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 Monday**, 21September 2020**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

MichaelBeauparlant – Vice-Chairman

JohnBraga

RichardCroke, Sr. **- ABSENT**

GaryPascoa

Matthew Robinson – 1st Alternate

AndrewCotton – 2nd Alternate **-ABSENT**

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 **Mr. Croke** is absent and **Mr. Robinson, 1st Alternate**, will be a participating and voting membertonight.

III. APPROVAL OFZONING BOARD MINUTES

Chairman Saveory asks for approval ofthe **2 September 2020**, Zoning Boardof Review Minutes. **Motion** by **Mr. Braga** toapprove the **2 September 2020**, ZoningBoard of Review Minutes. The motion is **Seconded**by **Vice Chairman Beauparlant** and **Unanimously** approved.

IV.ZONING OFFICER'S REPORT

ChairmanSaveory announces that there is nothing to report.

V. CORRESPONDENCE / DISCUSSION

ChairmanSaveory announces that there is nothing to report.

VI. STAFF REPORTS

1. Planning Department Staff Report – 18 September2020 - Previously Submitted

2. September 2020 -Zoning Complaint List – Previously Submitted

VII.CONTINUED BUSINESS

1. Petition No. 6803 - LEONEL E. MEDEIROS, requests a use variance to converta mixed-use property (combination single-family and hair salon per the benefitof a prior variance) to a two-unit residence, otherwise defined as a prohibitedland use within the Residential 3 District, for property located at **17 - 19 Deer Street, being MAP 402, BLOCK9, PARCEL 4, in a RESIDENTIAL 3 DISTRICT. Continued from 12 August 2020.**

Attorney Bruce Cox is representing the petitioner.

Attorney Cox requests tothe board that they hear this petition as a new petition due to **Mr. Croke** being absent this evening. **Attorney Cox** continues that theproperty was originally a duplex that was then converted to one residentialunit and a hair salon. Present with him tonight is a supplemented applicationwith a diagram with portions of concrete to be removed and two options. Option 1 is having 4 parking spaces on Deer Street but tenants in unit 1 would have to walk all the way around thebuilding. Option 2 is more desirable, it will have a significant amount ofconcrete removed facing Pawtucket Avenue but will still have some parkingspaces and enough space to turn vehicles around. Attorney Cox explains thatPawtucket Avenue is a state road and to modify the entrance would take monthsand the owner would just like to bring the property back to its original use asa duplex.

Motion by Mr. Pascoa to accept the diagram ofthe property as Exhibit A, the motion is Seconded by Vice Chairman Beauparlant.

Vice Chairman Beauparlant inquires ifthe petitioner will be keeping the 19ft. access area on the way in.

Attorney Cox answers yes but it willtaper.

Vice Chairman Beauparlant clarifiesthat the areas not shaded on the map facing Pawtucket Avenue will be removedleaving 3-4 parking spots.

Attorney Cox answers yes.

Vice Chairman Beauparlant believesthat option 2 makes the most sense by having some parking for the tenants inunit 1.

Mr. Pascoa has no questions at thistime.

Mr. Braga inquires what will be inplace of the removed concrete.

Attorney Cox answers grass.

Mr. Braga agrees with each unithaving its own driveway and that this is more in line with the neighborhood.

Mr. Robinson likes the diagram submittedand believes this is a reasonable proposal.

Chairman Saveory believesthis is more conducive to the area than the previous plan submitted.

There is no one present on the Zoom conference.

ChairmanSaveoryinquires if there is anyone present who would like to speak in favor of thesubject petition. Hearing and seeing none, **ChairmanSaveory** inquires if there is anyone present who would like to speak againstthe subject petition. Hearing and seeing none, **Chairman Saveory** queries 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.

Vice Chairman Beauparlant moves that the use variance be **Granted**subject to the petitioner fulfilling the following

conditions:

1.In granting a use variance the subject land or structure cannot yield anybeneficial use if it is required to conform to the provisions of this chapter.Nonconforming use of neighboring land or structures in the same district andpermitted use of land or structures in an adjacent district shall not beconsidered in granting a use variance.

ChairmanSaveoryasks **Attorney Cox** 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. **AttorneyCox** responds that he fully understands and accept the conditions juststipulated.

Motionis Seconded by**Mr. Braga**

RollCall Vote

Mr.Pascoa – Aye
Mr. Robinson - Aye
Mr.Braga - Aye
ViceChairman Beauparlant - Aye
ChairmanSaveory – Aye

The board is pleased with the propertygoing back to its original use as a duplex andremoving the commercial use and the extra concrete.

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

2A. Petition No. 6804 -CRUZ HOLDINGS, LLC, requests a use variance to introduce a free- standing sign thatwill incorporate an electronic message center, otherwise defined as prohibitedsignage, for property located at **30 HIGHLANDAVENUE, being MAP 607, BLOCK 20, PARCEL 1, in a COMMERCIAL 5 DISTRICT. Continued from 12 August 2020.**

Mr. Pimentel explains to the boardthat this petition was continued due to issues with the zoning ordinance, thesign being proposed is a hybrid sign and they had set up a temporary sign andinvited the Planning, Building and Zoning offices to see the sign on theproperty.

Attorney John Garrahy is representing the petitioner.

Attorney Garrahy requests that the board treats this petitionas new due to Mr. Croke being absent.

AttorneyGarrahy continues to explain that this sign will not be a televisionscreen, there will be one image at a time and it can be controlled. It is justa modernization of gas station signs with their prices and bank signs with thetime and temperature. Due to confusion with the zoning ordinance it is betterfor everyone if the petitioner gets permission and any stipulations can beenforced by the zoning officer. There are provisions by the Planning Board suchas no sudden bursts of light, no fading or scrolling, must dim accordingly tolight conditions, must not change the screen more than 10 minutes at a time,etc. **Attorney Garrahy** explains thatright down the road in Seekonk, MA these signs are prevalent and it is not fairthat over the border into Rhode Island it is not allowed.

Mr. Pascoa inquires if the petitioner is okay with therestrictions that the Planning Board laid out.

Attorney Garrahy explains that they are acceptable.

Mr. Braga explains that it is hard for the city toenforce these type of things and wishes there were better ordinances.

Attorney Garrahy explains that this proposed sign is almostexactly a digit sign, which is allowed.

Mr. Robinson notes that the Planning Board requested thatthe sign be on only during normal hours of operation and inquires what thosehours will be.

Attorney Garrahy explains that the hours will be 8am-8pm 7 daysa week but the petitioner would like the sign to be lite up longer than thosehours.

Mr. Robinson inquires if there will be coin operatedmachines that would be available 24 hours a day, if so then technically thebusiness is opened 24 hours.

Francisco Cruz, the owner of the property, is properlysworn in.

Mr. Cruz explains that the business will only be opened8am-8pm and there will be a gate closed when the business is closed.

Vice Chairman Beauparlant finds this difficultdue to the ordinances but inquires since the sign is practically a

digitalsign, what is the downside of having just a digital sign.

Attorney Garrahy explains that due to the advances intechnology it's harder to have just a plain digital sign.

Chairman Saveory believes the board is stuck between a rock anda hard place but agrees with Planning's provisions but is concerned with futureissues. Chairman Saveory inquires if the sign has already been purchased.

Attorney Garrahy explains that the sign is under deposit.

Chairman Saveory explains that he wants the business to do wellbut has concerns with safety in the intersection that the property is on.

Mr. Pascoa inquires if it would make members of the boardmore comfortable with a 15 minutes wait period for the static messages.

Mr. Braga inquires to **Mr. Pimentel** if the new regulations are in the works.

Mr. Pimentel explains that they were working on severaloverlay district but that came to a stop due to the pandemic but they wereconsidering allowing it in area like these since it is not an overlay district andheavily commercial. **Mr. Pimentel** notesthat the size of the sign is within compliance.

Mr. Braga inquires if hypothetically the variance wasgranted with all of these stipulations then the ordinance changes but isn'tnearly as strict, what happens at that point.

Mr. Pimentel explains that if the conditions imposed arestricter than the ordinance then they would go by the ordinance.

Mr. Robinson explainsthat he is in favor of Planning's restrictions regarding the hours and minimumtime of screen changing since there is a hotel, a home for the elderly nearby,and the residential street Skycrest Avenue in the immediate area.

There is no one present on the Zoom conference.

ChairmanSaveoryinquires if there is anyone present who would like to speak in favor of thesubject petition. Hearing and seeing none, **ChairmanSaveory** inquires if there is anyone present who would like to speak againstthe subject petition. Hearing and seeing none, **Chairman Saveory** queries 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.

Mr. Pascoa moves that the use variance be **Granted** subject tothe petitioner fulfilling the following conditions:

1. In grantinga use variance the subject land or structure cannot yield any beneficial use ifit is required to conform to the provisions of this chapter. Nonconforming useof neighboring land or structures in the same district and permitted use ofland or structures in an adjacent district shall not be considered in grantinga use variance.

2. Must abideby the Planning Department provisions dated 16 September 2020 on page 5 withexception of :

i. All Messagemust be static for no less than 15 minutes.

ii. Illuminatedduring normal hours of operation defined as 8am-8pm.

ChairmanSaveoryasks **Attorney Garrahy** 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. **AttorneyGarrahy** responds that

he fully understands and accept the conditions juststipulated.

Motionis Seconded by**Vice Chairman Beauparlant**

RollCall Vote

Mr.Pascoa – Aye
Mr. Robinson - Aye
Mr.Braga - Aye
ViceChairman Beauparlant - Aye
ChairmanSaveory – Aye

The boardappreciates the changes the applicant hasand the board believes with the provisions s setby the Planning Board that the safety of the area hasbeen taken into consideration.

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

2B. Petition No. 6805 - CRUZ HOLDINGS, LLC,requests a dimensional variance to introduce a free-standing sign that willincorporate an electronic message center, referenced free-standing sign failingto comply with the requisite setback and exceeding maximum signage area, forproperty located at **30 HIGHLAND AVENUE,being MAP 607, BLOCK 20, PARCEL 1, in a COMMERCIAL 5 DISTRICT. Continued from12 August 2020.**

Mr. Pimentel explains to the board that the request for adimensional variance was sought for out of an abundance of caution since theydid not know the exact size of the sign. The size of the proposed sign meetssetback requirements and will be in compliance so dimensional relief is nolonger necessary.

3A. 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. Continued 12 August 2020.**

Mr. Pimentel explainsto the board that the Planning Board did not get a chance to render a decisionon this matter and the petitioners must be heard before the Planning Boardbefore being heard by the Zoning Board. **Mr.Pimentel** asks the board to see about continuing this petition.

Motion by **Mr. Braga to continue this petition from 21September 2020 to 14 October 2020 so the petitioners can be heard by thePlanning Board**, the motion is **Seconded**by **Mr. Robinson,** and **Unanimously** approved.

3B. Petition No. 6795 - ALBERTO andMARIA DaSILVA, **requests a dimensionalvariance(s)** to subdivide their property into two (2) distinct lots,resulting in both parcels failing to comply with the minimum lot depthrequirement, retention of the pre-existing accessory detached garage that willfail to comply with the minimum accessory side-yard setback requirement, anddeficient lot area in regard to the retention of the two-unit dwelling, forproperty located at **50 FENMOOR STREET,being MAP 307, BLOCK 12, PARCEL 2, in a RESIDENTIAL 6 DISTRICT. Continued from12 August 2020.**

Motion by **Mr. Braga to continue this petition from 21September 2020 to 14 October 2020 so the petitioners can be heard by thePlanning Board**, the motion is **Seconded**by **Mr. Robinson,** and **Unanimously** approved.

VIII. NEW BUSINESS

4. Petition No. 6807 - GAMALIEL andMARIA FERREIRA, requests a dimensional variance tointroduce a rear-yard deck, without complying with the minimum rear-yardsetback requirement, for property located at **232 DON AVENUE, being MAP 502, BLOCK 7, PARCEL 13, in a RESIDENTIAL 3DISTRICT.**

MariaFerreira of 232 Don Avenue Rumford, RI is properly sworn in.

Vice Chairman Beauparlant notes thatthe lot is large but inquires how high off the ground will the deck be.

Ms. Ferreira answers that she is unsure.

Mr. Pimentel explains that they wantedthe deck in line with the stairs since**Mr. Ferreira's** health is declining and may need a wheelchair. The lots inthis area are wide but shallow.

Vice Chairman Beauparlant explainsthat this petition seems straight forward.

Mr. Pascoa has no concerns.

Mr. Braga has no concerns.

Mr. Robinson believes that this is areasonable request especially if having to deal with a wheelchair and got achance

to speak with the neighbors on Weeden Avenue and they had no issues.

Chairman Saveory has noconcerns and believes that this is a small deviation.

There is no one present on the Zoom conference.

ChairmanSaveoryinquires if there is anyone present who would like to speak in favor of thesubject petition. Hearing and seeing none, **ChairmanSaveory** inquires if there is anyone present who would like to speak againstthe subject petition. Hearing and seeing none, **Chairman Saveory** queries 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 movesthat the dimensional 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 **Ms. Ferreira** if she 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. **Ms.Ferreira** responds that she fully understands and accept the conditions juststipulated.

Motionis Seconded by**Mr. Robinson**

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

The board recognizes the hardship due to the shape of the lot, the location of the houseand the existing health uses. This will notnegatively thesurrounding area and was not caused by anyprior action by the petitioner.

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

5. Petition No. 6808 - BETSEY C. QUIGLEY -TRUST,**requests a dimensional variance** tointroduce a rear-yard addition onto a single-family residence, withoutcomplying with the minimum side-yard setback requirement, for property locatedat **59 JAY STREET, being MAP 503, BLOCK24, PARCEL 8, in a RESIDENTIAL 2 DISTRICT.**

Bestey Quigley is properly sworn in.

David Patterson, the contractor for this petition, isproperly sworn in.

Mr. Patterson explains to the board that the petitioner wouldlike to add an 18.8x18 screened in porch. It will not have windows and will notbe a 3 or 4 season room. There will be no heat but electrical for some plugsand lightings.

Vice Chairman Beauparlant believes this is aminor deviation.

Mr. Pascoa has no questions at this time.

Mr. Braga inquires if it will have a cement slab.

Mr. Patterson answers no it will have piers that go acrosswith the deck.

Mr. Braga notes that the setback already exists due tothe garage and they are going just short of it.

Mr. Robinson has no questions at this time.

Chairman Saveory explains that his questions have already beenanswered and has no concerns regarding this petition.

There is no one present on the Zoom conference.

ChairmanSaveoryinquires if there is anyone present who would like to speak in favor of thesubject petition. Hearing and seeing none, **ChairmanSaveory** inquires if there is anyone present who would like to speak againstthe subject petition. Hearing and seeing none, **Chairman Saveory** queries 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 movesthat the dimensional 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. Patterson** 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.Patterson** responds that he fully understands and accept the conditions juststipulated.

Motionis Seconded by**Mr. Robinson**

RollCall Vote **The board believes that this will not impactthe**

Mr.Pascoa – Aye
Mr. Robinson- Aye
Mr.Braga - Aye
ViceChairman Beauparlant– Aye
ChairmanSaveory – Aye

surrounding area and that it will fit innicely. Theproposed screen room will almost be in line with the garage

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

6. Petition No. 6809 - CARLOS A.PEREIRA (Owner) and ARIANNA MITCHELL (Applicant), requests a use variance to mergetwo (2) distinct parcels (via an administrative subdivision) into a singularparcel, resulting in two (2) distinct single-family residences being situatedon a singular parcel, otherwise prohibited by the zoning ordinance, forproperty located at **23 and 25 HARDINGAVENUE, being MAP 313, BLOCK 11, PARCEL(S) 15 and 16, in a RESIDENTIAL 4DISTRICT.**

Attorney Bruce Cox is representing the petitioner.

Mr. Pimentel explains to the board that this is a uniquesituation, these parcels are two lots and each have a single family. However,no one can figure out how that came to be since there is only one deeddescription. This is an issue since the property owner is trying to sell theproperties and they are not here tonight for modifications, just foradministrative clean up.

Attorney Cox explains that theproperties have to be bought together and there is no other way to market andsell them. This way they can erase the property line between the lots.

Mr. Braga has no questions at this time.

Mr. Robinson explains he went to look at the property andhas no issues with combining them into a single lot.

Vice Chairman Beauparlant has no questions at this time.

Mr. Pascoa has no questions at this time.

Chairman Saveory has no concerns other than to dothe administrative clean up.

There is no one present on the Zoom conference.

ChairmanSaveoryinquires if there is anyone present who would like to speak in favor of thesubject petition. Hearing and seeing none, **ChairmanSaveory** inquires if there is anyone present who would like to speak againstthe subject petition. Hearing and seeing none, **Chairman Saveory** queries 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:

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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.

Mr. Braga moves that the use variance be **Granted** subject tothe petitioner fulfilling the following conditions:

1.In granting a use variance the subject land or structure cannot yield anybeneficial use if it is required to conform to the provisions of this chapter.Nonconforming use of neighboring land or structures in the same district andpermitted use of land or structures in an adjacent district shall not beconsidered in granting a use variance.

ChairmanSaveoryasks **Attorney Cox** 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. **AttorneyCox** responds that he fully understands and accept the conditions juststipulated.

Motionis Seconded by**Vice Chairman Beauparlant**

RollCall Vote

Mr.Pascoa – Aye

Mr. Robinson - Aye

Mr.Braga - Aye

ViceChairman Beauparlant - Aye

ChairmanSaveory – Aye

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

7. Petition No. 6810 - JNS ASSOCIATES, LLC(Owner) and OCEAN STATE BALLET (Applicant), request a use variance to introduce a balletschool within a long-standing professional office building, otherwise definedas a prohibited land use due to the residential zoning designation of theproperty, for property located at **37NORTH BLOSSOM STREET, being MAP 406, BLOCK 9, PARCEL(S) 9 and 9.1, in aRESIDENTIAL 6 DISTRICT.**

Attorney Bruce Cox is representing the petitioner.

Attorney Cox explains to the board that the property islocated in a residential zone but is a commercial building. The building hasbeen used for office space in the past but **OceanState Ballet** want to open a small school for younger students and has animpressive business model that is included in the packets given to the board.

Nancy Alibrandi, the owner of the property, is properlysworn in.

Ms. Alibrandi explains to the board that she has owned theproperty since May 2016 and has had no luck renting out the property as officespace. She was then approached about opening the ballet studio and believesthat this will work.

Ms. Alibrandiexplains that there is more than adequate parking having about 57 parkingspaces and a majority of the space is warehouse space.

Viljha Putrius, owner of Ocean State Ballet, is properlysworn in.

Ms. Putrius explains that this would be to prepare kids tobe serious about ballet so it will be different than other studios in the area.**Ms. Putrius** has already started thebusiness with about 22 students but only has temporary space.

Mr. Robinson has no questions at this time.

Vice Chairman Beauparlant notes that the plans look good andthere appears to be plenty of parking. He believes this will not negativelyimpact the area and inquires about the hours of operation.

Ms. Putrius explains that there will be morning classesfrom 8am-11am then evening classes from 4pm-8pm Monday-Saturday and norecitals.

Mr. Pascoa has no questions at this time.

Mr. Braga has no questions at this time and believesthis is a good application.

Chairman Saveory believes this is a less intense use and notesthe positives of the building being occupied and having a more cultural use.

There is no one present on the Zoom conference.

ChairmanSaveoryinquires if there is anyone present who would like to speak in favor of thesubject petition. Hearing and seeing none, **ChairmanSaveory** inquires if there is anyone present who would like to speak againstthe subject petition. Hearing and seeing none, **Chairman Saveory** queries the Board for a motion.

Motion by Mr. Robinson,

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:

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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.
Mr. Robinson moves that the use variance be **Granted** subject tothe petitioner fulfilling the following conditions:
1.In granting a use variance the subject land or structure cannot yield anybeneficial use if it is required to conform to the provisions of this chapter.Nonconforming use of neighboring land or structures in the same district andpermitted use of land or structures in an adjacent district shall not beconsidered in granting a use variance.
ChairmanSaveoryasks **Attorney Cox** 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. **AttorneyCox** responds that he fully understands and accept the conditions juststipulated.
Motionis Seconded by**Vice Chairman Beauparlant**
RollCall Vote
Mr.Pascoa – Aye **The board recognizes thehardship of the property**
Mr. Robinson - Aye **notbeing able to find an office space tenant.**
Mr.Braga - Aye **Theboard believes this will fit in well in the area**
ViceChairman Beauparlant - Aye **andis a minimal variance.**
ChairmanSaveory – Aye

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

8. Petition No. 6811 - VCR ENTERPRISES, LLC, requestsa use varianceto introduce a minor modification to a previously approved use variance (statedvariance permitting automotive repair), for the purpose of engaging inautomotive sales, otherwise defined as a prohibited accessory land use, forproperty located at **450 BULLOCKS POINTAVENUE, being MAP 312, BLOCK 71, PARCEL 1, in a split-zoned COMMERCIAL 2DISTRICT and RESIDENTIAL 4 DISTRICT.**

Attorney Patrick Doherty is representing the petitioner.

Attorney Doherty begins by informing theboard that he had accidently wrote the incorrect business name on theapplication, it is actually **DIB BrothersLLC** that own the property. **AttorneyDoherty** continues to explain that the petitioners would like to modify apreviously granted use variance by along with being an auto repair businesshave about 6-7 vehicles for sale. Thereis no construction involved and the owners have cleaned up the property andhave maintained a quiet presence in the neighborhood. The property currentlyhas 15 parking spaces when it is required to have 6 and there are multiple usesin that area so selling a few vehicles will not negatively impact thesurrounding area.

Joe Casali, the professional engineer for the petition, isproperly sworn in.

Mr. Casali explains to the board that the propertyis located at the intersection of River Street and Bullocks Pt. Avenue and itis a small lot in a split zone. Some of the property is in the C2 zone and theother part is in the R4 zone. 7 of the 15 parking spaces will be for salesinventory and there will be 2 vehicles out in front during normal businesshours and will be brought in behind the fence at nighttime.

Najib and Elias Dib, owners of the property, are properlysworn in.

Mr. NajibDibexplains to the board that they have been in business over 20 years in the areaand their intent is to sell some vehicles.
Mr. EliasDibexplains that they have managed to develop a relationship with the communityover the last few years and believes this will be good for the neighborhood.
AttorneyDohertybelieves this will be a bonus to the community by having reasonably pricedvehicles nearby.
Mr. Braga inquires if **Attorney Doherty** has a chance to lookat Planning's report.
AttorneyDohertyanswers no.

Mr. Braga explains that Planningdid note that the applicant should install fencing for Earl Avenue.
Mr. EliasDib explainsthat the fencing is new from May and it's a wooden fence.
Mr.Robinsonexplains he went out to the property and knows that the fence is stockade andbeing maintained. **Mr. Robinson** cansee the no parking signs and that the building was upgraded. **Mr. Robinson** inquires what the plan forvehicle parking is.
Mr. EliasDibexplains that the purpose is to give the building more of a purpose and thereis no plans to go crazy.
Mr. NajibDibexplains that they want to keep it low key.
Mr.Robinsonexpresses concerns for fire hazards or there being a large number of vehiclesand would like to know the cap number of vehicles stored inside and out.
AttorneyDohertyanswers 20 vehicles all together.
ViceChairman Beauparlantinquires if there will be line painting for the front spots.
Mr. EliasDibanswers yes.
ViceChairman Beauparlant givekudos to building a relationship with the community and believes they are doinga good job.
Mr.Pascoahas no concerns.
Chairman Saveory believes the neighborsare fortunate that they have taken that building over but they do need to stickwith 7-8 vehicles.
Mr. Braga inquires if they wouldbe okay with the stipulation of no more than 20 vehicles on the property at atime.
Mr. Eliasand Mr. Najib Dibboth answer yes.
ViceChairman Beauparlantinquires if there will be any additional signage.
Mr. NajibDibanswers no, they rely on word of mouth.
Mr. Pimentel also inquires ifabandoned vehicles can be stored elsewhere.
Mr. Eliasand Mr. Najib Dibboth answer yes.

There is no one present on the Zoom conference.

ChairmanSaveoryinquires if there is anyone present who would like to speak in favor of thesubject petition. Hearing and seeing none, **ChairmanSaveory** inquires if there is anyone present who would like to speak againstthe subject petition. Hearing and seeing none, **Chairman Saveory** queries 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 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.

Mr. Braga moves that the use variance be **Granted** subject tothe petitioner fulfilling the following conditions:

1.In granting a use variance the subject land or structure cannotyield any beneficial use if it is required to conform to the provisions of thischapter. Nonconforming use of neighboring land or structures in the samedistrict and permitted use of land or structures in an adjacent district shallnot be considered in granting a use variance.

2.There shall be no more than 20 vehicles on the property.

3.Only 7 vehicles listed for sale at a time.

ChairmanSaveoryasks **Attorney Doherty** 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. **AttorneyDoherty** responds that he fully understands and accept the conditions juststipulated.

Motionis Seconded by**Mr. Robinson**

RollCall Vote

Mr.Pascoa – Aye
Mr. Robinson - Aye
Mr.Braga - Aye
ViceChairman Beauparlant - Aye
ChairmanSaveory – Aye

The boardbelieves that the petitioners have done a great job taking care of the property and will not negativelyimpact the area.

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

9. Petition No. 6812 - DRISCOLL DEVELOPMENT,LLC (Owner) and JOHN FLATLEY, CO. (Applicant), request dimensional variances to introduce a multi-unitresidential development, consisting of several residential facilities, all ofwhich will exceed the maximum number of stories and exceed the maximum heightrequirements, for property located at **1279WAMPANOAG TRAIL, being MAP 711, BLOCK 3, PARCEL 15, in a COMMERCIAL 1 DISTRICT.**

Attorney Stephen J. Antonucci is representing thepetitioner.

Brandon Carr, the engineer for this petition, is properlysworn in.

Mr. Carr explains to the boardthat the property in questions is an abandoned gravel pit and the material hasalready been removed. The existing grade of the property is 30-35 and the gradeof Wampanoag Trail is about 55. The proposed site will have 8 buildings with 52units in each building, each building will have 4 stories and will be 57ft. atmax in height. **Mr. Carr** furtherexplains that the main access point to the site will be off Wampanoag Trail andthe connection to Hospital Road will be gated and used for emergency personnelonly. There will be a club house in the center of the site with a gym, pool,etc. The idea of the proposed site is to keep the buildings away from abuttersas much as possible, with this setup the buildings will be about 200-300ft.away from abutters. Public water and sewer will be coming from Wampanoag Trailand the petitioners have done a full traffic study that has been submitted tothe DOT and to the board and if approved they will have to go to DEM and DOTfor other approvals such as rain water run-off.

AttorneyAntonucciexplains that the building height ordinances allows only up to 40ft. and arerequesting a variance for the 17ft and the ordinances allow 3 stories but thepetitioners want to have 4 stories. The current design was shrunk to try andmaximize the space and notes that the applicant is permitted to have more unitsbut is choosing to lessen the amount of units.

Mr. Carr explains that thebuildings won't be seen by the neighbors due to the elevation, grade andexisting vegetation.

AttorneyAtonucciadds in that the property is essentially a bowl and this project is in linewith the city's comprehensive plan and believe the project in this state iswhat is best for the neighborhood.

Mr. Bragaexplainsthat based on the Planning report and the presentation tonight, it probably isthe least relief necessary. Although the building will have some height theywill be in a bowl like area and if the development was more cut up would bemore intrusive.

Mr.Robinsonunderstands that this project has been in the process for years and all of hisquestions have already been answered.

ViceChairman Beauparlantinquires if the property will be a gated community.

AttorneyAntonucciexplains that there will be a gate on the entrance from Hospital Road but it isjust for emergencies only.

ViceChairman Beauparlantinquires if the units will be rented out or sold and what will the club househave.

AttorneyAntonucciexplains that there will be 1 or 2 bedrooms for rent.

Kevin Walker, theapplicant, is properly sworn in.

Mr.Walkerexplains that the club house will have a game room, exercise room, sittingarea, a small movie room, a kitchenette area with coffee/water, pool table,indoor fireplace, bathroom and leasing office.

ViceChairman Beauparlant inquiresif there will be guest parking available.
Mr.Walkeranswers that each unit will get two parking spaces and that should be able toaccommodate guests.
Mr.Pascoahas no concerns.
ChairmanSaveoryexpresses his concerns regarding traffic.

Amy Archer is properlysworn in.

Ms.Archerexplains to the board that she conducted the traffic study during morning perkperiod from 7am-9am and then in the evening from 4pm-6pm. They did an analysison Forbes Street and Wampanoag Trail and the turn arounds on the WampanoagTrail. **Ms. Archer** explains thatWampanoag Trail can handle large amounts of traffic and will continue to assesswith DOT. **Ms. Archer** explains thatthere is no changes of safety and accidents from the last 3 years are typicallysingle vehicles who lost control, deer incidents and rear end accidents.
ChairmanSaveoryinquires if there will be a deceleration lane.
Ms.Archerexplains that it will be just a taper style.
ChairmanSaveory expressesconcerns with vehicles speeding down Wampanoag Trail and the speed limitalready being 45 mph.
Ms.Archernotes that the average speed was 54 mph on Wampanoag Trail.
ChairmanSaveorycontinues to express concerns with Estrelle Drive, Rounds Avenue and GrassyPlain Road since they are already used as cut through streets. **Chairman Saveory** inquires if they willrun water into Hospital Road.
Mr. Carr explains that HospitalRoad up until “Tobacco Road” will be getting water and the site will have 2large retention ponds.
ChairmanSaveoryinquires if there is anyone present who would like to speak in favor of thesubject petition.

Charlie Dasilva of 10Julie Ann Circle Riverside, RI is properly sworn in.

Mr.Dasilvaexplains to the board that he is in favor of the development and that it willbe a nice addition to the area.
ChairmanSaveoryinquires if there is anyone present who would like to speak against the subjectpetition. Hearing and seeing none, **ChairmanSaveory** queries if there is anyone present on the **Zoom format.**

Sandra Medeiros of 93Hospital Road Riverside, RI is properly sworn in.

Ms.Medeirosexplains to the board that she is in favor of the project but has concerns thatthere will be cars that will contaminate her well and inquires if they areactually getting water installed.
Mr. Carr assures **Ms. Medeiros** that her property will begetting water.

Melissa Lourenco of 24Hospital Road Riverside, RI is properly sworn in.

Ms.Lourencoexplains to the board that she has a major concern about the number of units,lighting, noise and traffic.
Ms.Lourenco would prefer if the board would hold off making a decision untilthe developers speak with DOT.

Deshawn Williams of 28Hospital Road Riverside, RI is properly sworn in.

Mr.Williamsexplains that he has concerns regarding traffic and would like to know whenexactly the traffic study was completed.
Ms. Archer answers the study wasdone on 12 February 2020.
Mr.Williamsis concerned since the study was done on only one day and inquires what thepoint is adding the 4th story to the buildings.
AttorneyAntonucciexplains that under current regulations they are only allowed 3 stories andadding the 4th would consolidate the number of buildings andmaximize on the green space.
Mr. Braga inquires if thepetitioners are required to go before DOT.
AttorneyAntonuccianswers yes and plan on speaking with them.
Motion by **Mr. Robinson,**
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 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 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. Robinson movesthat the dimensional 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 **Attorney Antonucci** if heaccepts the 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. **AttorneyAntonucci** responds that he fully understands and accept the conditions juststipulated.
Motionis Seconded by**Mr. Braga**

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

The board understandsthat something was goingto happen with this property eventually andlike the idea that Hospital Road will receive waterservice because of this project. It will not be a nuisance to the area due to the entrance on Wampanoag Trail and is graded lower than the rest of the area.

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

IX. PROCEDURES

Chairman Saveoryannounces there are none.

X. ANNOUNCEMENTS

The next special meeting of the Zoning Board of Review is scheduled for **Wednesday, 14 October 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 **Mr. Robinson** and **Unanimously** voted to adjourn. Meeting is adjourned at 10:31pm.

EdwardPimentel, AICP

Zoning Officer / Clerk

Secretary