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**, 22 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

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 **CitySolicitor Michael Marcello** 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 there arenone.

IV.ZONING OFFICER'S REPORT

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

V. CORRESPONDENCE / DISCUSSION

Chairman Saveory announces that thereis no correspondence.

VI. STAFF REPORTS

PlanningDepartment Staff Report – 21 July 2020 - Previously Submitted

VII.CONTINUED BUSINESS

Chairman Saveory announces that thereis no continued business.

VIII. NEW BUSINESS

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

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

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

Mr. Toma explains to the board that he has create a packet with the summary ofhis 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 **Exhibit1**, the motion is **Seconded by ViceChairman Beauparlant.**

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

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

Mr. Pascoa has no questions at this time.

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

Mr. Croke does agreethat 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 sunkenpatio and backyard. **Mr. Toma** explainsthat he is willing to move the shed 1 foot from the property line.

Mr. Croke inquires if the petitionerwould 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 hewould only do it in his garage.

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

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

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

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

Mr. Braga explains to **Mr. Toma** that itwas obvious that he invested money in the shed and coming before the board andthat if **Mr. Toma** was denied hecannot come back for 18 month unless the plans are significantly changed.

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

Mr. Pimentel explains thatif the petitioner would make modifications such as making the shed smaller itwould be able to be heard within the same application but to move the shed toan entirely different location would run the risk of having to create a newpetition.

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 itdoesn't look good for him with this current petition and would like to move theshed over 1 foot from the property line and asks for a continuance.

Mr. Croke inquires if theshed roof will be slanted.
Mr. Toma answers yes.
Chairman Saveory has a letter from the abutterthat needs to be read into the record. **PaulaTorres of 5 Woodcrest Dr. Riverside, RI** explains in her letter that she isnot in favor of the shed being placed right on the property line. **Ms. Torres** explains that she hasconcerns 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 sellher home. **Ms. Torres** also mentionswhat 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 thepetitioner can make changes to the petition**, the motion is **Seconded** by **Mr. Pascoa,** and **Unanimously** approved.
RollCall Vote
Mr.Croke – Aye
Mr.Pascoa – Aye
Mr.Braga - Aye
ViceChairman Beauparlant– Aye
Chairman Saveory –Aye

2. Petition No. 6799 - NATIONALOLYMPIC REALTY, requests **dimensionalvariances** to construct an addition onto a present self-serving laundromat,resulting in several dimensional deficiencies, without complying with therequisite setback between a commercial and residential district, as well asfailing to provide sufficient off-street parking, for property located at **390 WATERMAN AVENUE, being MAP 306, BLOCK7, 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 laundromatthat is looking to build a 45ft addition that would be 1,300 sq ft. Therequirement for commercial abutting residential is 30ft but the existingsetback is just over 8ft and the addition will be in line with the currentsetback to make it look more cohesive. Parking requires 19 spaces, the propertycurrently 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 somecompetition with one nearby that has more waiting room and folding areas. Thisaddition will give patrons somewhere to hang out while they wait for theirlaundry. If this petition were to be denied the petitioners fear that they willeither have to move or shut down.
Mr. Croke inquires if thehandicap parking will be relocated.
Attorney Brennan answers that they will still have to provide handicap parking but isn’texactly sure where it will be.
Mr. Croke inquires if theshrubs will be staying as a buffer between commercial and residential.
Attorney Brennan answers yes and under the advice of the planning board could add morefencing as well.
Mr. Braga inquires if theexisting white vinyl fence belongs to the petitioners.
Attorney Brennan answers yes.
Mr. Perdikakis explainsthat currently the fence transitions into a 6ft. wooden fence and drops down to4ft. 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 tomake the stipulation for the fence to be 6ft. straight across the commercialand residential boundary.
Mr. Perdikakis explainsthat won’t be a problem.
Mr. Braga notes that theaddition will be in line with the existing building and the parking isn’t muchof a concern, he just wants to buffer the residential as much as possible.
Mr. Pascoa has no questionsat this time.

Vice Chairman Beauparlant inquires to **Mr. Pimentel** whythere is no side yard relief needed since the building is so close to the HicksStreet side.
Mr. Pimentel explainswhenever a commercial use buffers a residential it supersedes regular zoningrequirements 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 andHicks Street would be the side yard.
Mr. Pimentel explainsthat Hicks Street is on a public right of way so it is considered to be a frontyard as well. **Mr. Pimentel** explainsthat there needs to be relief but would need an as-built to determine theactual distance.
Mr. Braga explains he wouldlike 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 HicksStreet from the property line and would need 2ft. 4in. relief for the frontyard 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 of2ft. 8in. for Hicks Street.** The motion is **Seconded** by **Vice ChairmanBeauparlant,** 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 allplans must reflect the front yard setback and a clean application with thefront yard setback request be submitted to him.
Vice Chairman Beauparlant inquires if the new dormers areexisting or will be added on.
Mr. Perdikakis answers yesthey 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 upcloser towards the front of the building and there will be no windows in therear.
Mr. Croke inquires wherethe vents for the dryers go, explains he has concerns for the residentialneighbors and would've like to see the front yard setback a little wider due totraffic concerns.
Mr. Perdikakis explainsthat they are vented out at the rear of the building but are goose necked down. **Mr. Perdikakis** notes that they are notlooking to add anymore dryers.
Chairman Saveory notes that drivers have to go out onto Waterman Avenue since HicksStreet is a one way street.

Solicitor Marcello went into the lobby andoutside of the building to see if there was anyone willing to speak in favor oragainst 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 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.
Mr. Croke hereby further findspursuant to Section 19-45(b) of the City of East Providence Zoning 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.
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.A6ft. fence to buffer the residential area
3.All plans reflect the front yard setback requirementsasking for 2ft 8in but needs 2ft. 4in.
4.Clean application with the front yard setbackrequest
ChairmanSaveoryasks **Attorney Brennan** 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. **AttorneyBrennan** responds that he fully understands and accept the conditions juststipulated.
Motionis Seconded by**Mr. Braga**
RollCall Vote
Mr.Croke – Aye
Mr.Pascoa – Aye
Mr.Braga - Aye
ViceChairman Beauparlant– Aye
ChairmanSaveory –Aye

The board notes that the hardship is not due to any prior action of thepetitioner and the only good location for the addition is where itwas purposed.

Dimensionalvariances unanimously granted, subject to the aforementioned condition(s).
3A. Petition No. 6794 - ALBERTO andMARIA DaSILVA, request a **use variance** tosubdivide their property into two (2) distinct lots, resulting in retention ofa two-unit dwelling on an undersized parcel, otherwise defined as a prohibitedland use, for property located at **50FENMOOR STREET, being MAP 307, BLOCK 12, PARCEL 2, in a RESIDENTIAL 6 DISTRICT.**
Mr.Pimentel explainsto the board that the petitioners were supposed to be heard by the PlanningBoard this week but were continued to their August meeting so **Mr. Pimentel** recommends that this petitionbe heard on the 12 August 2020 meeting.
Motion by **Mr. Braga to continue this petition from 22July 2020 to 12 August 2020 so the petition can be heard by the Planning Boardbefore coming to the Zoning Board**, the motion is **Seconded** by **Vice ChairmanBeauparlant and Mr. Croke,** and **Unanimously**approved.
RollCall Vote
Mr.Croke – Aye
Mr.Pascoa – Aye
Mr.Braga - Aye
ViceChairman Beauparlant– Aye
ChairmanSaveory –Aye
3B. Petition No. 6795 - ALBERTO andMARIA DaSILVA, requests **dimensionalvariances** to subdivide their property into two (2) distinct lots, resultingin both parcels failing to comply with the minimum lot depth requirement,retention of the pre-existing accessory detached garage that will fail tocomply with the minimum accessory side-yard setback requirement, and deficientlot area in regard to the retention of the two-unit dwelling, for

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

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

RollCall Vote

Mr.Croke – Aye

Mr.Pascoa – Aye

Mr.Braga - Aye

ViceChairman Beauparlant– Aye

ChairmanSaveory –Aye

4. Petition No. 6796 - NORDSON EFD, requests a**special use permit** to introduceseveral accessory silos and a supporting facility, the referenced silos beingdefined as 'open storage', necessitating a special use permit, for propertylocated at **40 CATAMORE BOULEVARD, beingMAP 608, BLOCK 2, PARCEL 6, in an INDUSTRIAL 3 DISTRICT.**

Wayne Burkett, Scott Tracy andAndrew Glines are properly sworn in.

Mr. Burkett explainsto the board that **Nordson's companyattorney, Gina Beretta**, is currently on the phone and is available for anyquestions. **Mr. Burkett** explainsto the board that **Nordon** has been amember of the East Providence community for several decades and gives back tothe community through donating grant money. **Nordson** has only one manufacturing one component which is plasticsyringes. Over the last 10 years the employee growth over the last two yearshas increased to about 250 people, which is why there is a need for the storagesilos. If the silos are installed this will eliminate a number of thedeliveries a week and will lower foot traffic on the property. **Mr. Burkett** stresses this will noteliminate jobs and they will just have their employees do other tasks.

Mr. Tracy explains to the board that he is the projectmanager 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 thesilos and is in favor of this petition.

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

Mr. Pascoa has no questions at this time.

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

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

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

Mr. Burkett answers no, the pumps are quiet.

Vice Chairman Beauparlant inquires what procedures are putin incase of a pump leaking.

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

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

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

Mr. Burkett answers no, the pellets themselves are notsoluble in water.

Mr. Croke inquires how many parking spots will be takenaway.

Mr. Glines answers that 27 parking spaces will be usedfor the project but will still have over 200 parking spots when they arerequired to have 95.

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

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

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

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

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

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

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

Mr. Burkett answers yes.

Chairman Saveory believes that this will beproperly screened.

Solicitor Marcello went into the lobby andoutside of the building to see if there was anyone willing to speak in favor oragainst this petition and there were none. There was also no writtencorrespondence regarding this petition.

ChairmanSaveoryqueries the Board for a motion.

Motion by **Mr. Pascoa**, 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.Thatthe use is compatible with neighboring land uses.

2.Theuse does not create a nuisance in the neighborhood.

3.Thatthe use does not hinder the future development of the City.

4.Thatthe use conforms to all applicable sections of the special use requested.

5.Thatthe use is in conformance with the purpose and intent of the East ProvidenceComprehensive 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.

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

Motionis Seconded by**Mr. Braga and Mr. Croke**

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

The board notes that the property is in an I3 zone and will not create a nuisanceto the area. The addition will be screened behind themain building and the parking isstill adequate and this will reduce truck traffic in the area.

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

5. Petition No. 6790- FERNIE, LLC, requests **dimensional variances** to introduce aby-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 Beauaparlant 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