STATE OF RHODE ISLAND PROVIDENCE

CITYOF EAST

COUNTYOF PROVIDENCE **ZONINGBOARD OF REVIEW**

MINUTES

A meeting of the East Providence Zoning Board of Review was held at 6:00P.M., on Wednesday**, 12 August 2020**, inthe City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

MichaelBeauparlant – Vice-Chairman

PierMarie Toledo – **ABSENT**

JohnBraga

RichardCroke, Sr.

GaryPascoa

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 Saveory informs the public that **Mr. Pascoa**has been removed from his alternate status and is a full voting member and waspreviously sworn in by **City SolicitorMarcello.**

Chairman Saveoryinforms the public that **Ms. Toledo** is absent.

III. APPROVAL OFZONING BOARD MINUTES

Chairman Saveory announces that thereare no minutes.

IV.ZONING OFFICER'S REPORT

ChairmanSaveory announces that there is nothing to report.

V. CORRESPONDENCE / DISCUSSION

A. Alberto and MariaDaSilva, 50 Fenmoor Street – petition from the abutters that are against thispetition.

VI. STAFF REPORTS

A. Planning DepartmentStaff Report – 7 August 2020 - Previously Submitted

B. August 2020 - ZoningComplaint List – Previously Submitted

VII.CONTINUED BUSINESS

Chairman Saveory announces there is nocontinued business.

VIII. NEW BUSINESS

1. Petition No. 6802 - MATTHEW andCHRISTINE DeMELO, requests **dimensionalvariances** to construct several additions onto a single-family residence,without complying with the requisite front and rear-yard setback requirements,as well as exceeding the maximum building coverage requirement, for propertylocated at **43 MONMOUTH DRIVE, being MAP712, BLOCK 15, PARCEL 9, in a RESIDENTIAL 3 DISTRICT.**

Mr. Pimentel explains tothe board that there is a slight adjustment to the plan regardinginterpretation of relief. The petitioners would need ½ a foot of relief offMonmouth Drive, the front yard and side yard is compliant, the property boundaryto the south would need a 4.5ft. variance and relief for 1.2% of buildingcoverage.

Matthew and Christine DeMelo of 43 MonmouthDrive are properly sworn in.

Mr. DeMelo explainsto the board that he has revised plans that he would like to pass out to theboard.

Motion by Mr. Braga to accept therevised plans as Exhibit A, the motion is Seconded by Vice ChairmanBeauparlant.

Mr. DeMelo explains to the board that they had purchasedthe home about 6 years ago and their family has grown since then. **Mr. DeMelo** would like to have theproperty remodel which would include four additions, the front entry way iscurrently 4x6 and will be adding onto it making it 4x12 and covered. Turn thefamily room in to the living room and converting the half bathroom into a fullbathroom. **Mr. DeMelo** proposes addinga 12x16 garage and in the rear yard adding a covered structure over theexisting patio.

Mr. Braga notes that the plans look good and has noconcerns.

Mr. Pascoa has no questions or concerns.

Vice Chairman Beauparlant inquires if the **DeMelo's** have had a chance to speakwith their neighbors.

Mr. DeMelo explains that yes they had spoken to theirneighbors before they began the process and none of them had any issues.

Mr. Croke notes that the hardship lies with the propertybeing on a corner lot and being built in 1965 before zoning.

Chairman Saveory inquires if the patio to beenclosed will become living space.

Mr. DeMelo answers no, they currently do not have a lotof yard and wants to keep what he has.

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 is no one present on the Zoomconference and is no written correspondence regarding this petition.

ChairmanSaveoryqueries the Board for a motion.

Motion by **Mr. Braga,**

Basedon all evidence presented to the Zoning Board of Review and personal knowledgeof the members of the Board of the land and area of the City of EastProvidence, the Zoning Board of Review hereby finds pursuant to Section19-45(a) of the City of East Providence Zoning Ordinance:

1.The hardship from which the applicant seeks relief is due to the uniquecharacteristics of the subject land or structure and not due to the general characteristicsof the surrounding area, and not due to a physical or economic disability ofthe applicant excepting those physical disabilities addressed in RIGL45-24-30(16).

2.The hardship is not the result of any prior action of the applicant and does notresult primarily from the desire of the applicant to realize greater financialgain.

3.The granting of the requested variance will not alter the general character ofthe surrounding area or impair the intent or purpose of this chapter or thecity's comprehensive plan upon which this chapter is based.

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

TheZoning Board of Review hereby further finds pursuant to Section 19-45(b) of theCity of East Providence Zoning Ordinance:

1.In granting a dimensional variance, that the hardship that will be suffered bythe owner of the subject property if the dimensional variance is not grantedshall amount to more than a mere inconvenience.

Mr. Braga moves that thedimensional variances be **Granted**subject to the petitioner fulfilling the following conditions:
1.Petitioner(s) obtaining any, and all, necessary permits - said permitsnecessary to exercise (execute) the relief granted. Failure to obtain requisitepermit(s), if needed, within the six-month approval period (one-year, ifextended by the Zoning Board of Review), will result in expiration of saidapproval.
2.Strict compliance, to include: Submitted site plan (or amended site plan, as itmay be applicable) and site plan package; all exhibits; entire testimony ofapplicant and/or property owner; presentation of legal counsel (if applicable);and, testimony of all expert(s), if applicable.
ChairmanSaveoryasks **Mr. DeMelo** 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.DeMelo** responds that he fully understands and accept the conditions juststipulated.
Motionis Seconded by**Vice Chairman Beauparlant and Mr. Croke**

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

The board notes that the house pre-dates zoning and the rear yard deviationis due to the unique characteristic of the land. The board believes this is aminimal variance andwill not alter the general area.

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

2. Petition No. 6803 - LEONEL E.MEDEIROS, requests a use variance to convert a mixed-use property(combination single-family and hair salon per the benefit of a prior variance)to a two-unit residence, otherwise defined as a prohibited land use within theResidential 3 District, for property located at **17 - 19 Deer Street, being MAP 402, BLOCK 9, PARCEL 4, in a RESIDENTIAL3 DISTRICT.**

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

Leonel Medeiros, the owner the property, isproperly sworn in.

Attorney Cox explainsthat the property currently has a residential apartment and a beauty parlorinside. The beauty parlor was granted by the Zoning Board back in 1977. **Attorney Cox** explains that his clientwould like to covert the property to a two family home. **Attorney Cox** notes that prior to the year 2000 R3 zones could have2 family homes by right. **Attorney Cox**believes that the conversion will reduce the intensity on the site by havingless traffic coming in and out. There is currently enough adequate parking onthe site and the conversion will be more appropriate for the neighborhood.
Vice Chairman Beauparlant explains that he does have some concerns with the variance, he doeslike the idea of the property being less impactful but his beliefs are in linewith the Planning Board's. **Vice ChairmanBeauparlant** would prefer to see the property cleaned up more and anyunnecessary concrete be removed.
Attorney Cox explainsthat currently there are two parking spaces available on Deer Street and theadditional parking is available on Pawtucket Avenue. **Attorney Cox** believes they could eliminate the unnecessary concretebut has concerns about encroaching on the front yard setback.
Vice Chairman Beauparlant believes that more parking can fit onto Deer Street.
Mr. Medeiros explainsthat he does not believe that could work.
Vice Chairman Beauparlant inquires if the property is for sale.
Mr. Medeiros answersyes.
Mr. Croke notes the shedwedged in between the property next door's house and shed is violatingsetbacks.
Mr. Medeiros explainsthat the shed has been there since 1991 when he purchased the property and thatit is only a small shed.

Mr. Croke notes that nomatter the size of the shed it must meet setbacks.
Mr. Braga explains that hedoes believe that turning the property into a 2 family is more in line with thearea but would be more inclined if the board could see plans with the concretearea removed and create the 2 family home in a believable way. **Mr. Braga** notes that the house beenlisted for sale does show more financial motivation.
Mr. Pascoa inquires thepetitioner's thoughts on the parking lot.
Attorney Cox believesit is his client's best interest to explore more ideas regarding the concrete.
Chairman Saveory inquires if the intent is to remove the commercial use, is the salonstill being used.
Attorney Cox explainsthat the salon is closed but is still functional.
Chairman Saveory explains he does like the idea of a 2 family instead of the existingmixed use but would like to see more grass on the property.
Mr. Pimentel reads into the record a letter froman abutter against the petition.
The letter is from Bridget Garrity of 14 Deer Street Rumford, RI
Ms. Garrity explains in her letter that she is inopposition of the petition and notes that the property was built in 1975 andwas then converted into a mixed use in 1977 after being granted a variance bythe zoning board to put in the hair salon facing Pawtucket Avenue. **Ms. Garrity** explains she has concernsfor safety since the 2nd location is facing Pawtucket Avenue but hasa Deer Street address. **Ms. Garrity**believes that this is being done for financial gain and commercial buildingspay higher taxes than residential. **Ms.Garrity** believes that too much time has passed since it has been 43 yearssince the conversion from residential to commercial and two families haven'tbeen allowed in a R3 zone in several years.

Attorney Cox requests a formal continuance.
Motion by **Vice Chairman Beauparlant to continue thispetition from 12 August 2020 to 21 September 2020 so Mr. Medeiros can exploreoptions with the parking lot**, the motion is **Seconded** by **Mr. Braga,** and**Unanimously** approved.
3A. Petition No. 6804 - CRUZHOLDINGS, LLC, requests a use variance to introduce a free-standing signthat will incorporate an electronic message center, otherwise defined asprohibited signage, for property located at **30 HIGHLAND AVENUE, being MAP 607, BLOCK 20, PARCEL 1, in a COMMERCIAL5 DISTRICT.**

Attorney John Garrahy is representing thepetitioner.

Attorney Garrahy explainsto the board that his client would like to put the property back into use bycreating a car wash and would like the signage for his business. **Attorney Garrahy** explains that thebuilding is on the same road with Seekonk, Massachusetts and other businessesthat are thriving in Seekonk but the property is just over the border in RhodeIsland. The sign is dimensionally conforming and in the zoning ordinance19-442C regarding digital signs, "free standing or pylon that features staticimages that many change over time… examples would be signs showing time, gasstation prices, and temperature." **AttorneyGarrahy** also notes that the board can regulate the amount of time that thedigital sign changes its message.

Bob Messier is properly sworn in.

Mr.Messier explains to the board that heworks for manufacturing of signs and currently assists other cities and townsregarding their sign ordinances. **Mr.Messier** further explains that the proposed sign would have no flashing,animation or scrolling and will automatically dim down the display at nighttimeand will not be blinding at night and that this can all be regulated throughsoftware. Mr. Messier explains that this sign will be a digital display with astatic message and can be changed, the standard amount of time in betweenmessage changes is 10 seconds. Mr. Messier also notes that the sign could beused as a tool in case for example there is an Amber Alert, a storm, or awarning in the area.
Mr. Messier presents the board a photo of exactly what the proposed sign will looklike.
Motion by Mr. Pascoa to accept photoof what the proposed sign will look like as Exhibit A, the motion is

Secondedby Vice Chairman Beauparlant.

Mr. Pascoa has no questionsat this time.

Vice Chairman Beauparlant explains he would like to help the applicant for advertising hisbusiness but expresses concerns that the area is very busy and that the signcould potentially be dangerous. **ViceChairman Beauparlant** inquires if there are any other car washes in EastProvidence with this type of signage.

Mr. Messier mentionsthat there are a handful of sign in the area.

Mr. Croke expresses hisconcerns regarding the traffic in the area and the sign could be a distractionto drivers. **Mr. Croke** explains thatpolice and fire a frequently dispatched to that area and there are two largeapartment complexes nearby and has concerns regarding pedestrian traffic

Mr. Braga inquires whatexactly would be advertised.

Doreena Costa of Federal Signs is properly sworn in.

Ms. Costa explains to theboard that this car wash will allow larger vehicles and that the car wash willpromote this along with rates and services.

Frank Cruz, the ownerof the property, is properly sworn in.

Mr. Cruz explainsto the board that the vehicles would be put on a conveyor belt so the vehicle'stires are rimmed are no scratched and would like the sign to be able toadvertise for discounts, rates and just an overall marketing tool.

Mr. Braga isn't sure that this type of sign belongs inthe area.

Chairman Saveory explains that he has more concernswith animation but not with just a digital sign but notes the area is tough.

Attorney Garrahy requests a formal continuance.

Motion by **Mr. Pascoa to continue this petition from 12August 2020 to 21 September 2020**, the motion is **Seconded** by **Vice ChairmanBeauparlant** and **Unanimously** approved.

3B. Petition No. 6805 - CRUZHOLDINGS, LLC, requests a dimensional variance tointroduce a free-standing sign that will incorporate an electronic messagecenter, referenced free-standing sign failing to comply with the requisitesetback and exceeding maximum signage area, for property located at **30 HIGHLAND AVENUE, being MAP 607, BLOCK20, PARCEL 1, in a COMMERCIAL 5 DISTRICT.**

Motion by **Mr.Pascoa to continue this petition from 12 August 2020 to 21 September 2020**,the motion is **Seconded** by **Vice Chairman Beauparlant** and **Unanimously** approved.

Chairman Saveory requests a recess at 7:45pm and the boardreconvenes at 8:01pm.

4. Petition No. 6806 - CHENGREALTY, LLC, requests a dimensional variance to expand on the seatingcapacity associated with a present restaurant, without providing the requisiteoff-street parking (parking relief having previously been granted the subjectproperty), as well as exceeding the maximum impervious lot coveragerequirement, for property located at **5 –11 CATAMORE BOULEVARD, being MAP 607, BLOCK 19, PARCEL 1.1, in a COMMERCIAL 5DISTRICT.**

Attorney Mark Buben is representing thepetitioner.

Attorney Buben explains to the board that due to the changes in the world and wantingto adapt the petitioner would like to create an outdoor patio with outdoorseating. The variances that are required are to do with parking and using moreof the footprint of the land.

Joseph Casali and engineerwith the offices located at 300 Post Road Warwick, RI is properly sworn in.

Mr. Casali explains that theproperty is in a C5 zone and the petitioner would like to install a permanent2,316 ft. outdoor patio with a high stone wall enclosure. The proposed amountof seating is 99 seats and 64 seats only for a Covid-19 plan. The patio will alsohave hibachi stations and an outdoor bar. The petitioner proposes installing asidewalk to enter to the outdoor parking area. **Mr. Casali** explains that the petitioner is in need of parkingrelief with the additional parking required for the 99 seats the requiredparking would be 155 parking spaces but only have 106 spaces. **Mr. Casali** mentions to the board thatthey will not be displacing any parking by creating the patio. The

property isonly allowed 70% of impervious coverage and is currently at 82% but if thepatio is approved it would bring them up to 86% impervious coverage and wouldneed a variance for the 16.8%.

Mr. Pascoa inquires if thehours of operation will remain the same.

Mr. Casali answers yes.

Vice Chairman Beauparlant notes that the plans look great and that it is creative. **Vice Chairman Beauparlant** inquires ifthere will be any screen age from Highland Avenue.

Mr. Casali agrees that thereshould be but it is tough since they are limited with space since thepetitioner wants the sidewalk on his property. **Mr. Casali** will check with the owner to see if it is possible.

Vice Chairman Beauparlant notes that the impervious coverage is high but believes it isreasonable for that area.

Mr. Croke notes that theproperty has been before the board several times regarding the parkingsituation.

Mr. Braga inquires if thebar will be uncovered.

Mr. Casali answers yes sinceit will be moveable since the patio will only be seasonal.

Mr. Braga explains hedoesn't see an issue with the parking but does note at some point the owner hasto stop coming before the board, but **Mr.Braga** understands that this is a different circumstance and the restaurantindustry is moving in this direction.

Mr. Casali explains to theboard that there is a written agreement with the abutting businesses regardingthat the owner of the property in question handles the snow removal in exchangefor parking.

Chairman Saveory inquires if there are any intentions for covering the patio.

Mr. Casali answers that theowner doesn't want to rule out that option but for the time being does want itto be outdoors.

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 is no one present on the Zoomconference and is no written correspondence regarding this petition.

ChairmanSaveoryqueries the Board for a motion.

Motion by **Mr. Pascoa,**

Basedon all evidence presented to the Zoning Board of Review and personal knowledgeof the members of the Board of the land and area of the City of EastProvidence, the Zoning Board of Review hereby finds pursuant to Section19-45(a) of the City of East Providence Zoning Ordinance:

1.The hardship from which the applicant seeks relief is due to the uniquecharacteristics of the subject land or structure and not due 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 prior action of the applicant and doesnot result primarily from the desire of the applicant to realize greaterfinancial gain.

3.The granting of the requested variance will not alter the general character ofthe surrounding area or impair the intent or purpose of this chapter or thecity's comprehensive plan upon which this chapter is based.

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

TheZoning Board of Review hereby further finds pursuant to Section 19-45(b) of theCity of East Providence Zoning Ordinance:

1.In granting a dimensional variance, that the hardship that will be suffered bythe owner of the subject property if the dimensional variance is not grantedshall amount to more than a mere inconvenience.

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 - said permitsnecessary to exercise (execute) the relief granted. Failure to obtain requisitepermit(s), if needed, within the six-month approval period (one-year, ifextended by the Zoning Board of Review), will result in expiration of saidapproval.

2.Strict compliance, to include: Submitted site plan (or amended site plan, as itmay be applicable) and site plan

package; all exhibits; entire testimony ofapplicant and/or property owner; presentation of legal counsel (if applicable);and, testimony of all expert(s), if applicable.

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

Motionis Seconded by**Vice Chairman Beauparlant**

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

The board believes that this will not alter the general area and notes that noexisting parking will be taken away. **Mr. Croke** believes that theowner has been in too many times regarding the parking.

Dimensionalvariances granted 4-1, subject to the aforementioned condition(s).

Chairman Saveoryrequests a recess at 8:33pm and the board reconvenes at 8:45pm.

5A. Petition No. 6794 - ALBERTO andMARIA DaSILVA, requests a use variance to subdivide their property intotwo (2) distinct lots, resulting in retention of a two-unit dwelling on anundersized parcel, otherwise defined as a prohibited land use, for propertylocated at **50 FENMOOR STREET, being MAP307, BLOCK 12, PARCEL 2, in a RESIDENTIAL 6 DISTRICT.**

Mr. Pimentel explainsto the board that due to an insufficient quorum at the Planning Board hearinglast night it was cancelled and the petitioners must be heard before thePlanning Board before being heard by the Zoning Board. **Mr. Pimentel** asks the board to see about continuing this petition.

Motion by **Mr. Croke to continue this petition from 12August 2020 to 21 September 2020 so the petitioners can be heard by thePlanning Board**, the motion is **Seconded**by **Mr. Braga,** and **Unanimously** approved.

5B. Petition No. 6795 - ALBERTO andMARIA DaSILVA, requests dimensional variances to subdivide their propertyinto two (2) distinct lots, resulting in both parcels failing to comply withthe minimum lot depth requirement, retention of the pre-existing accessorydetached garage that will fail to comply with the minimum accessory side-yardsetback requirement, and deficient lot area in regard to the retention of thetwo-unit dwelling, for property located at **50FENMOOR STREET, being MAP 307, BLOCK 12, PARCEL 2, in a RESIDENTIAL 6 DISTRICT.**

Motion by **Mr. Croke to continue this petition from 12August 2020 to 21 September 2020 so the petitioners can be heard by thePlanning Board**, the motion is **Seconded**by **Mr. Braga,** and **Unanimously** approved.

6. Petition No. 6790 - FERNIE, LLC,requests dimensional variances to introduce a by-rightmicrobrewery, without complying with the minimum off-street parking, off-streetloading, trash storage area (dumpster location), and front-yard setbackrequirements, for property located at **65– 67 MASSASOIT AVENUE, being MAP 205, BLOCK 8, PARCEL 1, in a COMMERCIAL 5DISTRICT.**

Attorney Christine Engustian with officeslocated at 1 Grove Avenue E. Providence, RI is representing the petitioner.

Attorney Engustian explains to the board that the petitioner is in need of threevariances, minimum off street parking, off-street loading trash storage areaand a front yard setback variance.

Ernest Watson, the owner ofthe property, is properly sworn in.

Mr. Watson explains to theboard that he is the owner and manager of Fernie LLC, he purchased the propertyin September 2019 and has about 20 years of business experience. **Mr. Watson** explains that he had reducedthe seating from 78 seats to 60 seats which was able to change the parkingrequirements into complete compliance.

Mr.Watson explains that the brew will brew on a system that has 3 tanks, onehas the grains, one has the sugar and

one has the hot water. Flavoring andcarbonation are in separate tanks and will do natural fermentation beer.
Chairman Saveory inquires if there will be tanks of gas onsite.
Mr. Watson answers no, **Mr. Watson** explains to the board thatcurrently there is no loading space. The deliveries to the site will be fromthe owner picking up the grains himself in his pickup truck and bringing theminto the building himself with a hand truck on Sutton Avenue. The grains dohave a shelf life so there is no need to buy in bulk and would buy about 12bags grains at 44 pounds each about once a week. The hours of operation to thepublic will be Tuesday-Sunday 4pm-8pm or 3pm-9pm and closed to the public onMondays and will be for cleaning, brewing and hopefully drop offs from vendorson Mondays as well. Mr. Watson notes that the largest parking area is facingSutton Avenue so it made the most sense to install the handicap ramp there andthe proposed dumpster is where it is because it would take away parking fromthe Sutton Avenue side.
Attorney Engustian adds that the Planning Board noted that if the Zoning Board noted thatthere was a valid argument for hardship then they are not opposed to thevariance.
Vice Chairman Beauparlant notes that there is area for the dumpster near the parking lot.
Mr. Watson explains he wouldprefer to have the dumpster there but is concerned it would take away fromparking.
Vice Chairman Beauparlant inquires if there will be any addition of lighting.
Mr. Watson explains that theexterior lighting for the parking lot will be a general LED lighting and somesofter accent lighting for the building itself.
Vice Chairman Beauparlant inquires how many beers will be available at a time for tasting.
Mr. Watson explains thatideally at least 8 beers available but would prefer to have 12.
Vice Chairman Beauparlant inquires if the main entrance and the handicap ramp will be near eachother.
Mr. Watson answers yes it isthe existing entrance that they have enhanced they just haven't built the rampyet.
Vice Chairman Beauparlant inquires how long it will take for **Mr.Watson's** business to start up.
Mr. Watson answersthat he wanted to open back in October 2019 but is now shooting for April-May2021. This is due to having first getting municipal approval then he must getfederal approved then there are current issues with Covid-19 and suppliers notbeing opened.
Vice Chairman Beauparlant is excited for this project and has no objections.
Mr. Croke explains hedoesn't like the idea of the dumpster being on Massasoit Avenue since theproperty is on the bend of Massasoit Avenue**.Mr. Croke** believes the dumpster is better in the back and having just employeespark in the front instead.
Mr. Watson agrees with **Mr. Croke** and would like the dumpsterin the back.
Mr. Croke notes that thebuilding was created in the 1940's and was a hammer factory**. Mr. Croke** believes that this will not bother the neighbors sincethe business will be opened in the evening.
Mr. Braga agrees with **Mr. Croke** regarding the dumpster andbelieves that maybe two parking spaces could fit in the front.
Mr. Watson answers that hewill be happy to do it.
Mr. Braga inquires if **Mr. Watson** will be retailing out tobars and restaurants.
Mr. Watson explains that theplan is to do a 75/25 split with the majority of the money will be made byselling to restaurants, bars, etc.
Mr. Braga inquires if therewill be any canning or bottling done on site.
Mr. Watson answers thatthere will be a 3rd party that will do the canning onsite but notbottling.
Mr. Braga inquires if therewill be any food and notes that there is a pool table listed on the plan.
Mr. Watson answers thatthere is no plans for a brew pub and the pool table is just on the plans forscope of the area.
Mr. Pascoa has no questionsor concerns.
Chairman Saveory inquires if customers will be able to buy and carry out the beer thatis brewed onsite.
Mr. Watson answers yes butonly at a certain amount. They will not be able to purchase a keg or anythinglike that.
Vice Chairman Beauparlant inquires if the plans will need to be updated since the dumpster willbe moved

elsewhere.

Chairman Saveory answers that it would be a stipulation for an updated plan to besubmitted to the zoning officer.

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 is no one present on the Zoomconference and is no written correspondence regarding this petition.

ChairmanSaveoryqueries the Board for a motion.

Motion by **Vice Chairman Beauparlant,**

Basedon all evidence presented to the Zoning Board of Review and personal knowledgeof the members of the Board of the land and area of the City of EastProvidence, the Zoning Board of Review hereby finds pursuant to Section19-45(a) of the City of East Providence Zoning Ordinance:

1.The hardship from which the applicant seeks relief is due to the uniquecharacteristics of the subject land or structure and not due 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 prior action of the applicant and doesnot result primarily from the desire of the applicant to realize greaterfinancial gain.

3.The granting of the requested variance will not alter the general character ofthe surrounding area or impair the intent or purpose of this chapter or thecity's comprehensive plan upon which this chapter is based.

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

TheZoning Board of Review hereby further finds pursuant to Section 19-45(b) of theCity of East Providence Zoning Ordinance:

1.In granting a dimensional variance, that the hardship that will be suffered bythe owner of the subject property if the dimensional variance is not grantedshall amount to more than a mere inconvenience.

Vice ChairmanBeauparlant moves that thedimensional variances be **Granted**subject to the petitioner fulfilling the following conditions:

1. Petitioner(s) obtaining any, and all, necessary permits - saidpermits necessary to exercise (execute) the relief granted. Failure to obtainrequisite permit(s), if needed, within the six-month approval period (one-year,if extended by the Zoning Board of Review), will result in expiration of saidapproval.

2. Strict compliance, to include: Submitted site plan (or amendedsite plan, as it may be applicable) and site plan package; all exhibits; entiretestimony of applicant and/or property owner; presentation of legal counsel (ifapplicable); and, testimony of all expert(s), if applicable.

3. An updated site plan with the newlocation of the dumpster be submitted to the zoning Officer.

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

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

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

The board notes that the building has been vacant for some time and will nowbut updated and cleaned up. The board recognizes that the buildingis over 80 years old and on a corner lot is the cause of thehardship.

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

IX. PROCEDURES

Chairman Saveoryannounces there are none.

X. ANNOUNCEMENTS

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday, 2 September 2020, at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XI. ADJOURNMENT

Motiontoadjourn by **Mr. Braga**. The motion is **Seconded** by **Vice Chairman Beauparlant** and **Unanimously** voted to adjourn. Meeting is adjourned at 9:31pm.

EdwardPimentel, AICP
Zoning Officer / Clerk

Secretary