

STATE OF RHODE ISLAND PROVIDENCE

CITY OF EAST

COUNTY OF PROVIDENCE MINUTES

ZONING BOARD OF REVIEW

A special meeting of the East Providence Zoning Board of Review was held at 6:00 P.M., on Wednesday, **15 July 2020**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Vice-Chairman

Pier-Mari Toledo – **ABSENT**

John Braga

Richard Croke, Sr.

Gary Pascoa – 1st Alternate

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor – **ABSENT**

Travis Decosta – Assistant City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

Chairman Saveory announces that it is the policy of the Zoning Board of Review to caution all petitioners that they have the right to counsel before the Board and failure to do so at this time does not constitute sufficient grounds for a change in circumstances under the eighteen-month repetitive petition clause. All petitioners are also cautioned that if the petition is approved, all construction must be done in compliance with the submitted plan(s), application and testimony presented to the Zoning Board of Review. A change of any sought must obtain the requisite approval of the Zoning Board of Review. All work that deviates from the approval will be ordered halted and promptly removed. Comments will be limited to the petition being heard and no comments will be heard that do not pertain to an item scheduled on tonight's docket. He also notes that it is the policy of the Board that no new agenda item will be heard after 10:30 PM.

Chairman Saveory also notes that the Board welcomes any commentary from the public provided it solely pertains to an item on tonight's docket.

A. Swearing in of the Zoning Officer

Chairman Saveory asks **Assistant City Solicitor Decosta** to swear in the **Zoning Officer, Mr. Pimentel**.

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory informs the public that **Ms. Toledo** is absent and **Mr. Pascoa, 1st**

Alternate, will be a participating and voting member tonight.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory announces that there are no minutes to be approved.

IV. ZONING OFFICER'S REPORT

The **Zoning Officer, Edward Pimentel** announces that there is nothing to report.

V. CORRESPONDENCE / DISCUSSION

Petition Nos. 6736 and 6737 – RUMFORD LAND TRUST, LLC, requests a six month extension.

Attorney Bruce Cox with offices located at 1481 Wampanoag Trail E. Providence, RI is representing the petitioner.

Attorney Cox explains to the board that his clients are requesting a 6 month extension. This matter was scheduled to be heard for the March 2020 meeting but due to Covid-19 it could not be heard.

Motion by Vice Chairman Beauparlant to continue this petition for six months which would be the **7 October 2020** meeting, the motion is **Seconded by Mr. Croke, and Unanimously approved.**

Roll Call Vote

Mr. Croke – Aye

Mr. Pascoa – Aye

Mr. Braga - Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

VI. STAFF REPORTS

Planning Department Staff Report – 9 July 2020 - Previously Submitted

VII. CONTINUED BUSINESS

Chairman Saveory announces that there is no continued business.

VIII. NEW BUSINESS

1. Petition No. 6792 - FRANCIS J. SOUSA, requests **dimensional variances** to retain an accessory shed that fails to comply with the accessory side-yard setback and front-yard setback requirements, will be maintained between a public right-of-way (roadway) and principal land usage (residence), as well as exceeding the maximum building coverage, for property located at **6 PARK SQUARE, being MAP 513, BLOCK 34, PARCEL 6, in a RESIDENTIAL 4 DISTRICT.**

Francis Sousa of 6 Park Sq. Riverside, RI is properly sworn in.

Mr. Sousa apologizes to the board that he got a good deal on the shed and didn't realize he needed permission and would like to straighten things out.

Mr. Croke notes the odd shape of the lot and notes that there are other sheds on the property. **Mr. Croke** inquires how **Mr. Sousa** wasn't aware of needing a permit.

Mr. Sousa apologizes and explains that he thought the area was wide enough and has been using the shed to store his tools and had located it near the driveway so it was easier for him to load up the tools. Although he got a great deal on the shed itself it seems to be costing him more now.

Mr. Braga has no questions at this time.

Mr. Pascoa has no questions at this time.

Vice Chairman Beauparlant notes that the shed does look good and that **Mr. Sousa's** lot is odd shaped but the shed is too close to the public right of way and that it is more of a safety concern than anything else.

Chairman Saveory inquires if there is anyway **Mr. Sousa** can relocate the shed.

Mr. Sousa answers that he could move it over to the side yard.

Mr. Pimentel explains that the city engineer and he have been to the property and that the shed can be relocated but if the board sees fit to stipulate gutters and drains to protect the neighbor's property.

Chairman Saveory notes that if the shed had been positioned differently than **Mr. Sousa** may not be here today, has he considered removing one of the other shed on the property.

Mr. Sousa answered yes that he has thought about it and is willing to work with the board to move it elsewhere.

Chairman Saveory inquires to **Mr. Pimentel** if **Mr. Sousa** would be required to have a new application submitted.

Mr. Pimentel explains that it is up to the board of the quality of relief and that the shed would need the appropriate amount of distance between property boundaries and including the gutters.

Mr. Braga inquires out of all of the sheds on the property, which one would **Mr. Sousa** eliminate.

Mr. Sousa answers the larger one in the back.

Mr. Braga notes that this shed is a safety issue although **Mr. Sousa** does have a hardship. **Mr. Braga** believes that if **Mr. Sousa** would like to keep the newer shed he may want to ask for a continuance to figure out what he would like to do.

Mr. Sousa requests a continuance.

Motion by Mr. Croke to continue this petition from 15 July 2020 to 2 September 2020 so Mr. Sousa and figure out what his next steps will be, the motion is **Seconded by Vice Chairman Beauparlant**, and **Unanimously** approved.

Roll Call Vote

Mr. Croke – Aye

Mr. Pascoa – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

2. Petition No. 6768 - WILLIAM CAMPOS and CHARIKLEIA XOULEI, requests **dimensional variances** to retain a rear-yard enclosed porch as well as a long-standing accessory shed (out of an abundance of caution), without complying with the requisite side-yard setback in regard to the porch, accessory rear and side-yard setbacks in regard to the accessory shed, as well as exceeding the maximum building coverage requirements, for property located at **48 COLE STREET, being MAP 305, BLOCK 15, PARCEL 20, in a RESIDENTIAL 6 DISTRICT.**

William Campos and Charikelia Xoulei of 48 Cole St. E. Providence, RI are properly sworn in.

Walter Ensign of 50 Cole St. E. Providence, RI is properly sworn in.

Eric Borrelli of 57B Rodman St. Narragansett, RI is properly sworn in.

Mr. Croke explains that he is under the impression that there is already a variance for this deck.

Mr. Borrelli explains that the original deck was made of concrete and was deteriorating so the petitioners had decided to demo the deck and built it and had made it one foot shorter from the property line but did make it wider. The petitioners did not realize that they needed a permit since the previous deck was existing.

Ms. Xoulei explains that the shed is pre-existing but included in the petition only out of abundance of caution.

Mr. Pimentel adds that he doesn't believe the petitioners built the shed but did want to add the shed to the petition.

Mr. Braga inquires if any permits were pulled for the deck.

Ms. Xoulei answers no.

Mr. Braga inquires if permits were pulled for the remodeling of the home.

Ms. Xoulei answers yes.

Mr. Pascoa has no questions at this time.

Vice Chairman Beauparlant inquires who did the work.

Mr. Campos answered that he and a friend did the work.

Vice Chairman Beauparlant inquires if the petitioners didn't know that they needed a permit.

Mr. Borrelli answers that the petitioners believed that they were grandfathered in and that they didn't need to but they believed they were doing the right thing by shortening the deck one ft. away from the property line. **Mr. Borrelli** explains that is why the petitioners have hired him to finish and legalize the project.

Vice Chairman Beauparlant confirms that the shed is 4 ft. from one side and 3 ft. from the other side.

Mr. Borrelli answers yes.

Chairman Saveory inquires how do the petitioners currently get to the deck, and if it is through the kitchen.

Mr. Borrelli answers yes.

Chairman Saveory inquires if the deck is covered.

Mr. Borrelli answers yes.

Chairman Saveory inquires if there are any plans to finish the deck and add windows.

Mr. Borrelli answers yes to finishing the deck but says not to the windows and that it will be open year around.

Chairman Saveory inquires if the petitioners would agree to a stipulation that the porch would not be enclosed or have windows.

Mr. Borrelli answers yes.

Chairman Saveory inquires if there is a crawl space under the deck.

Mr. Borrelli answers no there is nothing under the deck.

Chairman Saveory inquires if there is anyone present who would like to speak in favor of the subject petition.

Walter Ensign of 50 Cole St. explains to the board that he is happy with the work that the petitioners have put into the home and believes that this variance should be granted.

Chairman Saveory inquires if there is anyone present who would like to speak against the subject petition.

Mr. Pimentel went into the lobby and outside of the building to see if there was any additional people willing to speak in favor or against this petition and there were none. There was also no written correspondence regarding this petition.

Chairman Saveory queries the Board for a motion.

Motion by Mr. Croke, based on all the evidence and testimony presented to the Zoning Board of Review and the personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board hereby finds:

1. 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 not due to a physical or economic disability of the applicant excepting those physical disabilities addressed in RIGL 45-24-30(16).

2. 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. The granting of the requested variances will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the city's comprehensive plan upon which this chapter is based.

4. That the relief to be granted is the least relief necessary.

Mr. Croke hereby further finds pursuant to Section 19-45(b) of the City of East Providence Zoning Ordinance:

5. In granting the dimensional variances, that the hardship that will be suffered by the owner of the subject property if the dimensional variances are not granted shall amount to more than a mere inconvenience.

Mr. Croke moves that the dimensional variances be **Granted** subject to the petitioner fulfilling the following conditions:

1. Petitioner(s) obtaining any, and all, necessary permits.

2. The deck shall not be turned into living space.

3. Will remain open space without windows.

Chairman Saveory asks **Mr. Campos** and **Ms. Xoulei** if they accept the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. **Mr. Campos** and **Ms. Xoulei** responds that they fully understand and accept the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Croke – Aye

Mr. Pascoa – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

The board believes that the hardship is due to the age of the property since it was built in 1750. The board feels that this request is minimal since it is only a 2% coverage variance. The board recognizes that the petitioners have done nothing but try and improve their property.

Dimensional variances unanimously granted, subject to the aforementioned condition(s).

3. Petition No. 6793 - STEVEN GIANLORENZO, requests **dimensional variances** to alter a property boundary between two (2) parcels via an Administrative Subdivision, resulting in both parcels failing to comply with the requisite minimum lot width, for property located at **102 WALMER AVENUE, being MAP 408, BLOCK 25, PARCEL(S) 6 and 7, in a RESIDENTIAL 2 DISTRICT.**

Attorney Bruce Cox with offices located at 1481 Wampanoag Trail E. Providence, RI is representing the

petitioner.

Steven Gianlorenzo Jr. of 102 Walmer Ave E.Providence, RI is properly sworn in.

Attorney Cox explains to the board that the petitioner bought the property at 102 Walmer Ave and a non-conforming a lot. The petitioner proposed and had approved by the planning board to make the two lots conforming by moving the property line of 102 Walmer Ave over. This will give both lots 87.5ft. of frontage but the required is 100ft. but there are several properties in the area that are only 75ft.

Mr. Pascoa has no questions at this time.

Vice Chairman Beauparlant inquires if **Mr. Gianlorenzo** resides at the property.

Mr. Gianlorenzo answers yes.

Mr. Croke confirms that the existing garage to the new house will be 8+ ft. from the property line and 20+ft. from the existing house.

Mr. Gianlorenzo answers yes.

Mr. Croke has no concerns regarding this petition.

Mr. Braga notes that moving the property line over was the easiest move and that majority of houses in that area do not have the required 100ft.

Chairman Saveory believes that this is an easy subdivision but does inquire what kind of house will be going in.

Mr. Gianlorenzo answers a walk out colonial.

Mr. Pimentel went into the lobby and outside of the building to see if there was any addition people willing to speak in favor or against this petition and there were none. There was also no written correspondence regarding this petition.

Chairman Saveory queries the Board for a motion.

Motion by Mr. Pascoa, based on all the evidence and testimony presented to the Zoning Board of Review and the personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board hereby finds:

1. 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 not due to a physical or economic disability of the applicant excepting those physical disabilities addressed in RIGL 45-24-30(16).

2. 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. The granting of the requested variances will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the city's comprehensive plan upon which this chapter is based.

4. That the relief to be granted is the least relief necessary.

Mr. Pascoa hereby further finds pursuant to Section 19-45(b) of the City of East Providence Zoning Ordinance:

5. In granting the dimensional variances, that the hardship that will be suffered by the owner of the subject property if the dimensional variances are not granted shall amount to more than a mere inconvenience.

Mr. Pascoa moves that the dimensional variances be **Granted** subject to the petitioner fulfilling the following conditions:

1. Petitioner(s) obtaining any, and all, necessary permits.

Chairman Saveory asks **Mr. Gianlorenzo** if he accepts the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. **Mr. Gianlorenzo** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant and Mr. Croke

Roll Call Vote

The board believes that this subdivision will be in line

Mr. Croke – Aye

with the rest of the neighborhood and will be an addition

Mr. Braga - Aye

to the neighborhood and not a nuisance.

ViceChairman Beauparlant– Aye

ChairmanSaveory –Aye

Dimensionalvariances unanimously granted, subject to the aforementioned condition(s).

Chairman Saveoryrequests a recess at 7:13pm and the board reconvenes at 7:30pm.

4. Petition No. 6780 - HARVEY W.and ELEANOR READ, request a **dimensionalvariance** to unmerge two (2) prior-recorded lots, resulting in improvedParcel No. 010.00 failing to comply with both principal (single-familyresidential) and accessory (detached garage) side–yard setbacks, as well asexceeding the maximum building coverage, for property located at **162 JUNIPER STREET, being MAP 106, BLOCK35, PARCEL(S) 10 and 11, in a RESIDENTIAL 6 DISTRICT.**

Attorney Bruce Cox with offices located at 1481Wampanoag Trail E. Providence, RI is representing the petitioner.

BruceCaromile of 11 Elbow St. Bristol, RI is properly sworn in.

Attorney Cox explains to the board that that land **Mr. Caromile** purchased and the landthat the **Read's** own was combined bythe city and need for the lots to be unmerged and dimensional relief due towere the house was placed. The existing house was built in 1914 and will notbe moving or have any development done on that site.

Mr. Croke notes that the hardship lies from the citymerging lots for tax purposes back in the 50's. However, he does have concernsregarding the for sale sign on the vacant lot in question, it hints that thereis no hardship and that this is only for financial gain.

Mr. Braga explains that the hardship lies when the citymerged the lots, but taking away someone's right to build isn't right either.

Mr. Pascoa has no questions or concerns.

Vice Chairman Beauparlant confirms that there is a need fora rear-yard setback for the garage.

Attorney Cox answers yes.

Chairman Saveory believes that the hardship lieswith the lots being merged without asking citizens and that this is a minorvariance.

Mr. Pimentel went into the lobby and outside ofthe building to see if there was any addition people willing to speak in favoror against this petition and there were none. There was also no writtencorrespondence regarding this petition.

ChairmanSaveoryqueries the Board for a motion.

Motionby Mr. Croke, based on all the evidenceand testimony presented to the Zoning Board of Review and the personalknowledge of the members of the Board of the land and area of the City of EastProvidence, the Zoning Board hereby finds:

1. Thehardship from which the applicant seeks relief is due to the uniquecharacteristics of the subject land or structure and not to the generalcharacteristics of the surrounding area, and not due to a physical or economicdisability of the applicant excepting those physical disabilities addressed inRIGL 45-24-30(16).

2. The hardship is not the result of any prioraction of the applicant and does not result primarily from the desire of theapplicant to realize greater financial gain.

3. The granting of the requested variances willnot alter the general character of the surrounding area or impair the intent orpurpose of this chapter or the city's comprehensive plan upon which thischapter is based.

4. That the relief to be granted is theleast relief necessary.

Mr. Croke hereby further findspursuant to Section 19-45(b) of the City of East Providence Zoning Ordinance:

5. In granting the dimensional variances,that the hardship that will be suffered by the owner of the subject property ifthe dimensional variances are not granted shall amount to more than a mereinconvenience.

Mr. Croke moves that thedimensional variances be **Granted**subject to the petitioner fulfilling the following conditions:

1. Petitioner(s) obtaining any, and all,necessary permits.

Chairman Saveory asks **Mr. Caromile** if he accepts the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. **Mr. Caromile** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote The board notes that the hardship lies from the city
Mr. Croke – Aye merging lots without consent of property owners. Also
Mr. Braga - Aye that the property pre-dates zoning.

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

Dimensional variances unanimously granted, subject to the aforementioned condition(s).

5. Petition No. 6769 - DENNIS R. BREDERSON, request a **dimensional variance** to subdivide a property into two (2) distinct lots, pursuant to a Minor Subdivision (Subdivision approval having already been attained), without complying with the respective minimum lot depth requirement for Proposed Lot 1 on the submitted Minor Subdivision Plan, for property located at **122 BISHOP AVENUE, being MAP 503, BLOCK 10, PARCEL 1, in a RESIDENTIAL 4 DISTRICT.**

Attorney Bruce Cox with offices located at 1481 Wampanoag Trail E. Providence, RI is representing the petitioner.

Luis Mateus of 285 Warren Ave E. Providence, RI is properly sworn in.

Attorney Cox explains to the board that the lot in question is an odd shaped lot on the corner of Bishop Avenue and Pavilion Avenue. This matter has been brought before planning twice and the 2nd time was approved if the board grants this variance. **Attorney Cox** does inform the board that the petitioner could have demolished the existing house and built a duplex by right but instead wants to build two single family homes. **Attorney Cox** believes that this is a minor deviation and the hardship is caused by the shape of the lot.

Mr. Mateus explains to the board that he will demolish the existing house since it is beyond repair and will build two single family colonial style homes. **Mr. Mateus** recognizes that there are some abutters concerned regarding the trees on the property, **Mr. Mateus** explains to the board that he will only remove what he has to.

Vice Chairman Beauparlant inquires about the two shaded areas marked as storage areas.

Mr. Mateus explains that those are meant for drainage/dry well areas but they are just called storage from some reason.

Mr. Croke agrees that the hardship lies with the shape of the lot and has no objections to the petition.

Mr. Braga agrees with **Attorney Cox's** arguments.

Mr. Pascoa has no questions at this time.

Chairman Saveory explains that he has no concerns regarding this petition but does put on the record that the board has no jurisdiction over trees and shrubs.

Mr. Pimentel asks the board to wait since there were many phone calls regarding this case.

Chairman Saveory requests a recess at 8:09pm and the board reconvenes at 8:25pm.

Mr. Pimentel went into the lobby and outside of the building to see if there was any additional people willing to speak in favor or against this petition and there were none.

Mr. Pimentel reads into the record,

A letter from **Kristen and Robert Silva** who own the property at **60 Pavilion Avenue E. Providence, RI. Ms. Silva** explains that they were concerned for Covid-19 and that is why they are not present tonight. **Ms. Silva** explains that they have owned the house for years and are against the petition and are concerned for privacy and property values to drop.

Mr. Pimentel explainsthat the **Silva's** maybe confused witha different property since these properties are not close enough to each otherto be concerned with privacy.

A letter from **Donald Jacobs of 130 Bishop Ave E.Providence, RI** explaining that he would agree with the variance if thepetitioners built a fence and if the petitioners do not cut or damage trees. **Mr. Jacobs** explains he wants to keepthe existing character of the neighborhood.

ChairmanSaveoryqueries the Board for a motion.

Motionby **Vice Chairman Beauparlant**, based on allthe evidence and testimony presented to the Zoning Board of Review and thepersonal knowledge of the members of the Board of the land and area of the Cityof East Providence, the Zoning Board hereby finds:

1. Thehardship from which the applicant seeks relief is due to the uniquecharacteristics of the subject land or structure and not to the generalcharacteristics of the surrounding area, and not due to a physical or economicdisability of the applicant excepting those physical disabilities addressed inRIGL 45-24-30(16).
2. The hardship is not theresult of any prior action of the applicant and does not result primarily fromthe desire of the applicant to realize greater financial gain.
3. The granting of therequested variances will not alter the general character of the surroundingarea or impair the intent or purpose of this chapter or the city'scomprehensive plan upon which this chapter is based.
4. That the relief to begranted is the least relief necessary.

Vice ChairmanBeauparlant herebyfurther finds pursuant to Section 19-45(b) of the City of East ProvidenceZoning Ordinance:

5.Ingranting the dimensional variances, that the hardship that will be suffered bythe owner of the subject property if the dimensional variances are not grantedshall amount to more than a mere inconvenience.

Vice ChairmanBeauparlant movesthat the dimensional variances be **Granted**subject to the petitioner fulfilling the following conditions:

1. Petitioner(s) obtaining any, and all,necessary permits.

ChairmanSaveoryasks **Mr. Mateus** if he accepts theconditions of approval just stipulated, understanding that strict compliancemeans that any deviation will necessitate revisiting the Zoning Board ofReview; said revisit may be requested by either the Zoning Officer or anymember of the Zoning Board of Review. **Mr.Mateus** responds that he fully understands and accept the conditions juststipulated.

Motionis Seconded by**Mr. Croke**

RollCall Vote	The board believes two new dwellings will not hinder
Mr.Croke – Aye	the neighborhood andthat the hardship is due to
Mr.Braga - Aye	the lot size and location of the roadway.

ViceChairman Beauparlant– Aye

ChairmanSaveory –Aye

Dimensionalvariances unanimously granted, subject to the aforementioned condition(s).

6. Petition No. 6773 - HMSASSOCIATES LTD. PARTNERSHIP, requests a **use variance** to introduce a cannabis testing laboratory, otherwisedefined as a prohibited land use (noting that there are other on-sitepermissible business entities), for property located at **65 TRIPPS LANE, being MAP 409, BLOCK 8, PARCEL 26, in an INDUSTRIAL 1DISTRICT.**

Attorney Christine Engustian withoffices located at 1 Grove Avenue E. Providence, RI is representing thepetitioner.

Anthony Michael Hart of 53 Sandy Point Farm Rd Unit 4 in Portsmouth, Rlis properly sworn in.

Attorney Engustian explains to the board that theproperty in question is in an Industrial 1 Zoning District and that thebuilding currently has manufacturing use and the petitioner is proposing acannabis testing lab. Medical testing is

allowed in the I1 zone but because cannabis is not specifically listed in the schedule of uses it is considered to be a prohibited use. Attorney Engustian then moves to the PowerPoint packet previously submitted to the board, pages 11 and 12 of **Page Bronk's** report. The report mentions the challenges regarding a manufacturing use and the proposed use would be less intense than manufacturing. **Mr. Bronk** believes that the hardship is due to the land and will not negatively alter the area or the city's comprehensive plan. **Attorney Engustian** also adds that the planning board had submitted a memorandum earlier this year regarding this variance and that to the board the applicant had a justifiable claim of hardship and as long as there was adequate security and met with state regulations the planning board did not object.

Mr. Hart explains that he has been the president of the company for 35 years and signed the application for the zoning board. The company was founded in the 1890 and manufactured mostly metals such as jewelry and once was the largest supplier for the Boy Scouts. Currently the business at the property is making valves for motor vehicle transmissions. **Mr. Hart** explains due to competitors in the manufacturing business outside of the country and researching the topic, he would like to put in a cannabis testing lab. **Mr. Hart** explains that he has visited other labs and they are good use for safety and public health since it is required for medical cannabis before being sold must be tested by a 3rd party lab. **Mr. Hart** mentioned that cannabis labs fall under health and safety and not under the cannabis industry. A typical day would start at 3-4am and end at 5pm and would only be open Monday through Friday. There would be a small administration staff and 3 employees in the lab lead by someone with a PhD or otherwise qualified. Licensed bonded transportation service or an employee would travel to pick up the samples and then the sample would be traced, analyzed, and reported back to the customer. **Mr. Hart** assures the board that there would be no odor from the lab due to the small sample size, being properly contained and refrigerated and these security guidelines are set by the licensing authority. The alarm system would be overseen by the state of Rhode Island and there will be no outdoor signage for security purposes and that they will not expect or welcome unwanted visitors.

Mr. Pascoa inquires to **Mr. Pimentel** would the applicant have to come back if the state passes laws regarding recreational cannabis.

Mr. Pimentel answers that currently anything related to cannabis is prohibited in East Providence so it does depend since there is no ordinance in place. Retail sales of cannabis would probably need a variance but it is too early to tell.

Vice Chairman Beauparlant inquires how many cannabis testing labs are currently in Rhode Island.

Mr. Hart answers only one and has already met with them.

Vice Chairman Beauparlant inquires if there are yearly inspections through the state.

Mr. Hart answers yes and anyone else that requires inspections.

Vice Chairman Beauparlant inquires more about visitors, how much of the building will be used for the lab and how many employees will be working to start.

Mr. Hart explains that only employees or contractors will be allowed, about 5,000 ft. of the building will be used for the lab and only 4 employees at the time of startup.

Vice Chairman Beauparlant believes that this doesn't seem to be intrusive.

Mr. Hart explains that the loudest machine would be the equivalent of a household refrigerator.

Mr. Croke explains that he got his information from the fire department, a bio-engineer and a Brown University employee and notes that this type of lab is similar to a blood test lab. **Mr. Croke** understands that this is the first step in a long process to get licensed and that they can't grow or sell cannabis. **Mr. Croke** explains that the board has granted a lot of medical related variances in that area and with all the information given, he has no objections with the petition. But does inquire if the alarm system will ring directly to the fire and police department and the disposal of samples.

Mr. Hart answers yes to the fire department but isn't sure about the police department and that there are guidelines to incinerate and destroy the samples.

Mr. Braga explains that the zone already allows medical labs and feels that it should already be allowed since it is a medical cannabis testing lab.

Chairman Saveory inquires if the lab will be broken up into small areas or a large area and if there will be any testing

furnaces.

Mr. Hart answers large lab areas and no furnaces.

Chairman Saveory inquires if there will be an increase of employees in the future.

Mr. Hart explains that is what they hope for.

Chairman Saveory inquires if there is anyone present who would like to speak in favor of the subject petition.

Gregory Miller temporarily residing at 56 Madeline Drive E. Providence, RI is properly sworn in.

Mr. Miller explains that he moved to Boston for work but since Covid-19 has returned home to 56 Madeline Dr. and notes that the property has been deteriorating and that kids have been lurking around the building. **Mr. Miller** believes reuse of this building would be the best outcome and that this would be a good opportunity for jobs.

Johnathan Sisto temporarily residing at 56 Madeline Drive E. Providence, RI is properly sworn in.

Mr. Sisto explains to the board that he moved to Madeline Dr. recently due to Covid-19 and would like to come back here to stay permanently. **Mr. Sisto** has noticed similar things regarding the state that the building is in and kids hanging around. **Mr. Sisto** explains that he currently works security for medical cannabis in Massachusetts and that this would be good for the city and since Massachusetts has thrived off cannabis money this will help Rhode Island's economy.

Mr. Hart thanks the witnesses but thinks they are confused with which building they are talking about. Their building is well maintained and has a 6ft. barbed wire fence that is able to keep kids out.

Chairman Saveory inquires if there is anyone present who would like to speak against the subject petition.

Hearing and seeing none,

Mr. Pimentel went into the lobby and outside of the building to see if there was anyone willing to speak in favor or against this petition and there were none. There was also no written correspondence regarding this petition.

Chairman Saveory queries the Board for a motion.

Motion by **Mr. Pascoa**, based on all the evidence and testimony presented to the Zoning Board of Review and the personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board hereby finds:

That the use is compatible with neighboring land uses.

The use does not create a nuisance in the neighborhood.

That the use does not hinder the future development of the City.

That the use conforms to all applicable sections of the special use requested.

That the use is in conformance with the purpose and intent of the East Providence Comprehensive Plan and applicable standards of this Chapter.

Mr. Pascoa moves that the special use permit be **Granted** subject to the petitioner fulfilling the following conditions:

Petitioner(s) obtaining any, and all, necessary permits.

Compliance with the submitted site plan (or amended site plan as it may be applicable), all exhibits, and entire testimony provided during the respective hearing.

Chairman Saveory asks **Mr. Hart** if he accepts the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. **Mr. Hart** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant and Mr. Croke

Roll Call Vote

Mr. Braga – Aye

Mr. Croke- Aye

Mr. Pascoa – Aye

Vice Chairman Beauparlant – Aye

The board feels that this will fit in with the area since it has become a more medical based area. There will be no growing or retail sales of cannabis and it is a new industry with a new direction for the city.

Chairman Saveory - Aye

Use Variance unanimously granted, subject to the aforementioned condition(s).

IX. PROCEDURES

Chairman Saveory announces there are none.

X. ANNOUNCEMENTS

The next special meeting of the Zoning Board of Review is scheduled for **Monday, 20 July 2020 at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XI. ADJOURNMENT

Motion to adjourn by **Vice Chairman Beauparlant**. The motion is **Seconded** by **Mr. Braga** and **Unanimously** voted to adjourn. Meeting is adjourned at 9:35pm.

Edward Pimentel, AICP
Zoning Officer / Clerk

Secretary