



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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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 South Kingstown Town Hall, 180 High Street, Wakefield, RI at 7:00 p.m. on Wednesday, November 16, 2022.

A. CALL TO ORDER:

Mr. Cagnetta called the meeting to order at 7:02 pm

B. CHAIRMAN INTRODUCTIONS AND INSTRUCTIONS:

Members Present: Robert Cagnetta, Chairman; Thomas Daniels, Vice-Chair; William Rosen, Member; Susan Walsh, Member and, Arlene Hicks, Alt. #1

Member(s) Absent: Kevin Diamond, Member

Staff Present: Amy Goins, Special Legal Counsel; Jamie Gorman, Building Official and Zoning Clerk; Jessica Spence, Administrative Support Assistant

Members voting tonight will be Mr. Cagnetta, Mr. Daniels, Mr. Rosen, Ms. Walsh and Ms. Hicks

The standards of relief were explained.

C. AGENDA ITEMS:

- I. **Petition of Gregory Raso & Marianna Zotos**, 191B Wordens Pond Road, Wakefield RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 1,070 square foot addition to the southeast side of the single-family dwelling. The proposed addition will be located 14.1” from the rear property line. The required rear yard setback is 40’. Relief of 25.9’ is requested. Lot size is .65 acres. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 907 (Standards of Relief).** Owners of the property are Gregory Raso & Marianna Zotos for premises located at 191B Wordens Pond Road, South Kingstown, Assessor’s Map 61, Lot 54 and zoned R80.

Attorney Dougherty’s letter requesting a continuation was read into record and the above petition was continued until December 21, 2022 Zoning Board of Review meeting.

Whereas a motion was made.

The Motion is as Follows:

Mr. Daniels made a motion to continue the petition of Gregory Raso and Marianna Zotos to the December 21, 2022 Zoning Board of Review meeting which was duly seconded by Mr. Rosen.

Motion passed unanimously: Vote 5-0

Whereas a voice vote was taken, and all members were in favor.

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- II. **Petition of Wayne P. & Carolyn Gilligan**, 13 Hathaway Lane, Wakefield RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 9’ x 17’ addition on the north side of the single-family dwelling. The addition will be located 19’ from the front property line. The required front yard setback is 25’. Relief of 6’ is requested. Lot size is .32 acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief).** Owners of the property are Wayne & Carolyn Gilligan for premises located at 13 Hathaway Lane, South Kingstown, Assessor’s Map 48-2, Lot 24 and is zoned R10.

Susan Walsh recused from the above petition.

The above petition will be continued until the December 21, 2022 Zoning Board of Review so the required quorum can be met.

Whereas a motion was made.

The Motion is as Follows:

Mr. Daniels made a motion to continue the petition of Wayne P. & Carolyn Gilligan to the December 21, 2022 Zoning Board of Review meeting which was duly seconded by Mr. Rosen.

Motion passed unanimously: Vote 5-0

Whereas a voice vote was taken, and all members were in favor.

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- III. **Petition of Susan Barcomb**, 20 Maryanne Drive, Wakefield RI 02879 for **a Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 14' x 40' deck attached to the single-family dwelling. The deck will be located 26' from the rear property line. The required rear yard setback is 35'. Relief of 9' is requested. Lot size is .46 acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief)**. Owner of the property is Susan Barcomb for premises located at 20 Maryanne Court, South Kingstown, Assessor's Map 86-4, Lot 50 and is zoned R20.

All the documents were entered into record.

Susan Barcomb was present and was sworn in.
Anthony Santaniello was present and sworn in.

Ms. Barcomb testified that she is looking to build a rear deck off the kitchen and living room. The lot is very narrow. The house is positioned snugly on the lot to meet the setbacks.

Board questions ensued.

Mr. Gorman stated that the lot is a conforming R20 and meets the required frontage and land area requirements.

Ms. Barcomb stated that the deck will be squaring off the back of the house. The OWTS distribution box will be outside of the deck perimeters and will be accessible.

Mr. Santaniello stated the deck will be on the southeast corner of the house. The house itself is brand new and they are hoping to build the garage next winter.

Further clarification on the deck location was requested.

Ms. Barcomb submitted Applicant's Exhibit 1, the deck framing plan, which showed where the existing house is located and where the proposed deck will be located and explained that the garage will be built at a later date.

There was no one in the audience who wished to speak.

The Board had no further questions.

Whereas a motion was made.

The Motion is as Follows:

The following motion, made by Mr. Rosen and duly seconded by Mr. Daniels

Motion passed unanimously: Vote 5-0

(W. Rosen-Aye, T. Daniels -Aye, S. Walsh-Aye, A. Hicks-Aye, R. Cagnetta-Aye)

At a meeting held on November 16, 2022, regarding the Petition of Susan Barcomb, 20 Maryanne Drive, Wakefield RI 02879 for **a Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 14' x 40' deck attached to the single-family dwelling. The deck will be located 26' from the rear property line. The required rear yard setback is 35'. Relief of 9' is requested. Lot size is .46 acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief)**.

Owner of the property is Susan Barcomb for premises located at 20 Maryanne Court, South Kingstown, Assessor's Map 86-4, Lot 50 and is zoned R20.

The following individuals spoke as representatives of the applicant:

- Susan Barcomb, applicant
- Anthony Santaniello

There was no one present who spoke either in favor of or opposition to the petition.

The following materials were entered into the record:

- Application signed and dated September 27, 2022; Owner Authorization signed and notarized September 27, 2022; Addendum A (1 page) Designer's Certificate of Construction for ISDS dated July 19, 2022 and signed by Wesley Grant III, PE; Site Plan (1 page)
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Applicant's Exhibit #1 (1 page) deck framing plan

Findings of Fact:

1. The Board finds 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, excepting those physical disabilities addressed in § 45-24-30(16), because the lot is very shallow and restrictive which limits the placement of the proposed deck.
2. The Board finds that 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, because the applicant is simply looking to add a backyard deck with access from the kitchen and living room area for their ease and enjoyment.
3. The Board finds 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 the ordinance is based, because there are many similar backyard decks in the area and the proposed deck design will fit in well within the surrounding neighborhood.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is proposing to build a deck that will fit their needs. Additionally, the applicant is planning to build a garage next year and the location of the proposed deck will square up the overall house with the planned garage
5. The Board finds that that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, because without granting the relief the applicant would not be able to fully utilize their properties outside space to its fullest potential.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

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- IV. **Petition of Ted G. Tracy**, 25 Sonya Drive, Coventry RI 02816 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to construct a 6'9" x 22' addition to the existing seasonal cottage. Lot size is 50.2 acres. **A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief)**. Owners of cottage 13W4 are Ted & Julie Tracy on property owned by Matunuck Beach Properties Inc, located at 240 Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 9-359 and is zoned R200.

All the documents were entered into record.

Ted Tracy was present and was sworn in.

Mr. Tracy testified that they are looking to add an addition to their cottage along the backside. This addition would expand the bedroom, bathroom, and common area. Their family has recently grown, and they need the additional space to accommodate their needs. The extension is towards the field and does not encroach any closer to the neighbor's cottages. There is an existing small shed that will be removed. Mr. Tracy explained that they cannot have flush toilets within the community.

Board questions ensued.

Mr. Tracy stated that all the land is owned by Matunuck Beach Properties and all that he owns is the individual cottage.

Ms. Goins explained that all development on this lot requires a Special Use Permit due to the non-conforming nature of multiple structures on one lot.

Mr. Tracy testified that the house will not be raised any higher. The property is under a lease agreement and can be used seasonally from May 1st to October 15th. The proposed addition will be located to the north side of the structure away from the water.

Mr. Gorman explained that this property is eligible for the one-time allowable square foot increase of 150 square feet, and they are at 148 square feet.

There was no one in the audience who wished to speak.

The Board had no further questions.

Whereas a motion was made.

The Motion is as Follows:

**The following motion, made by Mr. Daniels and duly seconded by Ms. Walsh
Motion passed unanimously: Vote 5-0
(T. Daniels-Aye, S. Walsh-Aye, W. Rosen-Aye, Ms. Hicks-Aye, R. Cagnetta-Aye)**

At a meeting held on November 16, 2022 regarding the Petition of Ted G. Tracy, 25 Sonya Drive, Coventry RI 02816 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to construct a 6'9" x 22' addition to the existing seasonal cottage. Lot size is 50.2 acres. A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion, or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).

Owners of cottage 13W4 are Ted & Julie Tracy on property owned by Matunuck Beach Properties Inc, located at 240 Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 9-359 and is zoned R200.

The following individuals spoke as representatives of the applicant:

- Ted Tracy, applicant

There was no one present who spoke either in favor of or opposition to the petition.

The following materials were entered into the record:

- Application signed and dated September 26, 2022; Owner Authorization signed and notarized September 27, 2022; Proposed and Current Site Conditions (1 page); Floor Plans, Roof Plans and Elevations (A2.1) prepared by Beasley Woodworks and dated September 12, 2022
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing

Findings of Fact:

1. The Board finds that the special use is specifically authorized by this Ordinance, because a Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion, or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).
2. The Board finds that the special use meets all of the criteria set forth in the subsection of this Ordinance authorizing such special use, because the proposed addition is a total of 148 square feet which falls within the requirements set forth in the Zoning Ordinance as previously indicated.
3. The Board finds that 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 so doing, the Board has considered whether or not satisfactory provisions and arrangements have been or will be made concerning, but not limited to the following matters, where applicable:

- (i) Ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency, or catastrophe; ingress and egress is existing and will remain the same.
- (ii) Off-street parking and loading areas where required, with particular attention to the items in subsection A.1., above, and the noise, glare, or odor effects of the special use permit on adjoining lots; not applicable, parking will remain the same and there will be no noise, glare, or odor effects.
- (iii) Trash, storage, and delivery areas with a particular reference to the items in (i) and (ii) above; not applicable, already existing.
- (iv) Utilities, with reference to locations, availability, and compatibility; the utilities are existing.
- (v) Screening and buffering with reference to type, dimensions, and character; not applicable.
- (vi) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; not applicable
- (vii) Required yards and other open space; not applicable
- (viii) General compatibility with lots in the same or abutting zoning districts because this is a community of summer cottages that are all similar in size and height and the proposed addition will fit in well with other structures within the community.

Approval is conditional subject to the following conditions:

- There are no conditions upon this decision.

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- V. **Petition of Eric Posillo Builders**, 120 Matthius Lane, Charlestown RI 02813 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to replace the existing seasonal cottage of 453 square feet with a new cottage of 600 square feet. Lot size is 50.2 acres. **A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief)**. Owners of cottage 13EC15 are Richard & Susan Moore on property owned by Matunuck Beach Properties Inc, located at 240 Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 9-145 and is zoned R200.

All the documents were entered into record.

Eric Posillo was present and was sworn in.

Mr. Posillo testified that they are looking to tear down the existing cottage and replace with a newer more structurally sound cottage. They are staying within the allowed 150 square feet expansion and will be under the height restrictions. His fiancé's family owns the cottage, and their family is growing so they are looking for more space. They are not encroaching on any neighboring properties. The existing driveway is larger than most and will remain. Construction is only allowed off peak season within this community. They are also proposing to replace the neighboring cottage and will demo and rebuild both cottages concurrently.

Board questions ensued.

There was no one in the audience who wished to speak.

The Board had no further questions.

Whereas a motion was made.

The Motion is as Follows:

**The following motion, made by Ms. Walsh and duly seconded by Mr. Rosen
Motion passed unanimously: Vote 5-0
(S. Walsh-Aye, W. Rosen-Aye, T. Daniels-Aye, A. Hicks-Aye, R. Cagnetta-Aye)**

At a meeting held on November 16, 2022 regarding the Petition of Eric Posillo Builders, 120 Matthias Lane, Charlestown RI 02813 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to replace the existing seasonal cottage of 453 square feet with a new cottage of 600 square feet. Lot size is 50.2 acres. A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion, or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).

Owners of cottage 13EC15 are Richard & Susan Moore on property owned by Matunuck Beach Properties Inc, located at 240 Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 9-145 and is zoned R200.

The following individuals spoke as representatives of the applicant:

- Eric Posillo, applicant

There was no one present who spoke either in favor of or opposition to the petition.

The following materials were entered into the record:

- Application signed and dated September 14, 2022; Owner Authorization signed and notarized September 14, 2022; Cross Section (2 page); Proposed and Current Site Conditions (1 page); Elevations (1 page); Vision Appraisal Field Card (1 page); Web GIS Aerial Photo (1 page); Proposed Floor Plan (1 page)
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Authorization letter from Richard & Susan Moore dated November 16, 2022

Findings of Fact:

1. The Board finds that the special use is specifically authorized by this Ordinance, because a Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion, or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).
2. The Board finds that the special use meets all of the criteria set forth in the subsection of this Ordinance authorizing such special use, because the proposed new structure falls within the limits allowed under the Zoning Ordinance and will not be encroaching any closer to existing structures or roadways.
3. The Board finds that 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 so doing, the Board has considered whether or not satisfactory provisions and arrangements have been or will be made concerning, but not limited to the following matters, where applicable:
 - (i) Ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency, or catastrophe; ingress and egress is existing and will remain the same.
 - (ii) Off-street parking and loading areas where required, with particular attention to the items in subsection A.1., above, and the noise, glare, or odor effects of the special use permit on adjoining lots; not applicable, parking will remain the same and there will be no noise, glare, or odor effects.
 - (iii) Trash, storage, and delivery areas with a particular reference to the items in (i) and (ii) above; not applicable, already existing.
 - (iv) Utilities, with reference to locations, availability, and compatibility; there is no change in utilities.
 - (v) Screening and buffering with reference to type, dimensions, and character; not applicable.
 - (vi) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; not applicable.
 - (vii) Required yards and other open space; not applicable
 - (viii) General compatibility with lots in the same or abutting zoning districts because the proposed structure is located within a summer community and is similar in design and size with all of the other structures within this community.

Approval is conditional subject to the following conditions:

- There are no conditions upon this decision.

VI. **Petition of Eric Posillo Builders**, 120 Matthius Lane, Charlestown RI 02813 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to replace the existing seasonal cottage of 338 square feet with a new cottage of 483 square feet. The cottage will include two (2) porches each consisting of 100 square feet in area. Lot size is 50.2 acres. **A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief)**. Owners of cottage 14EC15 are Norman & Robyn Coady on property owned by Matunuck Beach Properties Inc, located at 240 Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 9-159 and is zoned R200.

Eric Posillo was present and still sworn in.

Mr. Posillo testified that the existing cottage was built in the 60's and is falling apart. They are proposing to extend towards the rear of the property and will not be encroaching on any neighboring properties. Ingress and egress will remain.

Board questions ensued and Mr. Daniels asked about the (2) two covered porches.

Mr. Gorman explained that it is his understanding that they are proposing covered decks, but they would not be enclosed so it does not count towards the total square footage as long as there are no walls installed.

Mr. Posillo stated that the porch will have a couple of posts and possibly a rail but will not be enclosed. Mr. Posillo explained that the design which indicates a loft like space would only be used for storage and not for any type of sleeping space.

There was no one in the audience who wished to speak.

The Board had no further questions.

Whereas a motion was made.

The Motion is as Follows:

The following motion, made by Mr. Daniels and duly seconded by Ms. Hicks

Motion passed unanimously: Vote 5-0

(T. Daniels-Aye, A. Hicks-Aye, S. Walsh-Aye, W. Rosen-Aye, R. Cagnetta-Aye)

At a meeting held on November 16, 2022 regarding the Petition of Eric Posillo Builders, 120 Matthius Lane, Charlestown RI 02813 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to replace the existing seasonal cottage of 338 square feet with a new cottage of 483 square feet. The cottage will include two (2) porches each consisting of 100 square feet in area. Lot size is 50.2 acres. A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion, or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).

Owners of cottage 14EC15 are Norman & Robyn Coady on property owned by Matunuck Beach Properties Inc, located at 240 Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 9-159 and is zoned R200.

The following individuals spoke as representatives of the applicant:

- Eric Posillo, applicant

There was no one present who spoke either in favor of or opposition to the petition.

The following materials were entered into the record:

- Application signed and dated September 12, 2022; Owner Authorization signed and notarized September 14, 2022; Cross Section (1 page); Proposed and Current Site Conditions (1 page); Elevations (1 page); Vision Appraisal Field Card (1 page); Web GIS Aerial Photo (1 page); Proposed Floor Plan (1 page)
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Authorization letter from Robyn Coady dated November 16, 2022

Findings of Fact:

1. The Board finds that the special use is specifically authorized by this Ordinance, because a Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion, or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).
2. The Board finds that the special use meets all of the criteria set forth in the subsection of this Ordinance authorizing such special use, because there are no unusual circumstances regarding the tear down and replacement of the existing cottage.
3. The Board finds that 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 so doing, the Board has considered whether or not satisfactory provisions and arrangements have been or will be made concerning, but not limited to the following matters, where applicable:
 - (i) Ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency, or catastrophe; ingress and egress is existing and will remain the same.
 - (ii) Off-street parking and loading areas where required, with particular attention to the items in subsection A.1., above, and the noise, glare, or odor effects of the special use permit on adjoining lots; not applicable, parking will remain the same and there will be no noise, glare, or odor effects.
 - (iii) Trash, storage, and delivery areas with a particular reference to the items in (i) and (ii) above; not applicable, already existing.
 - (iv) Utilities, with reference to locations, availability, and compatibility; the utilities are existing and will be tied into the new structures.
 - (v) Screening and buffering with reference to type, dimensions, and character; not applicable.
 - (vi) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; not applicable
 - (vii) Required yards and other open space; not applicable
 - (viii) General compatibility with lots in the same or abutting zoning districts because the existing cottage is in poor condition and the proposed cottage will fit in well within the summer community.

Approval is conditional subject to the following conditions:

- There are no conditions upon this decision.

D. OTHER BUSINESS:

I. Minutes:

- a. Approval of October 19, 2022, Zoning Board of Review minutes.
 - Mr. Cagnetta made a motion to approve the minutes, whereas a voice vote was taken, and all members were in favor.

II. Attendance:

- a. December 21st attendance, all members present can be in attendance.
- b. Discussion ensued regarding the first available date to hear the Parkwood Drive petition. It was decided that the petition will be heard at the January 18, 2023 meeting when the necessary quorum can be met.

III. Discussion:

- a. Mr. Daniels asked Ms. Goins to further clarify prior actions and self-created hardships. Ms. Goins explained what a self-created hardship is. The classic example is an applicant subdivides a lot and has created two substandard lots that require a variance for either frontage or lot area, the making of undersized lots and then coming before Zoning to seek relief is a self-created hardship. When the Board reviews applications for

structures that are already built but are in violation of the Zoning Ordinance, the Board has to view the application as if the structure was not built, otherwise structures could always be built in violation of the Zoning Ordinance and use that as the hardship. The Board has to look not at the prior action being the structure being built but rather did the applicant due to anything in configuration of the land that contributed to the hardship. The Board should try to identify the hardship being related to the land not the structure. The Board wants to be careful not to put the applicants in a box when seeking retroactive permission to correct a violation because otherwise the Board would never be able to grant relief to those type of applications. The Planning Board can grant subdivision relief, but it would be conditioned on Zoning Board approvals if any variances are required. If the action was done by a prior owner, the actions should not be attributed to the current owner.

E. Adjournment:

- a. Mr. Rosen made the motion to adjourn, whereas a voice vote was taken, and all members were in favor.
 - Meeting adjourned at 8:10 pm.