aye; Toth, Aye; George, Aye.

IT WAS THE UNANIMOUS DECISION OF THE BOARD TO GRANT THE PETITION.

Mr. George read the sixth petition.

**Petition of Edward Caswell, Jr.**, 140 Point Judith Road, #23, Narragansett, RI for a **Variance** to construct a 32' x 72' addition with a 24' x 24' attached garage closer to a front line than permitted (50' required – 14' requested) in an R-80 Zone. Premises located at 722 Curtis Corner Road, South Kingstown, RI, Assessor's Map 47, Lot 36, Section 401 and 907.

Edward Caswell was sworn.

Mr. Caswell explained that the package the Board has is obsolete. They moved the addition further back from the road. Mr. Caswell submitted new packages of information to Board members.

Mr. Caswell began explaining the package of information. Page 1 Plat Map, Page 2 Compound Map, Page 3 the overall layout plan, Page 4 the proposed addition. He needs the addition as he has become engaged and needs more space and his fiancé's mother might be living with them. The property has a 3 bedroom ISDS. Page 5, the Plat Map, Mr. Caswell passed out a larger sized Plat Map and he explained this plan drawn by Craig Carrigan.

The Chair questioned if there was anyway to put the addition further off the road and request a lesser variance. Mr. Caswell stated no.

Mr. Caswell referred to the last picture in his package, Page 9 and explained the safety concerns. There is no mailbox because of the corner.

There is no site view from any neighbors. It is a single story addition.

There was no one in opposition present.

Mr. Toth moved that the petition of Edward Caswell, Jr., for a variance to construct a 32-foot by 72-foot addition with a 24-foot by 24-foot attached garage closer to a front line than permitted, 50 feet required, 15 feet 7 inches requested, in an R-80 Zone be granted. Mr. Caswell testified before the Board, stated his needs for the said addition, and looking at the plan, the proposed addition will be set back further than the original home, thereby, there's no increase in the nonconformity here. There's really no other reasonable place to locate this addition because of the existing configuration of the one-room schoolhouse, converted to a home; it's rather unique. I'm sure it will be tastefully done by Mr. Caswell and his new bride, and under Section 907, variance, the hardship from which the applicant seeks relief is due to the unique characteristics of the subject structure and land. The existing home is located very close to the road or the existing right-of-way, so that's hardship. And the existing layout of the home presents some problems with respect to putting an addition. The said 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 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 of the Town. It's the least relief necessary. The hardship that will be suffered by the owner of the subject property if the variance is not granted shall amount to more than a mere inconvenience. I would move that it be constructed in accordance with the site plan that he submitted to the Zoning Board.

Mrs. Osborn seconded the motion.

VOTE: Toth, Aye; Osborn, Aye; Cagnetta, Aye; Bates, Aye; George, Aye.

IT WAS THE UNANIMOUS DECISION OF THE BOARD TO GRANT THE PETITION.

Mr. George read the seventh petition.

**Petition of Brian & Kelly Lagace**, 140 Linden Drive, Kensington, CT for a **Special Use Permit & Variance** to demolish an existing 22' x 24' nonconforming dwelling with an 8' x 24' open deck and construct a 22' x 24' dwelling with an 8' x 24' open deck closer to a front line (40' required – 33' requested) and closer to a side line (40' required – 13.25' requested) than permitted in an R-80 Zone. Premises located at 407 Succotash Road, South Kingstown, RI, Assessor's Map 81-3, Lot 117-1, Section 202, 203, 207 and 907.

Attorney Donald Packer was present on behalf of the applicant.

Kelly Lagace was sworn.

They purchased the home on August 16, 2010. She had an inspection done which showed a problem with the foundation.

***Applicant's Exhibit #1***, Site Plan, was submitted

They propose to tear down and rebuild in the exact same place and size.

Mrs. Lagace identified a condo plan. The condo plan didn't match the Assessor's records. The dimensions of the existing dwelling are 24.2' x 22.3' with a 24.2' x 8' deck.

***Applicant's Exhibit #2***, Condo Plan, was submitted.

There was no one in opposition present.

Mrs. Osborn made a motion to pass the petition of Brian and Kelly Lagace, 140 Linden Drive, Kensington, Connecticut, for a special use permit and variance to demolish an existing 24.2 foot by 22.3 foot nonconforming dwelling with an 8 foot by 24.2 foot open deck and construct a 24.2 foot by 22.3 foot dwelling with a 8 foot by 24.2 foot open deck closer to a front line, 40 required, 33 requested and closer to a side line, 40 required, 13.25 requested, than permitted, in an R-80 Zone. Premises located at 407 Succotash Road, South Kingstown, Rhode Island, Assessor's Map 81-3, Lot 117-1. Mr. Packer has been here with Miss Lagace to discuss their plans to demolish the property that's existing and to rebuild a home on the exact same footprint, and they're here this evening because there's many units on a nonconforming site so, they have presented their exhibits to the Board and will conform to them. The special use permit and the variance, in granting the variance, the Board shall require that it would be a hardship if this applicant were not granted, that it is a unique piece of parcel with many houses on a nonconforming lot, and that it would be a hardship not to be able to demolish a house that has rotten sills and needs to be removed, and that it certainly will not alter the general character of the surrounding area or impair the intent or the purpose of the Zoning Ordinance or the Comprehensive Plan of the Town. Also, the special use permit, will not change the surrounding area, same thing, or the intent or purpose of the Zoning Ordinance or of the Comprehensive Plan of the Town, and their parking, ingress, egress, trash, utilities, is already in place because it is a condominium unit on that site. So I move that we grant this petition this evening.

Mr. Toth seconded the motion.

VOTE: Osborn, Aye; Toth, Aye; Bates, Aye; Cagnetta, Aye; George, Aye.

IT WAS THE UNANIMOUS DECISION OF THE BOARD TO GRANT THE PETITION.

Mr. George read the eighth petition.

***Petition of Audrey & Howard Hallberg***, PO Box 1725, Charlestown, RI for a ***Special Use Permit*** to locate a septic system closer to a wetland than permitted in an R-80 Zone (150' required – 62.79' requested). Premises located at Pole #39 Wordens Pond Road, South Kingstown, RI, Assessor's Map 60-1, Lot 40, Sections 504 and 907.

The Chair read a letter dated August 10, 2010 from the Conservation Commission recommending approval of the this application incorporating the stipulations noted in the initial project review conducted on May 5, 2004 and detailed in the letter from the Commission to the Zoning Board of Review, dated May 11, 2004.

Attorney Donald Packer was present on behalf of the applicant.

Mr. Packer noted that Wesley Grant the project engineer was present.

The Zoning Board approved this back in 2004.

***Applicant's Exhibit #1***, Zoning Board of Review Approval Granted August 18, 2004, was submitted.

The real estate market became an issue and this approval expired.

Mr. Packer noted that there was an error in the application. The distance from the wetland is 49.39'.

Wesley Grant, the project engineer, was sworn.

Mr. Grant explained the revised site plan to Board members.

***Applicant's Exhibit #2***, Site Plan OWTS, Map 60-1, Lot 40, Dated September 2009, was submitted.

The lot is 29,000 square feet.

Mr. Grant described the existing site conditions and the neighborhood.

The lot was identified for wetlands.

Mr. Grant prepared a report.

***Applicant's Exhibit #3***, Special Use Permit Requirements for Section 504.2 Prepared for Audrey & Howard Hallberg, Map 60-1, Lot 40, Worden's Pond Road, Prepared by Environmental Planning & Surveying, Inc., was submitted.

In 2003 Mr. Grant received an insignificant alteration permit and in 2009 he received a new permit.

**Applicant's Exhibit #4**, Insignificant Alteration Permit for Howard V. Hallberg Dated December 4, 2009, was submitted.

**Applicant's Exhibit #5**, Insignificant Alteration Permit for Howard V. Hallberg Dated October 8, 2003, was submitted.

Mr. Grant described the OWTS proposed for this lot.

**Applicant's Exhibit #6**, Rhode Island DEM Onsite Wastewater Treatment System Construction Permit Approved January 15, 2010, was submitted.

The OWTS was designed for 3 bedrooms.

The closest distance to the wetlands is 49.39 feet.

There is no other place to locate the OWTS and be further away from the wetland.

The property is serviced by a well.

The Conservation Commission recommended approval of this application.

Without the OWTS the owners could not construct a single family dwelling on this lot.

**Applicant's Exhibit #7**, Tax Assessor's Card for Map 60-1, Lot 40, was submitted.

There was no one in opposition present.

Mr. Toth made the motion for the petition of Audrey and Howard Hallberg for a special use permit to locate a septic system closer to a wetland than permitted in an R-80 Zone, 150 feet required, 49.39 feet requested. Premises located at Pole #39 Wordens Pond Road, South Kingstown. Mr. Donald Packer presented the case to the Board and Mr. Wesley Grant, the project engineer, testified before the Board, and his testimony, there was a change, this was a previous approval several years ago and the main change tonight is the use of an AdvanTex AX-20 treatment system which incorporates the use of a bottomless sand filter which will effectively treat and polish the discharge. He has testified that there's really no other reasonable place on this lot to locate the said treatment system. I would move that we tie this approval into the new site plan, and I believe it's dated September 2009 by Environmental Planning and Surveying. Under Section

907(2), special use permit, the special use is specifically authorized by this Ordinance by Sections 504 and 907. The special use meets all of the criteria set forth in the Ordinance. Granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of the Town. In addition to the septic system, we've also taken a look at ingress, egress to the lot, off-street parking, and those all seem adequate. I would also move that we adopt the findings of the Conservation Commission and their recommendations dated May 11, 2004 with the exception of Number 16, regarding trees.

Mrs. Osborn seconded the motion.

VOTE: Toth, Aye; Osborn, Aye; Cagnetta, Aye; Bates, Aye; George, Aye.

IT WAS THE UNANIMOUS DECISION OF THE BOARD TO GRANT THE PETITION.

Mr. George read the ninth petition.

**Petition of Andre Freitas**, 28 Blanchard Place, Wakefield, RI for a **Variance** to construct a 24' x 24' carport closer to a front line than permitted in an R-20 Zone (35' required – 20' requested). Premises located at 78 Marine Road, South Kingstown, RI, owned by George Vargas, Assessor's Map 82-4, Lot 3, Section 401 and 907.

George Vargas, the owner and Andre Freitas, the building contractor, were sworn.

When the home was built, there was a truss attached to the house but the carport was never built.

Mr. Freitas explained the location of the existing home and driveway using the site plan submitted.

Mr. Vargas stated that there is only one truss mounted to the house, which is an eyesore.

Mr. Freitas explained the location of the proposed carport.

Mr. Vargas stated that there is no way to locate on the other side of the house due to the location of the septic. Mr. Freitas stated also, due to the location of the driveway and the existing truss mounted to the house.

Mr. Vargas is looking to park two cars in the carport.

There was no one in opposition present.

Mr. Cagnetta made the motion to approve the petition of Andre Freitas, 28 Blanchard Place, Wakefield, Rhode Island, for a variance to construct a 24 foot by 24 foot carport closer to a front line than permitted in an R-20 Zone, 35 feet required, 20 feet is requested. The premises located at 78 Marine Road in South Kingstown, Rhode Island, and is owned by Mr. George Vargas. Mr. Vargas and Andre Freitas were here tonight and presented a plan to construct the carport. It seems that it was started but never finished and they just wanted to extend it out for two cars. It's not necessarily a well-traveled road, it's a dirt road, doesn't seem like it would, at all, impact the surrounding area. So, this is a variance. Standards for relief with the hardship for the applicant are due to the really unique placement of the building relative to the street line, and it would not alter the general characteristics of the surrounding area. And we will tie the project to the plan submitted which was completed by Alfred DiOrio in 2009, May 1, 2009, with the expected setback of 20 feet.

Mr. Toth seconded the motion.

VOTE: Cagnetta, Aye; Toth, Aye; Osborn, Aye; Bates, Aye; George, Aye.

IT WAS THE UNANIMOUS DECISION OF THE BOARD TO GRANT THE PETITION.

Mr. George read the tenth petition.

**Petition of Christopher Roebuck**, 81 Point Avenue, Wakefield, RI for a **Variance** to demolish an existing nonconforming dwelling and construct a new dwelling with an attached garage and open deck closer to a front line than permitted in an R-20 Zone (35' required – 3.48' requested). Premises located at 81 Point Avenue, South Kingstown, RI, Assessor's Map 88-1, Lot 31, Section 401 and 907.

Attorney Harry Cesario was present on behalf of the applicant.

David Gardner, Land Surveyor and Engineer and Kenneth Bouvier, South County Post and Beam, were sworn.

Mr. Cesario explained that the property is located at 81 Point Avenue. It is a dead end in an R-20 Zone. It does have some wetland issues. The proposal is to demolish two existing buildings and construct a single family home.

Mr. Cesario called his 1<sup>st</sup> witness.

David Gardner explained the existing conditions and the proposed additions on the lot using the site plan submitted.

A bottomless sand filter will replace an existing cesspool.

The applicant will need CRMC approval if this application is approved.

They are going ½ foot closer to Point Avenue. There is no traffic on Point Avenue.

Mr. Cesario called his 2<sup>nd</sup> witness.

Kenneth Bouvier explained the location of the proposed new house using the site plan submitted.

There was no one in opposition present.

Mr. Toth made the motion that the petition of Christopher Roebuck for a variance to demolish an existing nonconforming dwelling and construct a new dwelling with an attached garage and open deck closer to a front line than permitted in an R-20 Zone, be granted, 35 feet is required and 3.48 feet requested. Testifying before the Board this evening was David Gardner from David Gardner and Associates, the architect for the project, and Mr. Ken Bouvier, the builder of the project, the contractor. And, actually, they are just replacing an existing home and they're just only slightly increasing the nonconformity with respect to the setback, and the reason for this, really, is to protect the wetland and keep the project away from the wetland and, also, in this project, they're going to construct a new state-of-the-art septic system which is going to replace a cesspool which is actually a safety enhancement. I would move that we grant the variance and it's constructed in accordance with the plan drawn by David Gardner and Associates and dated August 11<sup>th</sup>, 2010. And, under Section 907A-1 variance, the hardship from which the applicant seeks relief is due to the unique characteristics of the subject, the land in this case, being it's a rather large site but it's limited because of wetlands and changes in elevation. 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 granting of the requested variance will not alter the characteristic of the surrounding area or impair the intent or purpose of this Zoning Ordinance or the Comprehensive Plan of the Town. It's the least relief necessary. And if the dimensional variance is not granted, it shall amount to more than a mere inconvenience for the applicant.

Mrs. Osborn seconded the motion.

VOTE: Toth, Aye; Osborn, Aye; Cagnetta, Aye; Bates, Aye; George, Aye.

IT WAS THE UNANIMOUS DECISION OF THE BOARD TO GRANT THE PETITION.

**Pre-Roll**

Mr. Toth will not be present at the October 20, 2010 meeting. All other members stated they would be present.

**Minutes**

The minutes of the July 21, 2010 meeting were approved as written.

**Adjournment**

As there was no further business the meeting adjourned at 9:02 p.m.