

STATE OF RHODE ISLAND PROVIDENCE

CITY OF EAST

COUNTY OF PROVIDENCE MINUTES

ZONING BOARD OF REVIEW

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

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Vice-Chairman

Pier Marie Toledo – **ABSENT**

John Braga

Richard Croke, Sr.

Gary Pascoa

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 **Mr. Pascoa** has been removed from his alternate status and is a full voting member and was previously sworn in by **City Solicitor Marcello**.

Chairman Saveory informs the public that **Ms. Toledo** is absent.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory announces that there are no minutes.

IV. ZONING OFFICER'S REPORT

Chairman Saveory announces that there is nothing to report.

V. CORRESPONDENCE / DISCUSSION

A. Alberto and Maria Da Silva, 50 Fenmoor Street – petition from the abutters that are against this petition.

VI. STAFF REPORTS

A. Planning Department Staff Report – 7 August 2020 - Previously Submitted

B. August 2020 - Zoning Complaint List – Previously Submitted

VII. CONTINUED BUSINESS

Chairman Saveory announces there is no continued business.

VIII. NEW BUSINESS

1. Petition No. 6802 - MATTHEW and CHRISTINE DeMELO, requests **dimensional variances** 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 property located at **43 MONMOUTH DRIVE, being MAP 712, BLOCK 15, PARCEL 9, in a RESIDENTIAL 3 DISTRICT.**

Mr. Pimentel explains to the board that there is a slight adjustment to the plan regarding interpretation of relief. The petitioners would need ½ a foot of relief off Monmouth Drive, the front yard and side yard is compliant, the property boundary to the south would need a 4.5ft. variance and relief for 1.2% of building coverage.

Matthew and Christine DeMelo of 43 Monmouth Drive are properly sworn in.

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

Motion by Mr. Braga to accept the revised plans as Exhibit A, the motion is Seconded by Vice Chairman Beauparlant.

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

Mr. Braga notes that the plans look good and has no concerns.

Mr. Pascoa has no questions or concerns.

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

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

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

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

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

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

Chairman Saveory queries the Board for a motion.

Motion by Mr. Braga,

Based on all evidence presented to the Zoning Board of Review and personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board of Review hereby finds pursuant to Section 19-45(a) of the City of East Providence Zoning Ordinance:

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due 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 variance 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. The relief to be granted is the least relief necessary.

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

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

Mr. Braga moves that the dimensional variances be **Granted** subject to the petitioner fulfilling the following conditions:

1. Petitioner(s) obtaining any, and all, necessary permits - said permits necessary to exercise (execute) the relief granted. Failure to obtain requisite 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 said approval.

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

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

Motion is Seconded by Vice Chairman Beauparlant and Mr. Croke

Roll Call Vote	The board notes that the house pre-dates zoning and
Mr. Croke – Aye	the rear yard deviation is due to the unique characteristic
Mr. Pascoa – Aye	of the land. The board believes this is a minimal variance
Mr. Braga - Aye	and will not alter the general area.

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

Dimensional variances 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 the Residential 3 District, for property located at **17 - 19 Deer Street, being MAP 402, BLOCK 9, PARCEL 4, in a RESIDENTIAL 3 DISTRICT.**

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

Leonel Medeiros, the owner the property, is properly sworn in.

Attorney Cox explains that the property currently has a residential apartment and a beauty parlor inside. The beauty parlor was granted by the Zoning Board back in 1977. **Attorney Cox** explains that his client would like to convert the property to a two family home. **Attorney Cox** notes that prior to the year 2000 R3 zones could have 2 family homes by right. **Attorney Cox** believes that the conversion will reduce the intensity on the site by having less traffic coming in and out. There is currently enough adequate parking on the 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 does like the idea of the property being less impactful but his beliefs are in line with the Planning Board's. **Vice Chairman Beauparlant** would prefer to see the property cleaned up more and any unnecessary concrete be removed.

Attorney Cox explains that currently there are two parking spaces available on Deer Street and the additional parking is available on Pawtucket Avenue. **Attorney Cox** believes they could eliminate the unnecessary concrete but has concerns about encroaching on the front yard setback.

Vice Chairman Beauparlant believes that more parking can fit onto Deer Street.

Mr. Medeiros explains that he does not believe that could work.

Vice Chairman Beauparlant inquires if the property is for sale.

Mr. Medeiros answers yes.

Mr. Croke notes the shed wedged in between the property next door's house and shed is violating setbacks.

Mr. Medeiros explains that the shed has been there since 1991 when he purchased the property and that it 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 Beauparant 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 businesses that are thriving in Seekonk but the property is just over the border in Rhodelsland. 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

Seconded by Vice Chairman Beauparlant.

Mr. Pascoa has no questions at this time.

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

Mr. Messier mentions that there are a handful of signs in the area.

Mr. Croke expresses his concerns regarding the traffic in the area and the sign could be a distraction to drivers. **Mr. Croke** explains that police and fire are frequently dispatched to that area and there are two large apartment complexes nearby and has concerns regarding pedestrian traffic.

Mr. Braga inquires what exactly would be advertised.

Doreena Costa of Federal Signs is properly sworn in.

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

Frank Cruz, the owner of the property, is properly sworn in.

Mr. Cruz explains to the board that the vehicles would be put on a conveyor belt so the vehicle's tires are rimmed and are not scratched and would like the sign to be able to advertise for discounts, rates and just an overall marketing tool.

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

Chairman Saveory explains that he has more concerns with 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 12 August 2020 to 21 September 2020, the motion is

Seconded by Vice Chairman Beauparlant and Unanimously approved.

3B. Petition No. 6805 - CRUZ HOLDINGS, LLC, requests a dimensional variance to introduce a free-standing sign that will incorporate an electronic message center, referenced free-standing sign failing to comply with the requirements set back and exceeding maximum signage area, for property located at **30 HIGHLAND AVENUE, being MAP 607, BLOCK 20, 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 board reconvenes at 8:01pm.

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

Attorney Mark Buben is representing the petitioner.

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

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

Mr. Casali explains that the property is in a C5 zone and the petitioner would like to install a permanent 2,316 ft. outdoor patio with a high stone wall enclosure. The proposed amount of seating is 99 seats and 64 seats only for a Covid-19 plan. The patio will also have hibachi stations and an outdoor bar. The petitioner proposes installing a sidewalk to enter to the outdoor parking area. **Mr. Casali** explains that the petitioner is in need of parking relief with the additional parking required for the 99 seats the required parking would be 155 parking spaces but only have 106 spaces. **Mr. Casali** mentions to the board that they will not be displacing any parking by creating the patio. The

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

Mr. Pascoa inquires if the hours 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 if there will be any screen age from Highland Avenue.

Mr. Casali agrees that there should be but it is tough since they are limited with space since the petitioner 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 is reasonable for that area.

Mr. Croke notes that the property has been before the board several times regarding the parking situation.

Mr. Braga inquires if the bar will be uncovered.

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

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

Mr. Casali explains to the board that there is a written agreement with the abutting businesses regarding that the owner of the property in question handles the snow removal in exchange for parking.

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

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

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

Chairman Saveory queries the Board for a motion.

Motion by Mr. Pascoa,

Based on all evidence presented to the Zoning Board of Review and personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board of Review hereby finds pursuant to Section 19-45(a) of the City of East Providence Zoning Ordinance:

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due 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 variance 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. The relief to be granted is the least relief necessary.

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

1. In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is 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 - said permits necessary to exercise (execute) the relief granted. Failure to obtain requisite 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 said approval.
2. Strict compliance, to include: Submitted site plan (or amended site plan, as it may be applicable) and site plan

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

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

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Croke – Nay

Mr. Pascoa – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

The board believes that this will not alter the general area and notes that no existing parking will be taken away. **Mr. Croke** believes that the owner has been in too many times regarding the parking.

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

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

5A. Petition No. 6794 - ALBERTO and MARIA Da SILVA, requests 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 due to an insufficient quorum at the Planning Board hearing last night it was cancelled and the petitioners must be heard before the Planning 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 12 August 2020 to 21 September 2020 so the petitioners can be heard by the Planning Board, the motion is **Seconded by Mr. Braga**, and **Unanimously** approved.

5B. 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 MAP 307, BLOCK 12, PARCEL 2, in a RESIDENTIAL 6 DISTRICT.**

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

6. 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-yard setback requirements, for property located at **65– 67 MASSASOIT AVENUE, being MAP 205, BLOCK 8, PARCEL 1, in a COMMERCIAL 5 DISTRICT.**

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

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

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

Mr. Watson explains to the board that he is the owner and manager of Fernie LLC, he purchased the property in September 2019 and has about 20 years of business experience. **Mr. Watson** explains that he had reduced the seating from 78 seats to 60 seats which was able to change the parking requirements into complete compliance.

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

one has the hot water. Flavoring and carbonation 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 that currently there is no loading space. The deliveries to the site will be from the owner picking up the grains himself in his pickup truck and bringing them into the building himself with a hand truck on Sutton Avenue. The grains do have a shelf life so there is no need to buy in bulk and would buy about 12 bags grains at 44 pounds each about once a week. The hours of operation to the public will be Tuesday-Sunday 4pm-8pm or 3pm-9pm and closed to the public on Mondays and will be for cleaning, brewing and hopefully drop offs from vendors on Mondays as well. **Mr. Watson** notes that the largest parking area is facing Sutton Avenue so it made the most sense to install the handicap ramp there and the proposed dumpster is where it is because it would take away parking from the Sutton Avenue side.

Attorney Engustian adds that the Planning Board noted that if the Zoning Board noted that there was a valid argument for hardship then they are not opposed to the variance.

Vice Chairman Beauparlant notes that there is area for the dumpster near the parking lot.

Mr. Watson explains he would prefer to have the dumpster there but is concerned it would take away from parking.

Vice Chairman Beauparlant inquires if there will be any addition of lighting.

Mr. Watson explains that the exterior lighting for the parking lot will be a general LED lighting and some softer accent lighting for the building itself.

Vice Chairman Beauparlant inquires how many beers will be available at a time for tasting.

Mr. Watson explains that ideally 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 each other.

Mr. Watson answers yes it is the existing entrance that they have enhanced they just haven't built the ramp yet.

Vice Chairman Beauparlant inquires how long it will take for **Mr. Watson's** business to start up.

Mr. Watson answers that he wanted to open back in October 2019 but is now shooting for April-May 2021. This is due to having first getting municipal approval then he must get federal approved then there are current issues with Covid-19 and suppliers not being opened.

Vice Chairman Beauparlant is excited for this project and has no objections.

Mr. Croke explains he doesn't like the idea of the dumpster being on Massasoit Avenue since the property is on the bend of Massasoit Avenue. **Mr. Croke** believes the dumpster is better in the back and having just employee's park in the front instead.

Mr. Watson agrees with **Mr. Croke** and would like the dumpster in the back.

Mr. Croke notes that the building was created in the 1940's and was a hammer factory. **Mr. Croke** believes that this will not bother the neighbors since the business will be opened in the evening.

Mr. Braga agrees with **Mr. Croke** regarding the dumpster and believes that maybe two parking spaces could fit in the front.

Mr. Watson answers that he will be happy to do it.

Mr. Braga inquires if **Mr. Watson** will be retailing out to bars and restaurants.

Mr. Watson explains that the plan is to do a 75/25 split with the majority of the money will be made by selling to restaurants, bars, etc.

Mr. Braga inquires if there will be any canning or bottling done on site.

Mr. Watson answers that there will be a 3rd party that will do the canning onsite but not bottling.

Mr. Braga inquires if there will be any food and notes that there is a pool table listed on the plan.

Mr. Watson answers that there is no plans for a brew pub and the pool table is just on the plans for scope of the area.

Mr. Pascoa has no questions or concerns.

Chairman Saveory inquires if customers will be able to buy and carry out the beer that is brewed onsite.

Mr. Watson answers yes but only at a certain amount. They will not be able to purchase a keg or anything like that.

Vice Chairman Beauparlant inquires if the plans will need to be updated since the dumpster will be moved

elsewhere.

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

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

Chairman Saveory queries the Board for a motion.

Motion by Vice Chairman Beauparlant,

Based on all evidence presented to the Zoning Board of Review and personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board of Review hereby finds pursuant to Section 19-45(a) of the City of East Providence Zoning Ordinance:

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due 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 variance 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. The relief to be granted is the least relief necessary.

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

1. In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is 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 - said permits necessary to exercise (execute) the relief granted. Failure to obtain requisite 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 said approval.
2. Strict compliance, to include: Submitted site plan (or amended site plan, as it may be applicable) and site plan package; all exhibits; entire testimony of applicant and/or property owner; presentation of legal counsel (if applicable); and, testimony of all expert(s), if applicable.
3. An updated site plan with the new location of the dumpster be submitted to the zoning Officer.

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

Motion is Seconded by Mr. Croke and Mr. Braga

Roll Call Vote

Mr. Croke – Aye

Mr. Pascoa – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

The board notes that the building has been vacant for some time and will now be updated and cleaned up.

The board recognizes that the building is over 80 years old and on a corner lot is the cause of the hardship.

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

IX. PROCEDURES

Chairman Saveory announces 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

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

Edward Pimentel, AICP
Zoning Officer / Clerk

Secretary