

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 Monday, **20 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

John Braga

Richard Croke, Sr.

Gary Pascoa – 1st Alternate

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – 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 **City Solicitor Michael Marcello** to swear in the **Zoning Officer, Mr. Pimentel**.

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory informs the public that **for the 1st petition regarding 8 Madeline Drive,**

Mr. Pascoa will be recusing himself since there is an abutting property he has interest in, and

Ms. Toledo will be voting and participating through FaceTime.

Mr. Pascoa will be back to being a voting and participating member for the remaining petitions.

III. APPROVAL OF ZONING BOARD MINUTES

A. Chairman Saveory asks for approval of the **13 July 2020**, Zoning Board of Review Minutes. **Motion by Mr. Croke** to approve the **13 July 2020**, Zoning Board of Review Minutes. The motion is **Seconded by Vice Chairman Beauparlant** and **Unanimously** approved.

IV. ZONING OFFICER'S REPORT

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

V. CORRESPONDENCE / DISCUSSION

Chairman Saveory announces that there is no correspondence.

VI. STAFF REPORTS

VII. CONTINUED BUSINESS

Chairman Saveory announces that there is no continued business.

VIII. NEW BUSINESS

1. Petition No. 6797 - JEAN MANN, requests a **dimensional variance** to construct an addition onto the present single-family residence, without complying with the minimum side-yard setback requirement, for property located at **8 MADELINE DRIVE, being MAP 409, BLOCK 6, PARCEL 16, in a RESIDENTIAL 3 DISTRICT.**

Jean and Mark Mann are properly sworn in.

Ms. Toledo confirms that they would like to add a screen room plus a full bathroom.

Ms. Mann answers yes that they have extended family over constantly and could really use the extra bathroom.

Vice Chairman Beauparlant inquires if it will be a 3 or 4 season room.

Ms. Mann answers that it will be neither, just screens and a deck floor.

Mr. Croke notes that the house placement on the lot is the cause of hardship.

Mr. Braga believes this is a simple extension of an already existing setback.

Chairman Saveory notes that the house placement on the lot is cause of the hardship.

Solicitor Marcello 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 Ms. Toledo, 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.

Ms. Toledo 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.

Ms. Toledo 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 **Ms. Mann** if she 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. **Ms. Mann** responds that she fully understands and accept the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote The board notes that the house pre-dates zoning and it will be in line with the existing footprint and setback.

Mr. Croke – Aye

Ms. Toledo – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

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

2. Petition No. 6798 - MANDA MAIN, requests a **dimensional variance** to retain an above-ground swimming pool, as well as construct an attached deck between the residence and swimming pool and associated security fencing, without complying with the minimum front-yard setback, retaining the referenced improvements between the residence and public right-of-way (Ferris Avenue and Merchant Street), as well as introducing fencing that exceeds maximum height limits, for property located at **178 FERRIS AVENUE, being MAP 502, BLOCK 12, PARCEL 5, in a RESIDENTIAL 4 DISTRICT.**

Manda and Steven Main are properly sworn in.

Vice Chairman Beauparlant inquires about the fencing on Merchant Street and if it will follow the property line.

Mr. Main explains that it will not follow the property line.

Ms. Main explains that she has a double lot and where the pool is located would like a 6ft. fence but is willing to turn the fence to a 45 degree angle at the corner so drivers can see while pulling out of Merchant Street.

Mr. Main explains to the board that he will be taking down the existing 18ft. of fence with the white vinyl 6ft. high fence and will be installing it one foot away from the property line on Ferris Avenue.

Vice Chairman Beauparlant explains that he just has safety concerns for people driving on Merchant Street.

Ms. Main assures the board they will go as far back for it to not be a safety hazard.

Mr. Pimentel explains to the board that he and the city engineer have looked at the property and determined that the fence on Ferris Avenue must be pushed back at least one foot from the property line and must be safe for drivers on Merchant Street.

Mr. Croke notes that the hardship lies with there being two front yards but the pool should've been placed in a different area of the yard.

Ms. Main explains that the pool came much later and if she had gotten it sooner she would have.

Mr. Braga inquires to **Mr. Pimentel** if there are drawings of what the fence will look like on the property.

Ms. Main offers to give the board drawings.

Mr. Braga has concerns about giving approval for something he can't see and inquires will the fence dip lower than 6ft.

Ms. Main answers no it will only be 6ft. high.

Mr. Pascoa has no questions at this time.

Chairman Saveory inquires about easement for the sidewalk.

Mr. Pimentel explains that the fence isn't going on the sidewalk, this is all including the sidewalk/right of way area.

Mr. Main explains that they will maintain the existing walk way.

Chairman Saveory requests to see an amended survey plan but is willing to make a motion on this petition tonight.

Mr. Braga notes that the planning board did mention coverage issues.

Mr. Pimentel explains that the pool was already built on the property and asked for more relief than required since they did not have the survey wasn't available until after the advertising. It was just done out of abundance of caution.

Solicitor Marcello 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 Vice Chairman Beauparlant, 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.

Vice Chairman Beauparlant 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.

Vice Chairman Beauparlant 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 amended survey plan must be given to the Zoning Officer.

3. Must abide by the discussion with the City Engineer regarding the location of the fence.

Chairman Saveory asks **Ms. Main** if she 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. **Ms. Main** responds that she fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Braga

Roll Call Vote The board notes that the hardship lies with the property

Mr. Croke – Aye being located on a corner lot. The board believes as

Mr. Pascoa – Aye long as all safety precautions are made this will not

Mr. Braga - Aye be a nuisance to the neighborhood.

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

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

3. **Petition No. 6785 - S & D REALTY, LLC**, requests a **use variance** to construct a three-unit (townhouse) residential facility, the referenced multi-unit land use being a prohibited land use in the Residential 3 District, for property located at **0 FISHER STREET, being MAP 207, BLOCK 27, PARCEL 9, in a RESIDENTIAL 3 DISTRICT.**

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

Brad Travers of Waterman Engineering Co. with offices located at 46 Sutton Ave E. Providence, RI is properly sworn in.

Steve Dipilitto, co-owner of the property, is properly sworn in.

Attorney Cox explains to the board that this site has been with the board before and was previously petitioning to be an apartment complex, but are here today with a townhouse style 3 family unit. The same exact design is currently at N. County Street in East Providence, there will be 3 bedrooms and 2 bathrooms in each unit. There are currently no dimensional variances or setback issues and there will be 3 spaces per building which is more than required by zoning. **Attorney Cox** believes that this is less impactful and more in line with the neighborhood than the previous petition and notes the fact that there are no neighbors present tonight even when they were given proper notice, were given pictures of what the site will look like, and no one has reached out to him or his clients.

Mr. Travers explains that there were previous concerns about drainage issues and there will be a rain garden installed that will meet state and DEM requirements.

Mr. Braga inquires if there is anything regarding details of flow rates and capacity.

Mr. Travers has a packet regarding the rain garden size and shows that it meets capacity.

Motion by **Mr. Pascoa** to accept the packet regarding the rain garden and soils as **Exhibit A**, the motion is **Seconded by Vice Chairman Beauparlant**.

Attorney Cox stresses to the board that the hardship is the lot itself and that this is a reasonable development and the developer would be deprived if this variance was denied.

Mr. Pascoa has no questions at this time.

Vice Chairman Beauparlant inquires if the lot could be subdivided into 3 lots.

Attorney Cox answers yes it is possible but it would be a tight squeeze.

Vice Chairman Beauparlant inquires what else could be done with the land.

Attorney Cox answers perhaps two large homes but that doesn't fit well in the neighborhood.

Vice Chairman Beauparlant is concerned with the rain garden and that he doesn't feel qualified to review it.

Mr. Pimentel notes that the board could accept it or get it conditioned on approval for the city engineer to give the okay.

Attorney Cox explains that the city engineer would have to review the plans during the permitting process anyways.

Mr. Croke notes that the property is in a R3 zone and could build 3 single family homes but is building a 3 family townhouse unit which is a fair trade off. **Mr. Croke** inquires if the petitioners would be willing to agree to the stipulation that they can no longer build anymore dwellings on this lot.

Attorney Cox answers yes.

Mr. Croke inquires if this would relieve the water runoff to Metacomet Country Club.

Mr. Travers answers yes the rain garden would stop the runoff.

Mr. Croke expresses his concerns regarding emergency vehicles being able to get to the property since Fisher Street is so narrow with vehicles parking on both sides of the street.

Attorney Cox explains it is an issue but the petitioners cannot re-pave the entire street or change the behavior of other residents. **Attorney Cox** explains that the petitioner would be willing to petition the City Council for some no parking signs.

Mr. Croke notes that they will install another fire hydrant when there is one about 40 ft. away.

Mr. Travers explains that the existing hydrant isn't on their map so it may be 75 ft. away.

Chairman Saveory explains that any issue will be brought up by the proper departments during the permitting process. But does inquire if the petitioners have to go to DEM for anything.

Mr. Travers answers no.

Mr. Croke inquires if they have spoken with the neighbors.

Attorney Cox explains that before Covid-19 a number of them had seen the design and were spoken to but ever since no one has made any comments.

Mr. Pimentel answers that his office has been quiet as well.

Mr. Braga looked at the previous petition and this petition is more in line with what the neighborhood wants and deserves and is overall satisfied with the application.

Chairman Saveory notes that this petition is considerably different and more conducive with the neighborhood.

Vice Chairman Beauparlant agrees with the petition to the city regarding the no parking signs.

Solicitor Marcello 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. 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:

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. Croke 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.

No more construction of dwellings on the property.

Any water containment/water flow on the property be the subject of approval from the City Engineer.

Chairman Saveory asks **Mr. Dipilitto** 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. Dipilitto** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant and Mr. Braga

Roll Call Vote

The board feels that this petition is more

Mr. Braga – Aye

compatible with the area and that the petitioner

Mr. Croke- Aye

does have an argument of hardship.

Mr. Pascoa – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory - Aye

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

4A. Petition No. 6787 - THE APIARY, LLC, requests a **use variance** to convert a long-standing, multi commercial tenant, to a mixed-use facility, consisting of retail, restaurant, educational, and light industry on the first-floor, and seven (7) residential units on **the second-floor, otherwise defined as a prohibited land use, for property located at 273 – 279 BULLOCKS POINT AVENUE, being MAP 312, BLOCK 13, PARCEL 1, in a COMMERCIAL 3 DISTRICT.**

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

Ruarri Miller and Thomas Deller are properly sworn in.

Mr. Pimentel announces to the board that the city has been working on overlay districts that will be supporting mixed use but the petitioner needs the variance until the overlay district is approved.

Attorney Sleprow explains to the board that the petitioner recently purchased the location that is within the C3 zone which currently doesn't allow residential units. The petitioner would like the 1st floor to be commercial and the 2nd floor have 7 residential units. **Attorney Sleprow** believes that this petition is in line with the city's plan for the area and is critical to help resurrect Riverside Square, and he even has a letter from David Bachrach of the planning department in agreement with him. Although regulations require 54 parking spaces only 8 are being proposed but if the 2nd floor wasn't going to be residential there would be more required parking. The building was built in the 1800's so there was no zoning or many cars.

Mr. Miller explains to the board that he is the sole member of the Apiary LLC and is currently a contractor and co-owner of the Union Burrito restaurant that is in East Providence. **Mr. Miller** tells the board that he is a resident of Riverside and lives only about a mile from the property in question. He recently purchased the property in February 2020 and owns the building at 332 Bullocks Pt. Ave which is a similar but smaller setup to what he is proposing today.

Mr. Miller explains to the board that he did consider making the entire project commercial to be in line with the C3 zone but residential is extremely important. Having 7 small residential units is better than a few larger units because the

need for parking would increase. On the proposed 1st floor the restaurant that would go in would just be quick service such as take-out. Then there would be a maker space and the convenience store would be staying. **Mr. Miller** feels that the residents should be in charge of change.

Mr. Pascoa inquires more about the maker's space.

Mr. Miller explains that it's more of an educational center for kids to be exposed to learning, currently one does not exist in East Providence.

Mr. Pascoa inquires if there will be any employees.

Mr. Miller answers no that there are plenty of grant opportunities that could handle that.

Vice Chairman Beauparlant inquires more about the commercial spaces on the 1st floor.

Mr. Miller explains that the first floor will have a restaurant, Fuse and Spark, which is a burger place that will take over the old Riverside Grill space. Which will add about 10 employees and the maker space and then the convenience store will remain. The 2nd floor will have 6 studio apartments and 1 one bedroom apartment.

Vice Chairman Beauparlant inquires if there will be any additional lighting.

Mr. Miller answers yes, especially in the back in the rear parking lot will have security lighting.

Vice Chairman Beauparlant inquires why there is no request for signage.

Mr. Miller answers that he doesn't like large signage.

Mr. Croke inquires if permits have been pulled for the work that has already started.

Mr. Miller answers yes but so far they have just done windows, vinyl siding and life safety improvements and he has been in constant contact with the city engineer and the building official.

Mr. Croke explains that he enjoys what **Mr. Miller** is trying to do but believes a lot more needs to be done in order to resurrect Riverside Square.

Mr. Braga has concerns regarding the parking, out of the 8 parking spaces only one is handicapped. He inquires if those spaces will be assigned to the residential tenants.

Mr. Miller explains that the parking will be reserved for residents after 8pm when the businesses start to slow down for the night. **Mr. Miller** explains that he currently has a verbal agreement with the father at the nearby church to use his parking lot when there are snow storms and parking bans.

Chairman Saveory believes that Riverside Square needs influence and is appreciative of the work **Mr. Miller** has done but does realize the parking has always been an issue, but people are constantly in and out of that building in a short amount of time. Perhaps there will be more parking available in the future.

Attorney Sleprow adds that they cannot predict the future on what tenants will be in the apartments but if there are people in need of housing and don't want or need a vehicle this would be ideal for them since the property is on a bus route and have the bike path across the **Attorney Sleprow** explains to the board that **Mr. Deller** has experience in zoning and planning, he has been considered to be an expert in planning by the superior court and in Rhode Island, Massachusetts and Connecticut zoning boards.

Attorney Sleprow would like the board to consider **Mr. Deller** to be an expert witness in planning.

Motion by Mr. Braga to accept Mr. Deller as an expert on planning, the motion is Seconded by Vice Chairman Beauparlant Unanimously approved.

Attorney Sleprow would like to submit **Mr. Deller's** resume and **Mr. Deller's** report on the property as exhibits

Motion by Mr. Pascoa to accept Mr. Deller's resume as Exhibit A, the motion is Seconded by Mr. Braga

Motion by Mr. Pascoa to accept the report written by Mr. Deller regarding 273-279 Bullocks Pt. Ave as Exhibit B, the motion is Seconded by Mr. Braga

Mr. Deller explains to the board that he was once director of development in Providence, RI and in Hartford CT. 20 years of **Mr. Deller's** career was spent working for lower income area and notes that in the most recent office rental report in Rhode Island that there was a 16% vacancy rate. **Mr. Deller** believes that if the 2nd floor was forced to be turned into office space it would remain vacant and the only real option is to make it residential. **Mr. Deller** also

believes that in order to make the community strong and vibrant a mixed use is necessary. **Mr. Deller** explains to the board that parking shouldn't be the main issue since it is not as important in these types of areas. The maker's space is an area to be creative and the schedule use table has uses similar to the maker's space such as engineering research, technical research, etc. **Mr. Deller** notes that he was pleasantly surprised when he saw that this report and the planning board's report were very similar.

Attorney Sleprow believes that efficient evidence has been presented and that the hardship is due to the unique characteristic of the land since it is a large building on a small lot. **Attorney Sleprow** explains that this petition being granted is the only way to make this project viable and if the 2nd floor had to be commercial space it would be useless and would require even more parking spaces. **Attorney Sleprow** notes that there are already mixed use buildings in the area.

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

Jason Rafferty is properly sworn in.

Mr. Rafferty explains to the board that he is the director of the Riverside Renaissance Movement and this building has been a popular topic for them in the past. **Mr. Rafferty** explains that many developers have walked through the building but never end up investing in it. **Mr. Rafferty** notes that **Mr. Miller** has been to many of their meetings and understands the need for community growth. **Mr. Rafferty** believes that the mixed use building will be good for the square and will be a good opportunity for small businesses that bring people out. The Riverside Renaissance Movement is in favor of this petition.

Eric Crook is properly sworn in.

Mr. Crook explains to the board that he is currently a member of the East Providence planning board and is the deputy director of the Riverside Renaissance Movement. **Mr. Crook** explains that there is a good possibility that the 8 parking spots will be adequate since the building is on a bus route. **Mr. Crook** believes that there will be a damper on revitalizing the square if this petition is not approved and believes that **Mr. Miller** stands behind what he says and gets people to work together.

Mr. Crook explains to the board that he was given letters by a butters to read into the record.

Pat Rebello of 34 Pine Street Riverside, RI explains in her letter that she has been a resident of Riverside for 60 years and that over time it has become unpleasant. **Ms. Rebello** believes the renovation of the building is a dream come true.

Kristen Lund of 65 Bluff Street Riverside, RI explains in her letter that she supports this petition and will be good since the city has a shortage of rental units and will help revitalize the square.

Victor Bergeron of 94 Grassy Plain Rd is properly sworn in.

Mr. Bergeron explains to the board that he has been a resident of Riverside since 1961 and owns the property at 10 Lincoln Avenue, which he is currently renovating. **Mr. Bergeron** believes Riverside used to be a destination and now is a dead zone and that this will help revitalize Riverside Square. **Mr. Bergeron** asks the board to consider approving this petition.

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

Ladd W. Meyer explains he was given a letter by an abutter to read into the record.

Fred Vinhateiro owner of 3712-3736 Pawtucket Avenue explains in his letter he has concerns regarding the lack of parking and claims that **Mr. Miller** is currently in the middle of another project and is concerned that the building at 273-279 Bullocks Pt. Ave will be left incomplete. **Mr. Vinhateiro** has additional concerns that if **Mr. Miller** doesn't get the bank to give him approval that they will be left in a bigger mess. **Mr. Vinhateiro** explains he would approve this project but under the right circumstances.

Chairman Saveory notes for the record that the board cannot speak on the other building, only on the petition in front of them tonight.

Ladd W. Meyer is properly sworn in.

Mr. Meyer explains to the board that he already submitted a letter to the board but wants his voice heard. **Mr. Meyer**

explains that he is the owner of 285 Bullock Pt. Ave and believes that apartments are good, just not in that area. **Mr. Meyer** believes that the petitioner is going about this the wrong way and that parking is already a serious issue and this would add more problems.

Attorney Sleprow inquires if **Mr. Meyer's** property at 285 Bullocks Pt. Ave is a mixed use property.

Mr. Meyer answers yes but it was created before zoning and that it has only 4 residential units in the building. **Mr. Meyer** has concern since the petitioner is seeking relief for light industrial use and believes that the petitioner is asking for too much relief and will have a business advantage over all other business owners in the area.

Ladd J. Meyer is properly sworn in.

Mr. Meyer explains to the board that he is the son of **Ladd W. Meyer** and is a commercial contractor and on the Barrington, RI zoning board. **Mr. Meyer** mentions that he did work on the IHOP and Moe's plaza in East Providence and manages his father's properties. **Mr. Meyer** mentions that **Mr. Miller's** intentions are motivated by financial gain and that there is an extreme amount of parking required, 7 apartment units and the light industrial use is too intense for the area. **Mr. Meyer** believes **Mr. Miller** and the board should cut the amount of apartments to 3 one bedroom apartments since that will reduce the amount of parking spaces required.

Chairman Saveory notes on the record that there needs to be a catalytic shift to get the overlay district and he believes that this could be it.

Solicitor Marcello went into the lobby and outside of the building to see if there was anyone else willing to speak in favor or against this petition and there were none. There was also no more 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:

1. Petitioner(s) obtaining any, and all, necessary permits.
2. 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. Miller** 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. Miller** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote	The board notes that the building has been
Mr. Braga – Aye	deteriorating for years and parking has always
Mr. Croke- Aye	been an issue in that area. The board recognizes
Mr. Pascoa – Aye	the hardship is the property itself and it pre-dates
Vice Chairman Beauparlant – Aye	zoning. This will enhance the local economy and
Chairman Saveory – Aye	will be good for the area.

commercial tenant, to a mixed-use facility, consisting of retail, restaurant, educational, and light industry on the first-floor, and seven (7) residential units on the second-floor, without complying with the requisite off-street parking requirement, for property located at **273 – 279 BULLOCKS POINT AVENUE, being MAP312, BLOCK 13, PARCEL 1, in a COMMERCIAL 3 DISTRICT.**

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. Miller** 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. Miller** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote The board notes that the hardship lies with the property's **Mr. Croke – Aye** age and pre-dates zoning. The parking issue has been an

Mr. Pascoa – Aye existing problem for a long time and there really is no fixing

Mr. Braga - Aye it anytime in the near future. The board also agrees with

Vice Chairman Beauparlant – Aye the planning expert with his findings.

Chairman Saveory – Aye

Dimensional variances 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 **Wednesday, 22 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 Mr. Braga, The motion is **Seconded by Vice Chairman Beauparlant** and **Unanimously** voted to adjourn. Meeting is adjourned at 10:08pm.

Secretary