

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, **22 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

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 **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 there are none.

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

Planning Department Staff Report – 21 July 2020 - Previously Submitted

VII. CONTINUED BUSINESS

Chairman Saveory announces that there is no continued business.

VIII. NEW BUSINESS

1. Petition No. 6800 - VALENTIN A. TOMA, requests **dimensional variances** to retain an accessory shed, without

complying with the requisite accessory side and rear-yard setback requirements, as well as requisite setback from all other structures, for property located at **169 ROUNDS AVENUE, being MAP 612, BLOCK 17, PARCEL 29, in a RESIDENTIAL 3 DISTRICT.**

Valentin Toma of 169 Rounds Avenue Riverside, RI is properly sworn in.

Mr. Toma explains to the board that he has created a packet with the summary of his presentation and would like to pass it out to the board.

Motion by **Mr. Braga** to accept the summary of **Mr. Toma's presentation** as **Exhibit 1**, the motion is **Seconded by Vice Chairman Beauparlant**.

Mr. Toma continues to say that he would like to finish building the shed. **Mr. Toma** explains that his lot is smaller than the standard size, is on a corner lot, and doesn't have a lot of privacy from the backyard neighbors and believes this shed will be a buffer between them. Due to an existing sunken patio and a deck it makes it harder to place the shed elsewhere. **Mr. Toma** explains that water and snow run off will not go onto the neighbor's property and his current garage is cluttered and would like to move items from the garage into the shed.

Mr. Braga notes that the shed was built 3 inches from the property line, **Mr. Braga** cannot support a variance like this. There needs to be more clearance between the property lines.

Mr. Pascoa has no questions at this time.

Vice Chairman Beauparlant notes that the petitioner has built a nice shed but only having the 3 inches between property lines is a tough variance, it's too much relief to give. **Vice Chairman Beauparlant** explains that he does have a copy of a complaint letter from a neighbor and does believe this will negatively impact the surrounding area.

Mr. Croke does agree that the petitioner has an odd shaped undersized lot and is on a corner lot, but inquires if the petitioner could move the shed a couple feet forward.

Mr. Toma answers no because then he would not have access to the sunken patio and backyard. **Mr. Toma** explains that he is willing to move the shed 1 foot from the property line.

Mr. Croke inquires if the petitioner would agree to put gutters on the shed.

Mr. Toma answers yes they are already on the front of the shed.

Chairman Saveory explains that he agrees with **Mr. Braga** and inquires if **Mr. Toma** is still doing tile work.

Mr. Toma answers no, it was only for his house it's not a business and he would only do it in his garage.

Chairman Saveory explains that he only inquired because he knew the tile work was an issue with the abutters in the past and want to add this issue onto it. **Chairman Saveory** explains that this is too intense of a variance and offends the neighbors.

Mr. Toma says that he doesn't understand how the shed is offensive.

Chairman Saveory explains that the board has to consider the neighbors and they are offended by the shed and how close it is to the property lines.

Vice Chairman Beauparlant notes a 40x40 square on the survey and inquires why the shed couldn't have been put there instead. **Vice Chairman Beauparlant** notes that **Mr. Toma** would have probably still needed a variance of some kind but it would have been more room to place the shed.

Mr. Braga explains to **Mr. Toma** that it was obvious that he invested money in the shed and coming before the board and that if **Mr. Toma** was denied he cannot come back for 18 months unless the plans are significantly changed.

Mr. Toma believes that the only other change would be to move the shed over to where **Vice Chairman Beauparlant** mentioned.

Mr. Pimentel explains that if the petitioner would make modifications such as making the shed smaller it would be able to be heard within the same application but to move the shed to an entirely different location would run the risk of having to create a new petition.

Solicitor Marcello explains that if the shed was to be re-located **Mr. Toma** would have to file a new application.

Mr. Toma admits that it doesn't look good for him with this current petition and would like to move the shed over 1 foot from the property line and asks for a continuance.

Mr. Croke inquires if the shed roof will be slanted.

Mr. Toma answers yes.

Chairman Saveory has a letter from the abutter that needs to be read into the record. **Paula Torres of 5 Woodcrest Dr. Riverside, RI** explains in her letter that she is not in favor of the shed being placed right on the property line. **Ms. Torres** explains that she has concerns about the lack of distance and potential flooding from the shed. Ms. Torres believes that the shed is an eye sore has concerns if she were ever sell her home. **Ms. Torres** also mentions what if the shed needs repair, there is no room for **Mr. Toma** to make the repairs.

Motion by Mr. Braga to continue this petition from 15 July 2020 to 2 September 2020 so the petitioner can make changes to the petition, the motion is **Seconded** by **Mr. Pascoa**, 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. 6799 - NATIONAL OLYMPIC REALTY, requests **dimensional variances** to construct an addition onto a present self-serving laundromat, resulting in several dimensional deficiencies, without complying with the requisite setback between a commercial and residential district, as well as failing to provide sufficient off-street parking, for property located at **390 WATERMAN AVENUE, being MAP 306, BLOCK 7, PARCEL 7, in a COMMERCIAL 2 DISTRICT**.

Attorney Joseph Brennan is representing the petitioner.

Dean Perdikakis is properly sworn in.

Attorney Brennan explains to the board that the site is currently an existing laundromat that is looking to build a 45ft addition that would be 1,300 sq ft. The requirement for commercial abutting residential is 30ft but the existing setback is just over 8ft and the addition will be in line with the current setback to make it look more cohesive. Parking requires 19 spaces, the property currently has 10 and will be adding 5 more for a total of 15 parking spaces. The reason for this addition is that this laundromat is experiencing some competition with one nearby that has more waiting room and folding areas. This addition will give patrons somewhere to hang out while they wait for their laundry. If this petition were to be denied the petitioners fear that they will either have to move or shut down.

Mr. Croke inquires if the handicap parking will be relocated.

Attorney Brennan answers that they will still have to provide handicap parking but isn't exactly sure where it will be.

Mr. Croke inquires if the shrubs will be staying as a buffer between commercial and residential.

Attorney Brennan answers yes and under the advice of the planning board could add more fencing as well.

Mr. Braga inquires if the existing white vinyl fence belongs to the petitioners.

Attorney Brennan answers yes.

Mr. Perdikakis explains that currently the fence transitions into a 6ft. wooden fence and drops down to 4ft. but it can be changed to all be 6ft. but isn't sure if the 4ft. section offence belongs to them or the neighbors.

Mr. Braga would like to make the stipulation for the fence to be 6ft. straight across the commercial and residential boundary.

Mr. Perdikakis explains that won't be a problem.

Mr. Braga notes that the addition will be in line with the existing building and the parking isn't much of a concern, he just wants to buffer the residential as much as possible.

Mr. Pascoa has no questions at this time.

Vice Chairman Beauparlant inquires to **Mr. Pimentel** why there is no side yard relief needed since the building is so close to the Hicks Street side.

Mr. Pimentel explains whenever a commercial use buffers a residential it supersedes regular zoning requirements and the standard is 30ft. **Mr. Pimentel** inquires to **Attorney Brennan** if they were treating Hicks Street as a side yard or not.

Attorney Brennan answers that they believed that Waterman Avenue was the front yard and Hicks Street would be the side yard.

Mr. Pimentel explains that Hicks Street is on a public right of way so it is considered to be a front yard as well. **Mr. Pimentel** explains that there needs to be relief but would need an as-built to determine the actual distance.

Mr. Braga explains he would like to see the actual measurements.

The board reviews the survey plans to determine the actual measurements.

Attorney Brennan requests an amendment of the application, there is 2ft. 8in. to Hicks Street from the property line and would need 2ft. 4in. relief for the front yard setback but will ask for 2ft. 8in. relief to be on the safe side.

Motion by Mr. Braga to modify the existing petition to add the front yard setback relief of 2ft. 8in. for Hicks Street. The motion is **Seconded** by **Vice Chairman Beauparlant**, and **Unanimously** approved.

Roll Call Vote

Croke - Nay

Pascoa - Aye

Braga - Aye

Beauparlant - Aye

Saveory - Aye

The request to modify the petition passes 4-1.

Mr. Pimentel suggests to the board the stipulation that all plans must reflect the front yard setback and a clean application with the front yard setback request be submitted to him.

Vice Chairman Beauparlant inquires if the new dormers are existing or will be added on.

Mr. Perdikakis answers yes they will be added.

Chairman Saveory inquires if there will be windows at the rear or on the side of the addition.

Mr. Perdikakis answers that one window will be added to the side but it will be up closer towards the front of the building and there will be no windows in the rear.

Mr. Croke inquires where the vents for the dryers go, explains he has concerns for the residential neighbors and would've like to see the front yard setback a little wider due to traffic concerns.

Mr. Perdikakis explains that they are vented out at the rear of the building but are goose necked down. **Mr.**

Perdikakis notes that they are not looking to add anymore dryers.

Chairman Saveory notes that drivers have to go out onto Waterman Avenue since Hicks Street is a one way street.

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:

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. A 6ft. fence to buffer the residential area
3. All plans reflect the front yard setback requirements asking for 2ft 8in but needs 2ft. 4in.
4. Clean application with the front yard setback request

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

Motion is Seconded by Mr. Braga

Roll Call Vote	The board notes that the hardship is not due to any prior
Mr. Croke – Aye	action of the petitioner and the only good location for
Mr. Pascoa – Aye	the addition is where it was purposed.

Mr. Braga - Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

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

3A. Petition No. 6794 - ALBERTO and MARIA Da SILVA, request a **use variance** to subdivide their property into two (2) distinct lots, resulting in retention of a two-unit dwelling on an undersized parcel, otherwise defined as a prohibited land use, for property located at **50 FENMOOR STREET, being MAP 307, BLOCK 12, PARCEL 2, in a RESIDENTIAL 6 DISTRICT.**

Mr. Pimentel explains to the board that the petitioners were supposed to be heard by the Planning Board this week but were continued to their August meeting so **Mr. Pimentel** recommends that this petition be heard on the 12 August 2020 meeting.

Motion by Mr. Braga to continue this petition from 22 July 2020 to 12 August 2020 so the petition can be heard by the Planning Board before coming to the Zoning Board, the motion is **Seconded by Vice Chairman Beauparlant and Mr. Croke**, and **Unanimously approved.**

Roll Call Vote

Mr. Croke – Aye

Mr. Pascoa – Aye

Mr. Braga - Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

3B. Petition No. 6795 - ALBERTO and MARIA Da SILVA, requests **dimensional variances** to subdivide their property into two (2) distinct lots, resulting in both parcels failing to comply with the minimum lot depth requirement, retention of the pre-existing accessory detached garage that will fail to comply with the minimum accessory side-yard setback requirement, and deficient lot area in regard to the retention of the two-unit dwelling, for

property located at **50 FENMOOR STREET, being MAP307, BLOCK 12, PARCEL 2, in a RESIDENTIAL 6 DISTRICT.**

Motion by Mr. Braga to continue this petition from 22 July 2020 to 12 August 2020 so the petition can be heard by the Planning Board before coming to the Zoning Board, the motion is Seconded by Vice Chairman Beauparlant and Mr. Croke, and Unanimously approved.

Roll Call Vote

Mr. Croke – Aye

Mr. Pascoa – Aye

Mr. Braga - Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

4. Petition No. 6796 - NORDSON EFD, requests a **special use permit** to introduce several accessory silos and a supporting facility, the referenced silos being defined as 'open storage', necessitating a special use permit, for property located at **40 CATAMORE BOULEVARD, being MAP 608, BLOCK 2, PARCEL 6, in an INDUSTRIAL 3 DISTRICT.**

Wayne Burkett, Scott Tracy and Andrew Glines are properly sworn in.

Mr. Burkett explains to the board that **Nordson's company attorney, Gina Beretta**, is currently on the phone and is available for any questions. **Mr. Burkett** explains to the board that **Nordon** has been a member of the East Providence community for several decades and gives back to the community through donating grant money. **Nordson** has only one manufacturing one component which is plastic syringes. Over the last 10 years the employee growth over the last two years has increased to about 250 people, which is why there is a need for the storage silos. If the silos are installed this will eliminate a number of the deliveries a week and will lower foot traffic on the property. **Mr. Burkett** stresses this will not eliminate jobs and they will just have their employees do other tasks.

Mr. Tracy explains to the board that he is the project manager and notes that the building is going to be a 40x50 2,000 sq. ft. building for automated equipment. **Mr. Tracy** explains that he will help create the concrete foundations for the silos and is in favor of this petition.

Mr. Glines explains that he is a professional engineer and the site engineer for this project. He explains that the proposed location for the 4 silos is in the back of the existing building and they will be screened by the existing building from the North and East sides. The silos will also be located in part of the existing parking lot, although there will still be an adequate amount of parking left. The new building will be prefab metal and there will be a concrete ramp for loading purposes. The metal building and silos will be locked and only accessed by **Nordson** staff and a key will be given to the fire department. The plan is to add crushed stone and some landscaping around the area which will help eliminate some impervious coverage and will help reduce some water run-off from the area. **Mr. Glines** adds that this petition will not affect the nearby wetland area and they do not need permitting by DEM. **Mr. Glines** notes that they do not need a height variance for the project since the silos will be within the setbacks being 30ft. high.

Mr. Pascoa has no questions at this time.

Vice Chairman Beauparlant notes that on the application it states that the silos will be 36ft.

Mr. Burkett explains that he has filled out parts of the application before knowing the actual measurements and assures that the silos will be 30ft. high.

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

Mr. Burkett answers no, the pumps are quiet.

Vice Chairman Beauparlant inquires what procedures are put in case of a pump leaking.

Mr. Burkett explains that there will be containment pellets and some built in features will help.

Vice Chairman Beauparlant notes that the Planning Board mentions that the property is within the flood plain and inquires if the pellets are soluble in water.

Mr. Glines explains only a portion of the project is in the flood zone.

Mr. Burkett answers no, the pellets themselves are not soluble in water.

Mr. Croke inquires how many parking spots will be taken away.

Mr. Glines answers that 27 parking spaces will be used for the project but will still have over 200 parking spots when they are required to have 95.

Mr. Croke notes that the addition will be hidden behind the existing building and is in an industrial area so he doesn't see that it will negatively affect the area.

Mr. Braga believes that all questions have been covered and doesn't see any issues with the project.

Chairman Saveory inquires if each silo will be the same size and if they will be pumped or piped into the building.

Mr. Burkett answers that the silos will all be the same size and directly piped into the building.

Chairman Saveory inquires what the silos will be made out of, will they be coated inside and what is the recovery plan in case of a spill.

Mr. Burkett answers that the silos will be made out of steel, will be coated inside and they will create several different plans as being part of an ISO facility. There will also be filtration for the pellets for any dust.

Chairman Saveory inquires if the new building will be a support building for the silos and not a manufacturing area.

Mr. Burkett answers yes.

Chairman Saveory believes that this will be properly screened.

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. 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. That the use is compatible with neighboring land uses.
2. The use does not create a nuisance in the neighborhood.
3. That the use does not hinder the future development of the City.
4. That the use conforms to all applicable sections of the special use requested.
5. 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.

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

Motion is Seconded by Mr. Braga and Mr. Croke

Roll Call Vote	The board notes that the property is in an I3 zone and will
Mr. Croke – Aye	not create a nuisance to the area. The addition will be
Mr. Pascoa – Aye	screened behind the main building and the parking
Mr. Braga - Aye	is still adequate and this will reduce truck traffic in the area.

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

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

5. Petition No. 6790- FERNIE, LLC, requests **dimensional variances** to introduce a by-right microbrewery, without complying with the minimum off-street parking, off-street loading, trash storage area (dumpster location), and front-

yardsetback requirements, for property located at **65 – 67 MASSASOIT AVENUE, being MAP 205, BLOCK 8, PARCEL 1, in aCOMMERCIAL 5 DISTRICT.**

Mr. Pimentel explainsto the board that an abutter of this property has hired an attorney and expertsagainst this petition. The petitioner’s attorney would like an extension to seeif they can try and accommodate the concerns of the abutter.

Motion by Vice Chairman Beauparlant to continue thispetition from **22 July 2020 to 12 August 2020 to see if the petitioner canaccommodate concerns of the abutter**, the motion is **Seconded by Mr. Braga**, and **Unanimously** approved.

RollCall Vote

Mr.Croke – Aye

Mr.Pascoa – Aye

Mr.Braga - Aye

ViceChairman Beauparlant– **Aye**

ChairmanSaveory –Aye

IX. PROCEDURES

Chairman Saveory announces there arenone.

X. ANNOUNCEMENTS

The next meeting of the Zoning Board of Review is scheduled for **Wednesday, 12 August 2020 at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XI. ADJOURNMENT

Motiontoadjourn by **Mr. Croke**, The motion is **Seconded**by **Mr. Braga** and **Unanimously** voted to adjourn. Meetingis adjourned a 9:09pm.

EdwardPimentel, AICP
ZoningOfficer / Clerk

Secretary