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**, 14 October 2020**,in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

MichaelBeauparlant – Vice-Chairman

JohnBraga – **ABSENT**

RichardCroke, Sr.

GaryPascoa

Matthew Robinson – 1st Alternate

Andrew Cotton – 2nd Alternate

EdwardPimentel – Zoning Officer / Clerk

MichaelMarcello – City Solicitor – via Zoom

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 the petition being heard and no commentswill be heard that do not pertain to an item scheduled on tonight'sdocket. He also notes that it is thepolicy 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 fromthe public provided it solely pertains to an item on tonight's docket.

A.Swearing in of the Zoning Officer

Chairman Saveory asks **thestenographer** to swear in the **ZoningOfficer, Mr. Pimentel.**

II.SEATING OF ALTERNATE MEMBERS

Chairman Saveoryinforms the public that **Mr. Braga** 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 **21 September 2020**, Zoning Boardof Review Minutes. **Motion** by **Vice ChairmanBeauparlant** to approve the **21September 2020**, Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Robinson** and **Unanimously**approved.

IV.ZONING OFFICER'S REPORT

ChairmanSaveory announces that there is nothing to report.

V. CORRESPONDENCE / DISCUSSION

ChairmanSaveory announces that there correspondence regarding732 Willett Avenue that will be read into the record.

VI. STAFF REPORTS

1. Planning DepartmentStaff Report – 9 October 2020 - Previously Submitted

2. September 2020 - ZoningComplaint List – Previously Submitted

VII.CONTINUED BUSINESS

1. Petition No. 6792 - FRANCIS J.SOUSA, requests dimensional variance(s) to retain an accessory shed thatfails to comply with the accessory side-yard setback and front-yard setbackrequirements, will be maintained between a public right-of-way (roadway) andprincipal land usage (residence), as well as exceeding the maximum buildingcoverage, for property located at **6 PARKSQUARE, being MAP 513, BLOCK 34, PARCEL 6, in a RESIDENTIAL 4 DISTRICT.Continued from 2 September 2020.**

Mr. Pimentel explainsto the board that **Mr. Sousa** has soldthe shed and would like another continuance so there is time for the new ownerof the shed to come take it from the property and he can withdraw his petition.

Motion by **Mr. Robinson to continue this petition from14 October 2020 to 4 November 2020 so the petitioner has time for the shed tobe removed from the property**, the motion is **Seconded** by **Mr. Croke andVice Chairman Beauparlant,** and **Unanimously**approved.

2A. 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 from 21September 2020.**

Attorney Bruce Cox is representing thepetitioner.

Attorney Cox explains that with him tonight was **Alberto DaSilva**, the petitioner and **John Pacheco**, the real estate agent is with him tonight in case thereare any questions and **Mr. DaSilva**does need some translation, which is why **Mr. Pacheco** is present tonight.

Mr. DaSilva and Mr. Pachecoare properly sworn in.

Attorney Cox explains to the board that the petitioners want to subdividethe lot and need a use variance since the existing lot with the 2 familylocated on it will be 377 sq. ft. short of what is required. The dimensionalvariance is required for the garage on the back of the property has a setbackissue since it is not as deep as it should be at 97 ft. deep when the requiredamount is 100 ft. so need about 3.2 ft. of relief. There will be no changes tothe existing lot and the new lot will have a single family, not another 2family. Attorney Cox explains that the planning board has looked at thisexhaustedly and provides a copy of the decision by the planning board.

Motion by Mr. Croke to accept the copy of theplanning board's decision as Exhibit A, the motion is Seconded by Mr. Robinson.

Mr. Croke notesthat he has been by the property a number of times and noticed that the emptylot is being used for parking and inquires what will happen and inquires aboutthe trailer that he has seen.

Attorney Cox explainsthat the existing 2 family will have assigned parking.

Mr. Pacheco answersthat the trailer is gone and left about 2 weeks ago.

Mr. DaSilva explainsthat the female tenant on the 2nd floor has a male guest come fromTennessee every so often in the trailer.

Mr. Robinson has noquestions at this time.

Mr. Cotton has noquestions at this time.

Mr. Pascoa has noquestions at this time.

Vice Chairman Beauparlant notes that there has been issues since there was a lot ofopposition from the neighbors.

Attorney Cox explainsthat there was a problem tenant who is gone now and the fact that there was amisunderstanding that there would be a 2 family built on the new lot when itwill really be a single family.

Chairman Saveory inquires if there will be a separation of the garages.

Attorney Cox answersno, that the existing garage will belong to the existing 2 family.

Chairman Saveory has no concerns.

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** inquires if there is anyone present via Zoom.Hearing and seeing none, **ChairmanSaveory** queries the Board for a motion.

Motion by Mr. Croke,

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. Croke 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.The property on the new lot will be a single family.

3.The trailer will be permanently removed.

ChairmanSaveoryasks **Mr. DaSilva** 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.DaSilva** 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.Croke - Aye
ViceChairman Beauparlant - Aye
ChairmanSaveory – Aye

The board believesthis is a minor variance and feel better knowing that there will only be asingle onthe new lot and that the single family will enhancethe neighborhood.

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

2B. Petition No. 6795 - ALBERTO andMARIA DaSILVA, requests dimensional variance(s) tosubdivide their property into two (2) distinct lots, resulting in both parcelsfailing to comply with the minimum lot depth requirement, retention of thepre-existing accessory detached garage that will fail to comply with theminimum accessory side-yard setback requirement, and deficient lot area inregard 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. Continued from 21 September 2020.**

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** inquires if there is anyone present via Zoom.Hearing and seeing none, **ChairmanSaveory** queries the Board for a motion.

Motion by **Mr. Croke,**

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. Croke 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.
3.The property on the new lot will be a single family.
4.The trailer will be permanently removed.
ChairmanSaveoryasks **Mr. DaSilva** 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.DaSilva** 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.Croke - Aye
ViceChairman Beauparlant - Aye
ChairmanSaveory – Aye

The boardbelieves this is a minor variance and feel better knowing that there will only be asingle onthe new lot and that the single family will enhancethe neighborhood.

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

3. Petition No. 6791 - ARMAND F.FERLAND, requests dimensional variance(s) to convert an accessory shedto a cabana and introduce rear-yard improvements, to consist of a swimming pooland patio area, without complying with the minimum rear-yard setbackrequirement, as well as exceeding maximum impervious lot coverage requirement,for property located at **58 MERRICKSTREET, being MAP 403, BLOCK 5, PARCEL 4, in a RESIDENTIAL 3 DISTRICT.Continued from 2 September 2020.**
Mr. Pimentel explainsto the board that he did not re-notice and re-advertise this petition fortonight's meeting so this petition must be automatically continued to **4 November 2020. Mr. Pimentel** includesfor the record, that the petitioner did submit all the documents requested includinga new landscape plan that shows where drywells will be located in a timelymanner.
Motion by **Vice Chairman Beauparlant to continue thispetition from 2 September 2020 and 14 October 2020 to 4 November 2020 so thepetition can be re-noticed and re-advertised**, the motion is **Seconded** by **Mr. Croke and Mr. Robinson,** and **Unanimously** approved.

Chairman Saveory requests a recess at 6:56pmand the board reconvenes at 7:17pm

VIII. NEW BUSINESS

4. Petition No. 6823 - BENKERFAMILY, LLC, (OWNER) and INDEPENDENT PIPE AND SUPPLY CORP. (APPLICANT), requesta special use permit to introduce the 'Ope n Storage' of piping product in the rearyard of the subject property, for property located at **22 ALMEIDA AVENUE, being MAP 606, BLOCK 2, PARCEL 2, in an INDUSTRIAL 3DISTRICT.**

Attorney Christine Engustian is representingthe petitioner.

AttorneyEngustian explains to the board that the applicantoperates 8 locations in the northeast and wishes to move from their Pawtucketlocation to 22 Almeida Avenue in East Providence. The applicant needs avariance to store the piping in the back of the building, which will be out of sightfrom anyone walking or driving by since the piles will be locked behind a fenceand will be piled neatly.

James Cotton, operationsmanager, is properly sworn in.

Mr.James Cotton explains to the board that he has been theoperations manager for 22 years at Independent Pipe & Supply Corp. They area distributor of pipe fittings and it is a commercial facility. **Mr. James Cotton** notes that he has hadcity staff come to the property to do site inspections. The plan is to have 6piles of pipes outside, which is normal practice at the other locations to havethe pipes outside. The pipes will be ½-8in in size and are made of steel and willnot be covered due to the way they are stacked and secured to make them safe from any movement. It is veryexpensive to find a building large enough to store the pipes inside. The hoursof operation will be Monday-Friday 7am-4:30pm with 8-10 employees.

Mr. Croke haslooked at the property and notes it is surrounded by a 6ft. tall fence and ispleased with the conditions put into place by the planning board and that thereare no residential neighbors in the area. **Mr.Croke** doesn't see a reason to not grant the variance.

Mr. Robinson believesthis is the perfect use for the property.

Mr. Andrew Cotton has no questions at this time.

Vice Chairman Beauparlant inquires what is done with the pipes that are stored outsideand the hours of deliveries.

Mr. James Cotton replies that the pipes are sold to contractors and it'sbased on supply and demand. The deliveries will not be too early or too late,probably about 7:30am during the week.

Chairman Saveory inquiresif there will be any pre-fab work.

Mr. James Cotton replies no there are nointensions for that.

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** inquires if there is anyone present via Zoom,Hearing and seeing none, **ChairmanSaveory** queries the Board for a motion.

Motion by **Mr. Croke**, Based on all evidence presented to the Zoning Board ofReview and personal knowledge of the members of the Board of the land and areaof the City of East Providence, the Zoning Board of Review hereby findspursuant to Section 19-39(a) of the City of East Providence Zoning Ordinance,that the special use permit shall:

1.Thatthe use is compatible with neighboring land uses.

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

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

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

5.Thatthe use is in conformance with the purpose and intent of the East ProvidenceComprehensive Plan and applicable standards of this Chapter.

Mr. Croke moves that the special use permit be **Granted**subject to the petitioner fulfilling the following conditions:

Petitioner(s) obtaining any, and all, necessary permits.

ChairmanSaveoryasks **Mr. James Cotton** 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. **Mr.James Cotton** responds that he fully understands and accept the conditionsjust stipulated.

Motionis Seconded by**Mr. Robinson**

RollCall Vote

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

The boardbelieves this will fit in with the area sinceit is in an industrial zone and is at the end ofa dead end road and the pipes will be well hidden.

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

5. Petition No. 6814 - DAVID A.AMARAL FAMILY TRUST, requests **dimensionalvariances** to subdivide a parcel into two (2) distinct lots (MinorSubdivision already attained), resulting in both parcels failing to comply withthe minimum lot depth requirement, for property located at **255 SOUTH SPRUCE STREET, being MAP 307, BLOCK 17, PARCEL 10, in aRESIDENTIAL 4 DISTRICT.**

Attorney William C. Maiaa is representing thepetitioner via Zoom

Attorney Maiaa explains to the board that on 14 September 2020 thepetitioners went before the planning board and on 15 September 2020 the boardgranted the conditional approval of the subdivision. The petitioner has agreedto all the conditions laid out by the planning board and the last condition isto seek dimensional relief from this zoning board. Both lots will have 84 ft.when 100 ft. is required. The applicant is 93 years old and originally hadplanned for a 3 lot subdivision but a 2 lot subdivision was more preferred andin the best interest of the area. Theapplication is consistent with the city's comprehensive plan and the lots willbe over the required 5,000 sq. ft. lot size. **Attorney Maiaa** explains thathe has the applicant's children with him tonight to speak on behalf of theirfather.

Diane Amaral and David Amaral Jr., theapplicant's children, are properly sworn in.

Mr. Amaral explains that his father does understand theconditions of approval.

Ms. Amaral explains that their father could not bepresent tonight due to Covid-19.

Mr. Croke notes that the existing lot is over 18,000sq. ft. and the two lots will still be short however, that most lots in thearea are small and has no issues with this petition.

Mr. Robinson inquires in regards to setbacks, if thereshould be a setback from Woodland Avenue to Intervale Street.

Mr. Pimentel explains that one has to assume that thecalculations from the surveyor are correct.

Attorney Maiaa explains that the best evidencerule applies here and the evidence is from a land surveyor and there is noother evidence to the contrary. However, they are will to have it subjected tobe checked.

Mr. Pimentel mentions that the board can make it acondition of approval that the land surveyor come back and gives actualdimensions. If the applicant needs 16ft. or less than they will be fine, ifthey need more than 16ft. then they would have to amend the plan and re-submittheir application to the board.

Mr. Cotton has no questions at this time.

Vice Chairman Beauparlant has no questions at this time.

Mr. Pascoa has no questions.

Chairman Saveory explains that he is familiarwith the property and confirms that the petitioner is in agreement with the 11conditions provided by the planning board as stipulations.

Attorney Maiaa answers yes.

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** inquires if there is anyone present via Zoom,

Miles Gomes of 103Woodland Avenue is properly sworn in.

Mr. Gomes explains to the boardthat he has concerns regarding snow plowing and how this will affect snowremoval.

Mr. Gomes also expresses concerns about water table and getting morewater issues if two house are built.
AttorneyMaiaaconfirms that only one house will be built.
ChairmanSaveoryexplains that the new house will have to go through the permitting process andhave to be approved by engineering.
Mr.Pimenteladds that the new house will have better conditions due to current buildingcode.
Mr. Gomes inquires where the newhouse will be facing.
AttorneyMaiaa answersthat the house and driveway will be facing Woodland Avenue
ChairmanSaveorybelieves this will help the snow plowing concerns since the front of that housewill must be plowed by the city.
ChairmanSaveoryqueries the Board for a motion.
Motion by **Mr. Croke,**
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. Croke 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.
3.The land surveyor must return the plans with the dimensions, if there is 16ft.or less relief needed than there is no further action necessary. If there ismore than 16ft. required then the petitioner will need to go back before theboard.
4.The 11 conditions stated by the planning board
ChairmanSaveoryasks **Attorney Maiaa** 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. **AttorneyMaiaa** responds that he fully understands and accept the conditions juststipulated.
Motionis Seconded by**Mr. Robinson**
RollCall Vote
Mr.Pascoa – Aye
Mr. Robinson - Aye
Mr.Croke - Aye
ViceChairman Beauparlant - Aye

The boardbelieves the hardship stems from the unique layout of the land and the amount ofrelief isminor compared to the size of other lots in the neighborhood.

ChairmanSaveory – Aye

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

Chairman Saveory callsa recess at 8:35pm and the board reconvenes at 8:41pm.

6A. Petition No. 6815 - 732 WILLETTAVENUE, LLC, requests a **use variance**to expand an existing fuel service and repair station, by adding a retailcomponent addition, otherwise defined as an expansion of a prohibited land use,for property located at **732 WILLETTAVENUE, being MAP 512, BLOCK 20, PARCEL 6, in a COMMERCIAL 2 DISTRICT.**

Attorney Edward Grouke is representing the petitioner.

Attorney Grouke explains that there is an existinggas station, small convenience store, and a 3 bay garage. The petitioners wouldlike to build an addition 36x28 in size to the building to increase theconvenience store. There will be no sub-tenants such as Dunkin Donuts and nopre-made food, there will just be grocery and convenience items.

Attorney Grouke believes this will bean improvement for the site. The idea is to catch people as they drive by sothis will not increase traffic or density on the site. The addition willencroach into the rear setback and will follow the footprint of the existingpart of the property. The applicant is asking for the use variance to continuethe existing use and impervious coverage is at 98.8% when 80% is allowed andthere is a request for signage but just for the existing signage and noaddition signage.

Mr. Robinson has no questions at this time.

Mr. Cotton has no questions.

Vice Chairman Beauparlant notes that the business hours willbe changing from 8am-10pm to 6am-10pm.

Haji Ahmad,owner of the property, is properly sworn in.

Mr. Ahmad explainsthat is to target morning customers.

Vice Chairman Beauparlant inquires if there will be any outdoor lighting changes.

Mr. Ahmad answersno.

Vice Chairman Beauparlant inquires if any food products will be going into thedumpster.

Mr. Ahmad answersno.

Mr. Pascoa has noquestions.

Mr. Croke notesthat they are wanting to extend the non-conforming use and that 13 spaces arerequired but the site only has 8. **Mr.Croke** inquires where the overflow of new traffic will go.

Mr. Ahmad explainsthat there is usually only 1 employee a shift and the repair shop doesn't dotires or inspection stickers just small repairs and oil changes. Overall, **Mr. Ahmad** believes that there won't bea lot of customers at one time.

Mr. Crokeexpresses concerns with the neighbors and doesn't see the hardship.

Attorney Grouke explains that it is a pre-existingnon-conforming use and wants to improve what is already there.

Attorney Grouke adds there is fencing to separate the site fromthe neighbors.

Mr. Croke believesthis is more for financial gain and that his question regarding the overflow ofcars hasn't been answered. **Mr. Croke**notes that he just drove by recently and the lot was full and overflowed intoWillett Avenue without the grocery store addition.

Mr. Ahmad explainsthat all the cars are being repaired or waiting to be picked up, theconvenience store customers spend about 5 minutes or less then leave.

Chairman Saveory inquires if there is currently anything being sold now.

Mr. Ahmad answersyes, cigarettes, candy, drinks but there is not enough room. **Mr. Ahmad** wants to sell milk, bread,canned goods, chips, etc. there will be a Keurig for coffee but since DunkinDonuts is down the street he doesn't believe there will be a large coffee base.

Chairman Saveory inquires if there are future plans to explain automotiverepair business.

Mr. Ahmad explainsthat there are no plans and there is not enough space to fit more bays.

Chairman Saveory inquires if there is lottery currently and if not are thereplans for it.
Mr. Ahmad answersno, but would like to add it.
Mr. Robinson notesthat the hours will be changed to 6am-10pm and just wants to clarify that isfor the convenience store and not for the auto repair side.
Mr. Ahmad answersthat auto repairs are from 9am-6pm, and the store will be open until 10pm sincethey are not sure what kind of customers they will have.
Mr. Robinson notesthat since it is a residential neighborhood is more comfortable with 9pm.
Mr. Ahmad explainsthat he is comfortable with closing at 9pm.
Mr. Robinsonexpresses concerns about the outside lighting.
Mr. Ahmad explainsthat the lights are facing down and do get shut off when the business closesfor the night.
Mr. Robinson doeslike the idea of the building being fixed up but is concerned with the 6amstart time.
Mr. Ahmad explainshe is willing to push opening until 7am.
Chairman Saveory inquires if the mechanic working on site is subcontracted.
Mr. Ahmad answersno.
Mr. Cotton inquireshow many cars can fuel up at one time.
Mr. Ahmad answers8.
Mr. Cotton notesthat customers then to fuel up then go into the store while leaving the car atthe pump, so technically there are more parking spots.
Mr. Pascoa inquiresto **Mr. Pimentel** about the potentialto expand the bays.
Mr. Pimentel explainsthat would require board approval.
Mr. Ahmad explainshe would like to add some signage by adding the letter “R” to the building.
Attorney Grouke asks to take a moment this applicant todiscuss whether or not to continue the petition to a later date.

Chairman Saveory requests a recess from 9:17pm and the boardreconvenes at 9:25pm

Attorney Grouke explains to the board that they will not askfor anymore signage.
Mr. Cotton wants toconfirm that the applicant is okay with the hours of operation, he personallywould rather see the business close at 9pm and be allowed open at 6am.
Mr. Ahmad explainsthat the store would be open Sundays would be 7am-9pm and Monday-Saturday6am-9pm and the garage is open 9am-6pm.
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** inquires if there is anyone present via Zoom.

Jason Correia of 47Becker Avenue Riverside, RI is properly sworn in.

Mr.Correiaexplains that his property is behind the gas station and believes the existingencroachment in the rear is already close and doesn’t want it any closer. **Mr. Correia** wants to see the propertyupdated but doesn’t want the addition. **Mr.Correia** wants the petition continued until he sees all of the publicdocuments he previously requested but never received.
ChairmanSaveoryexplains that the addition will not be closer to his property it will maintainthe existing footprint and that they cannot continue the petition for thatreason.

Jean Grandchamp of 735Willett Avenue Unit 901 Riverside, RI is properly sworn in.

Ms.Grandchamp notesthat someone hand delivered her the public documents but then expressesconcerns about the store becoming an expanded smoke shop.
Mr. Ahmad explains that it isjust a smoke shop due to the cigars and small space.
Ms.Grandchampis glad it will be a convenience store.

ChairmanSaveory reads into the record a letter from Barbara Lamb of 735 Willett AvenueUnit 804 or 808 Riverside, RI opposing this petition.

Ms. Lamb explains to theboard that she does not support this petition and she believes it will causeincreased traffic.
ChairmanSaveoryqueries 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:
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. Robinson moves that the use variance be **Granted** subject tothe petitioner fulfilling the following conditions:
4.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.
5.Hours of operation for the store will beMonday-Saturday 6am-9pm and Sunday 7am-9pm. The garage's hours of operationwill be 9am-6pm.
6.Lighting on the perimeter will be turned offduring non-business hours.
ChairmanSaveoryasks **Attorney Grouke**if he accepts the conditions of approval just stipulated, understandingthat strict compliance means that any deviation will necessitate revisiting theZoning Board of Review; said revisit may be requested by either the ZoningOfficer or any member of the Zoning Board of Review. **Attorney Grouke** responds that he fullyunderstands and accept the conditions just stipulated.
Motionis Seconded by**Vice Chairman Beauparlant**
RollCall Vote
Mr.Pascoa – Aye **The board believesthis is an unusual situation**
Mr. Robinson - Aye **and that the property does need improvement.**
Mr.Croke - Nay **Mr.Croke votes nay due to the prohibited and**
ViceChairman Beauparlant - Aye **non-conforminguse.**
ChairmanSaveory – Aye
Use Variance granted,4-1 subject to the aforementioned condition(s).
6B. Petition No. 6816 - 732 WILLETTAVENUE, LLC, request dimensional variance(s) to expand an existing fuelservice and repair station, by adding a retail component addition, withoutcomplying with the minimum rear-yard setback, commercial district to aresidential district setback, filling station to physical residential buildingsetback, and front-yard setback requirements, as well as exceeding the maximumaggregate signage and impervious lot coverage requirements, and finally failingto comply with requisite off-street parking and off-street loadingrequirements, for property located at **732WILLETT AVENUE, being MAP 512, BLOCK 20, PARCEL 6, in a COMMERCIAL 2 DISTRICT.(Dimensional Variance(s) - Petition No. 6816)**
ChairmanSaveoryqueries 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:

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 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.
3. Hours ofoperation for the store will be Monday-Saturday 6am-9pm and Sunday 7am-9pm. Thegarage's hours of operation will be 9am-6pm.
4. Lighting onthe perimeter will be turned off during non-business hours.
ChairmanSaveoryasks **Attorney Grouke**if he accepts the conditions of approval just stipulated, understandingthat strict compliance means that any deviation will necessitate revisiting theZoning Board of Review; said revisit may be requested by either the ZoningOfficer or any member of the Zoning Board of Review. **Attorney Grouke** responds that he fullyunderstands and accept the conditions just stipulated.
Motionis Seconded by**Vice Chairman Beauparlant**
RollCall Vote
Mr.Pascoa – Aye **The boardbelieves this is an unusual situation**
Mr. Robinson - Aye **and that the property does need improvement.**
Mr.Croke - Nay **Mr.Croke votes nay due to the prohibited and**
ViceChairman Beauparlant - Aye **non-conforminguse.**
ChairmanSaveory – Aye
Dimensional variancesgranted 4-1, subject to the aforementioned condition(s).
7A. Petition No. 6817 - 30 VETERANSMEMORIAL PARKWAY, LLC, requests a use variance tointroduce a multi-unit residential facility, otherwise defined as a prohibitedland use, for property located at **29BURGESS AVENUE, being MAP 16, BLOCK 6, PARCEL 2, in a COMMERCIAL 4 DISTRICT.**
Attorney Robert Stolzman isrepresenting the petitioner.
AttorneyStolzman explains that the owners of 30 VeteransMemorial Parkway talked to the owners of 25 Burgess Avenue and 29 BurgessAvenue to control the block. They have been able to purchase 29 Burgess Avenueand would like to merge the lots, demo the existing home and build a 12 unitbuilding. The property will be screened with landscaping and present tonightare 3 experts to answer any questions.
Ron Stevenson, the architectof the project, is properly sworn in.
Mr. Stevenson explains to the board that 29 Burgess Avenue will be anextension and annex of the 20 Veterans Memorial Parkway project. The buildingwill be 3 stories and will only be about 6ft. higher than 30 Veterans and

4ft.higher than the nearby homes. There will be 6 one bedroom apartments and 6 twobedroom apartments and half of the apartments will have a small home officearea.

Kent Lorenz, the applicant,is properly sworn in.

Mr. Lorenz explainsthat both buildings will be shorted than the Odd Fellows Hall on the corner ofBurgess Avenue and Warren Avenue, believes this is important context.

Mr. Stevenson believesthis is not harmful for the area and the applicant is trying to revitalize thearea. What is proposed offers larger units than what is offered in Providenceand will be cheaper than apartments in Providence.

Richard Lipsitz, the engineer of the project, is properlysworn in.

Mr. Lipsitz, ofWaterman Engineering, did the site planning and permitting for this project. **Mr. Lipsitz** explains that the propertyis in two zones, the waterfront and C4 zones, and he believes the parking worksfor zoning regulations and for the waterfront regulations. The site will beable to take care of storm water and cannot connect the buildings without thisannex.

Joseph Lombardo via Zoom is properly sworn in.

Mr. Lombardo explainsthat he looked at the property and believes this will not negatively impact thearea and that this area is in need of redevelopment.

Mr. Croke confirmsthat the applicant will be going over the property line.

Attorney Stolzman answers yes and will attach the new building to the existingbuilding.

Mr. Crokeexpresses concerns for privacy for 25 Burgess Avenue.

Attorney Stolzman explains that the applicant has been working with the ownerof 25 Burgess Avenue and is in constant contact with him.

Mr. Croke inquiresif the applicant will be purchasing 25 Burgess Avenue.

Attorney Stolzman answers that they cannot come to an agreement so he cannotsay as of today.

Mr. Robinson has noquestions at this time.

Mr. Cotton has noquestions or concerns but he believes that this matches that area and is a goodbuilding design.

Vice Chairman Beauparlant has no questions at this time.

Mr. Pascoa has noquestions.

Chairman Saveory believes this fits into the area and will influence morerevitalization. **Chairman Saveory**inquires if the main entrance will be on the parkway.

Mr. Lorenz explainsthat the main entrance is on Warren Avenue and Burgess Avenue and there is anexit onto Mauran Avenue.

Mr. Crokeexpresses concerns about on-street parking on Burgess Avenue.

Attorney Stolzman explains that it would be closer for tenants to park in theparking lot and will be safer being well lit. The way the site is set up forcestenants to use the parking lot but is willing to meet with anyone from the cityregarding this.

Mr. Robinson does seefinancial gain and that this is not the least relief necessary.

Attorney Stolzman explains there is no other feasible way, they are not tryingto go up higher to add more units. Yes, the design does have financial gain butit is not the only reason.

Mr. Pimentel explainsthat the pre-existing home already violates 90% of these setbacks and thepetitioners have adjusted them slightly.

Mr. Robinson believesthat this building could be scaled down by removing some units.

Attorney Stolzman believes they have already scaled down from what could’vebeen.

Mr. Cotton believes12 is a good amount of units.

Chairman Saveory inquires if there isanyone present who would like to speak in favor of the subject 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** inquires if there is anyone present via Zoom,Hearing and

seeing none, **ChairmanSaveory** queries the Board for a motion.

Motion by Mr. Croke,

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.

Mr. Croke moves that the use variancebe **Granted** subject to the petitioner fulfilling the followingconditions:

4.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.

5.The lots must be merged.

ChairmanSaveoryasks **Attorney Stolzman** 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. **AttorneyStolzman** responds that he fully understands and accept the conditions juststipulated.

Motionis Seconded by**Vice Chairman Beauparlant**

RollCall Vote

Mr.Pascoa – Aye

Mr. Robinson - Nay

Mr.Croke - Aye

ViceChairman Beauparlant - Aye

ChairmanSaveory – Aye

The boardbelieves this will enhance the area and will help revitalize the area and thatresidential unitswill be better than having offices.

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

7B. Petition No. 6818 - 30 VETERANSMEMORIAL PARKWAY, LLC, requests dimensional variance(s) tointroduce a multi-unit residential facility, without complying with the minimumfront and side-yard setback requirement, failing to meet the minimum lot arearequirement, exceeding the maximum height and number of stories requirement,exceeding the maximum building and impervious lot coverage requirement, andfailing to meet the minimum residential lot density requirement, for propertylocated at **29 BURGESS AVENUE, being MAP16, BLOCK 6, PARCEL 2, in a COMMERCIAL 4 DISTRICT**.

Chairman Saveory queries the Board fora motion.

Motion by **Mr. Croke,**

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. Croke 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, if extendedby 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 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.
3. The lots mustbe merged.
Chairman Saveory asks **Attorney Stolzman** 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. **AttorneyStolzman** responds that he fully understands and accept the conditions juststipulated.
Motionis Seconded by**Vice Chairman Beauparlant**
RollCall Vote
Mr.Pascoa – Aye
Mr. Robinson - Nay
Mr.Croke - Aye
ViceChairman Beauparlant - Aye
ChairmanSaveory – Aye

The boardbelieves this will enhance the area and will help revitalize the area and thatresidential unitswill be better than having offices.

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

IX. PROCEDURES

Chairman Saveoryannounces there are none.

X. ANNOUNCEMENTS

The next meeting of the Zoning Board of Review is scheduled for **Wednesday, 4 November 2020, at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XI. ADJOURNMENT

Motiontoadjourn by **Mr. Croke.** The motion is **Seconded** by **Mr. Robinson** and **Unanimously** voted to adjourn. Meeting is adjourned at 10:52pm.

EdwardPimentel, AICP
Zoning Officer / Clerk

Secretary