STATE OF RHODE ISLAND PROVIDENCE

CITYOF EAST

COUNTYOF PROVIDENCE **ZONINGBOARD OF REVIEW**

MINUTES

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

The following members were present:

Eugene Saveory – Chairman

MichaelBeauparlant – Vice-Chairman

Pier-MariToledo – **ABSENT**

JohnBraga

RichardCroke, Sr.

GaryPascoa – 1st Alternate

EdwardPimentel – Zoning Officer / Clerk

MichaelMarcello – City Solicitor – **ABSENT**

TravisDecosta – Assistant City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

Chairman Saveory announces that it is the policy of the Zoning Board ofReview to caution all petitioners that they have the right to counsel beforethe Board and failure to do so at this time does not constitute sufficientgrounds for a change in circumstances under the eighteen-month repetitivepetition clause. All petitioners arealso cautioned that if the petition is approved, all construction must be donein compliance with the submitted plan(s), application and testimony presentedto the Zoning Board of Review. A changeof 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 promptlyremoved. Comments will be limited to thepetition being heard and no comments will be heard that do not pertain to anitem scheduled on tonight's docket. Healso notes that it is the policy of the Board that no new agenda item will beheard after 10:30 PM.

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

A.Swearing in of the Zoning Officer

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

II.SEATING OF ALTERNATE MEMBERS

Chairman Saveoryinforms the public that **Ms. Toledo** is absent and **Mr. Pascoa, 1st Alternate**, will be a participating and voting membertonight.

III. APPROVAL OFZONING BOARD MINUTES

Chairman Saveory announces that thereare no minutes to be approved.

IV.ZONING OFFICER'S REPORT

TheZoning Officer, Edward Pimentel announces that thereis nothing to report.

V. CORRESPONDENCE / DISCUSSION

PetitionNos. 6736 and 6737 – RUMFORD LAND TRUST, LLC, requests a six monthextension.

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

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

Motion by Vice Chairman Beauparlant tocontinue 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
ViceChairman Beauparlant– Aye
ChairmanSaveory –Aye

VI. STAFF REPORTS

PlanningDepartment Staff Report – 9 July 2020 - Previously Submitted

VII.CONTINUED BUSINESS

Chairman Saveory announces that thereis no continued business.

VIII. NEW BUSINESS

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

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

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

Mr. Croke notes the odd shape of the lot and notes thatthere 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 thearea was wide enough and has been using the shed to store his tools and hadlocated 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 morenow.

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 goodand that **Mr. Sousa's** lot is oddshaped but the shed is too close to the public right of way and that it is moreof 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 sideyard.

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

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

Mr. Sousa answered yes that he has thought about it andis 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 thequality of relief and that the shed would need the appropriate amount ofdistance between property boundaries and including the gutters.

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

Mr. Sousa answers the larger one in the back.

Mr. Braga notes that this shed is a safety issuealthough **Mr. Sousa** does have ahardship. **Mr. Braga** believes that if **Mr. Sousa** would like to keep thenewer shed he may want to ask for a continuance to figure out what he wouldlike to do.

Mr. Sousa requests a continuance.

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

RollCall Vote

Mr.Croke – Aye

Mr.Pascoa – Aye

Mr.Braga - Aye

ViceChairman Beauparlant– Aye

Chairman Saveory –Aye

2. Petition No. 6768 - WILLIAMCAMPOS and CHARIKLEIA XOULEI, requests **dimensional variances** to retain a rear-yard enclosed porch as wellas a long-standing accessory shed (out of an abundance of caution), withoutcomplying with the requisite side-yard setback in regard to the porch,accessory rear and side-yard setbacks in regard to the accessory shed, as wellas exceeding the maximum building coverage requirements, for property locatedat **48 COLE STREET, being MAP 305, BLOCK15, PARCEL 20, in a RESIDENTIAL 6 DISTRICT.**

WilliamCampos and Charikelia Xoulei of 48 Cole St. E. Providence, RI are properlysworn in.

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

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

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

Mr. Borrelli explains that the original deck was made ofconcrete and was deteriorating sothe petitioners had decided to demo the deck and built it and had made it onefoot shorter from the property line but did make it wider. The petitioners didnot realize that the needed a permit since the previous deck was existing.

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

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

Mr. Braga inquires if any permits were pulled for thedeck.

Ms. Xoulei answers no.

Mr. Braga inquires if permits were pulled for theremodeling 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'tknow that they needed a permit.

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

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

Mr. Borrelli answers yes.

Chairman Saveory inquires how do the petitionerscurrently 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 tofinish the deck and add windows.

Mr. Borrelli answers yes to finishing the deck but says noto the windows and that it will be open year around.

Chairman Saveory inquires if the petitioners wouldagree 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 spaceunder the deck.

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

ChairmanSaveoryinquires if there is anyone present who would like to speak in favor of thesubject petition.

WalterEnsignof 50 Cole St. explains to the board that he is happy with the work that thepetitioners have put into the home and believes that this variance should begranted.

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

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.

2.Thedeck shall not be turned into living space.

3.Willremain open space without windows.

ChairmanSaveoryasks **Mr. Campos and Ms. Xoulei** if they accept the conditions ofapproval just stipulated, understanding that strict compliance means that anydeviation will necessitate revisiting the Zoning Board of Review; said revisitmay be requested by either the Zoning Officer or any member of the Zoning Boardof Review. **Mr. Campos and Ms. Xoulei** responds that they fully understands andaccept the conditions just stipulated.

Motionis Seconded by**Vice Chairman Beauparlant**

RollCall Vote
Mr.Croke – Aye
Mr.Pascoa – Aye
Mr.Braga - Aye
ViceChairman Beauparlant– Aye
ChairmanSaveory –Aye

The board believes that the hardship is due to the age of the property since itwas 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 theirproperty.

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

3. Petition No. 6793 - STEVENGIANLORENZO, requests **dimensionalvariances** to alter a property boundary between two (2) parcels via anAdministrative Subdivision, resulting in both parcels failing to comply withthe requisite minimum lot width, for property located at **102 WALMER AVENUE, being MAP 408, BLOCK 25, PARCEL(S) 6 and 7, in aRESIDENTIAL 2 DISTRICT.**

Attorney Bruce Cox with offices located at 1481Wampanoag 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 boughtthe property at 102 Walmer Ave and a non-conforming a lot. The petitionerproposed and had approved by the planning board to make the two lots conformingby moving the property line of 102 Walmer Ave over. This will give both lots87.5ft. of frontage but the required is 100ft. but there are several propertiesin the area that are only 75ft.

Mr. Pascoa has no questions at this time.

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

Mr. Gianlorenzo answers yes.

Mr. Croke confirms that the existing garage to the newhouse 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 wasthe easiest move and that majority of houses in that area do not have therequired 100ft.

Chairman Saveory believes that this is an easysubdivision 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 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. Pascoa,** 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. Pascoa 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. Pascoa moves that thedimensional variances be **Granted**subject to the petitioner fulfilling the following conditions:

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

ChairmanSaveoryasks **Mr. Gianlorenzo** if he acceptsthe conditions of approval just stipulated, understanding that strictcompliance means that any deviation will necessitate revisiting the ZoningBoard of Review; said revisit may be requested by either the Zoning Officer orany member of the Zoning Board of Review. **Mr.Gianlorenzo** responds that he fully understands and accept the conditionsjust stipulated.

Motionis Seconded by**Vice Chairman Beauparlant and Mr. Croke**

RollCall Vote

Mr.Croke – Aye

Mr.Braga - Aye

The board believes that this subdivision will be in line with the rest of the neighborhood and will bean addition 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 towhere 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.

ChairmanSaveoryasks **Mr. Caromile** 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.Caromile** responds that he fully understands and accept the conditions juststipulated.

Motionis Seconded by**Vice Chairman Beauparlant**

RollCall Vote
Mr.Croke – Aye
Mr.Braga - Aye
ViceChairman Beauparlant– Aye
ChairmanSaveory –Aye

The board notes that the hardship lies from the city merging lots without consent of propertyowners. Also that the property pre-dates zoning.

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

5. Petition No. 6769 - DENNIS R.BREDERSON, request a **dimensionalvariance** to subdivide a property into two (2) distinct lots, pursuant to aMinor Subdivision (Subdivision approval having already been attained), withoutcomplying with the respective minimum lot depth requirement for Proposed Lot 1on 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 1481Wampanoag Trail E. Providence, RI is representing the petitioner.

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

Attorney Cox explainsto the board that the lot in question is an odd shaped lot on the corner ofBishop Avenue and Pavilion Avenue. This matter has been brought before planningtwice and the 2nd time was approved if the board grants thisvariance. **Attorney Cox** does informthe board that the petitioner could have demolished the existing house andbuilt 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 causedby the shape of the lot.

Mr. Mateus explains tothe board that he will demolish the existing house since it is beyond repairand will build two single family colonial style homes. **Mr. Mateus** recognizes that there are some abutters concernedregarding 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 thatthose are meant for drainage/dry well areas but they are just called storagefrom some reason.

Mr. Croke agrees that thehardship 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 questionsat this time.

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

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

Chairman Saveory requests a recess at 8:09pm and the board reconvenes at8:25pm.

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.

Mr. Pimentel reads into the record,

A letter from **Kristenand Robert Silva** who own the property at **60 Pavilion Avenue E. Providence, RI. Ms. Silva** explains that theywere concerned for Covid-19 and that is why they are not present tonight. **Ms. Silva** explains that they have ownedthe house for years and are against the petition and are concerned for privacyand 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 varianc**e 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, RIis 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 becausecannabis is not specifically listed in the schedule of uses it is considered tobe a prohibited use. Attorney Engustian then moves to the PowerPoint packetpreviously submitted to the board, pages 11 and 12 of **Page Bronk's** report. The report mentions the challenges regarding amanufacturing use and the proposed use would be less intense thanmanufacturing. **Mr. Bronk** believesthat the hardship is due to the land and will not negatively alter the area orthe city's comprehensive plan. **AttorneyEngustian** also adds that the planning board had submitted a memorandumearlier this year regarding this variance and that to the board the applicanthad a justifiable claim of hardship and as long as there was adequate securityand met with state regulations the planning board did not object.

Mr. Hart explains that he has been the president of the company for 35years and signed the application for the zoning board. The company was foundedin the 1890 and manufactured mostly metals such as jewelry and once was thelargest supplier for the Boy Scouts. Currently the business at the property ismaking valves for motor vehicle transmissions. **Mr. Hart** explains due to competitors in the manufacturing businessoutside of the country and researching the topic, he would like to put in acannabis testing lab. **Mr. Hart**explains that he has visited other labs and they are good use for safety andpublic health since it is required for medical cannabis before being sold mustbe tested by a 3rd party lab. **Mr.Hart** mentioned that cannabis labs fall under health and safety and notunder the cannabis industry. A typical day would start at 3-4am and end at 5pmand would only be open Monday through Friday. There would be a smalladministration staff and 3 employees in the lab lead by someone with a PhD orotherwise qualified. Licensed bonded transportation service or an employeewould 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 labdue to the small sample size, being properly contained and refrigerated and thesecurity guidelines are set by the licensing authority. The alarm system would been overseen by thestate of Rhode Island and there will be no outdoor signage for securitypurposes and that they will not expect or welcome unwanted visitors.

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

Mr. Pimentel answers that currently anything related tocannabis is prohibited in East Providence so it does depend since there is noordinance in place. Retail sales of cannabis would probably need a variance butit is too early to tell.

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

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

Vice Chairman Beauparlant inquires if there are yearlyinspections through the state.

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

Vice Chairman Beauparlant inquires more about visitors, howmuch of the building will be used for the lab and how many employees will beworking 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 employeesat the time of startup.

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

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

Mr. Croke explains that he got his information from thefire department, a bio-engineer and a Brown University employee and notes thatthis type of lab is similar to a blood test lab. **Mr. Croke** understands that this is the first step in a long processto get licensed and that they can't grow or sell cannabis. **Mr. Croke** explains that the board has granted a lot of medicalrelated variances in that area and with all the information given, he has noobjections with the petition. But does inquire if the alarm system will ringdirectly to the fire and police department and the disposal of samples.

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

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

Chairman Saveory inquires if the lab will be brokenup 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 anincrease of employees in the future.

Mr. Hart explains that is what they hope for.

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

Gregory Millertemporarily residing at 56 Madeline Drive E. Providence, RI is properly swornin.

Mr. Miller explains that he moved to Boston forwork but since Covid-19 has returned home to 56 Madeline Dr. and notes that theproperty has been deteriorating and that kids having been lurking around thebuilding. **Mr. Miller** believes reuseof this building would be the best outcomes and that this would be a goodopportunity for jobs.

Johnathan Sistotemporarily residing at 56 Madeline Drive E. Providence, RI is properly swornin.

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

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

Chairman Saveory inquires if there isanyone present who would like to speak against the subject petition. Hearingand seeing none,

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

ChairmanSaveoryqueries the Board for a motion.

Motion by **Mr. Pascoa,** based on all theevidence and 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:

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 specialuse permit be **Granted** subject to the petitioner fulfilling the followingconditions:

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** ifhe accepts the conditions of approval just stipulated, understanding thatstrict compliance means that any deviation will necessitate revisiting theZoning Board of Review; said revisit may be requested by either the ZoningOfficer or any member of the Zoning Board of Review. **Mr. Hart** respondsthat he fully understands and accepts the conditions just stipulated.

Motion is Seconded by **Vice ChairmanBeauparlant and Mr. Croke**

Roll Call Vote

Mr. Braga – Aye

Mr. Croke- Aye

Mr. Pascoa – Aye

Vice ChairmanBeauparlant –Aye

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

Chairman Saveory - Aye

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

IX. PROCEDURES

Chairman Saveory announces there arenone.

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

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

EdwardPimentel, AICP
ZoningOfficer / Clerk

Secretary