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**, 4 November 2020**,in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

MichaelBeauparlant – Vice-Chairman

JohnBraga

RichardCroke, Sr.

GaryPascoa

Matthew Robinson – 1st Alternate

Andrew Cotton – 2nd Alternate - **ABSENT**

EdwardPimentel – Zoning Officer / Clerk

MichaelMarcello – City Solicitor – **ABSENT**

DylanConley – Assistant 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 repetitive petitionclause. All petitioners are alsocautioned that if the petition is approved, all construction must be done incompliance with the submitted plan(s), application and testimony presented tothe Zoning Board of Review. A change ofany sought must obtain the requisite approval of the Zoning Board of Review. Allwork 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 **AssistantCity Solicitor Conley** to swear in the**Zoning Officer, Mr. Pimentel.**

II.SEATING OF ALTERNATE MEMBERS

Chairman Saveoryinforms the public that that**all members are present and that. Mr. Robinson, 1st Alternate** will be participatingbut not a voting member tonight.

III.APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory announces that thereare no minutes to be approved.

IV.ZONING OFFICER'S REPORT

ChairmanSaveory announces that there is nothing to report.

IV.CORRESPONDENCE / DISCUSSION

Mr. Pimentel explains to the boardthat **10 Tripps Lane is requesting a 6month extension**. The extension is being asked for out of an abundance ofcaution while they wait for their state approvals.

Motion by Mr. Pascoa,to grant the 6 month extension for 10 Tripps Lane. The motion is **Seconded by Vice Chairman Beauparlant**and **Unanimously** approved.

VI. STAFF REPORTS

1. Planning DepartmentStaff Report – 30 October 2020 - Previously Submitted

2. October 2020 - ZoningComplaint List – Previously Submitted

Mr. Croke inquires about CrownAvenue on the Zoning Complaint List and the numerous sheds and the status ofthe property.

Mr.Pimentelexplains that the person who installed the sheds has passed away and they arecurrently working with the widow.

VII.CONTINUED BUSINESS

1. PetitionNo. 6792 - FRANCIS J. SOUSA, request dimensional variance(s) to retainan accessory shed that fails to comply with the accessory side-yard setback andfront-yard setback requirements, will be maintained between a publicright-of-way (roadway) and principal land usage (residence), as well asexceeding the maximum building coverage, for property located at **6 PARK SQUARE, being MAP 513, BLOCK 34,PARCEL 6, in a RESIDENTIAL 4 DISTRICT. Continued from 14 October 2020.**

Mr.Pimentel explains to the board that the applicant has purchased anotherproperty and has sold the shed and the new owner of the shed has pulled all theproper permits. This petition can be dismissed without prejudice.

Motion byMr. Braga to dismiss this petition without prejudice, the motionis **Seconded by Vice Chairman Beauparlantand Unanimously approved.**

2. PetitionNo. 6791 - ARMAND F. FERLAND, requests dimensional variance(s) to convertan accessory shed to a cabana and introduce rear-yard improvements, to consistof a swimming pool and patio area, without complying with the minimum rear-yardsetback requirement, as well as exceeding maximum impervious lot coveragerequirement, for property located at **58MERRICK STREET, being MAP 403, BLOCK 5, PARCEL 4, in a RESIDENTIAL 3 DISTRICT.Continued from 14 October 2020.**

Mr.Pimentel explains that the drainage calculations were provided and the cityengineer did review them and they do meet the criteria. **Mr. Pimentel** suggests that this should be included into thelandscape plan as a condition of approval.

Attorney John Shekarchi isrepresenting the petitioner.

Matthew Yanuskiewicz is properly sworn in.

Doug Mclean, the land use expert, is properlysworn in.

Mr. Yanuskiewicz explainsthat he looked into peak flows and did analysis for storm events, including the100 year storm event. All thosefigures show that there will be no increase of water runoff.

Mr.Mclean notes that the biggest changes to the plan are to addressdrainage. There will be 2 drywell installations and the drywells will be ableto store 2-3 times to excess of what the standards are. **Mr. Mclean** adds that they have removed the hot tub that waspreviously on the plans and had the city engineer come out to do a siteinspection. The engineer did believe this was an over design and had noconcerns regarding the drainage. They will also have new fast draining soil,this soil drains faster than regular soil and will have pavers being installedthat will have layers of sand. This will allow water to seep through and theywill be semi-pervious. In regards to use of the structure it will be used for apool house/cabana, it will be a seasonal use of the pool house since the pool willnot be heated. The structure will service for a bathroom and store equipmentduring the off season. East Providence zoning code does allow shower rooms andequipment houses as a principle use.

ViceChairman Beauparlant explains that they have done a good job about the drainagebut there were a number of complaints about the structure itself. Planning hasrecommended that the proposed kitchen be removed and inquires what else isincluded in the structure.

Mr.Mclean explains that changes have been made and there is no stoveor dishwasher. There will be a fridge and a sink, electricity, plumbing andheat. Mr. Mclean notes that the sink, electricity and plumbing are pre-existingbut will be upgrading the plumbing. There will be no other new utilities andwill be used as a principle and seasonal use.

ViceChairman Beauparlant expresses concerns regarding installing hear.

AttorneyShekarchi explains that they are willing to make it a stipulation thatthere can be no use of the cabana during

the winter months.

Mr.Pascoa has no questions.

Mr.Croke inquires why the structure will be heated, especially sincewater for the plumbing can be turned off.

Mr.Mclean answers that it comes down to building standards and theplaster and insulation may wear and tear if not properly kept at an averagetemperature and explains that the heat will be electric heat.

Mr.Croke expresses concerns over the coverage issue and the outdoorcooking area being right next to the neighbors.

Mr. Croke inquires if the outdoor cooking area can be movedelsewhere.

Mr.Mclean answers that it is already been permitted and completed.

Mr.Croke believes that no respect has been shown to the neighborsduring this process and inquires when the garage was demolished.

Mr.Mclean apologizes if neighbors have felt disrespected and explainsthat the outdoor cooking area meets fire code and is considered to be in a safelocation. The garage was torn sown within this last calendar year.

Armand Ferland, the property owner,is properly sworn in.

Mr. Ferland explainsthat when he received the permit to rebuild the garage is when it was torn downand a few weeks later he started building the pool house.

Mr. Braga inquiresif there is no gas inside the pool house.

Mr. Mclean answers nobut there is to the outdoor grill area.

Mr.Robinson has no questions at this time.

ChairmanSaveory inquires if the height of the cabana and the original garage arethe same.

Mr. Mclean answersyes, they had to in order to keep the grandfathered rights.

Mr. Robinson inquiresif there will dates put into place for the cabana's winter months.

ChairmanSaveory notes that it is concerning since there is New England weather.

Mr. Ferland adds thatthe pool may be heated.

Mr.Robinson inquires if the applicant would be okay with the stipulations ofMay 1st-October 31st the cabana be open.

ViceChairman Beauparlant adds the stipulation that it will not be used a residency.

Mr. Ferland answersthat he is okay with both stipulations.

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.

Alexa Mavormatis of 53Thatcher Street Rumford, RI is properly sworn in.

Ms.Mavormatisexplains to the board that her properly abuts the applicant's property in therear. **Ms. Mavormatis** believes thisis excessive in every way and would like it denied. Ms. Mavormatis requestedcopies of the previous 21 letters in favor of the petition, after reviewingthem she noticed that many of them lived nearly a mile away. **Ms. Mavormatis** has drawn a map andcreated packets of letter from neighbors against the petition and would like togive them to the board.

Motion byVice Chairman Beauparlant to accept the drawn map as Exhibit A, the motion is **Second by Mr. Croke and Unanimously approved.**

Motion byVice Chairman Beauparlant to accept packet containing letters from abutters asExhibit B,the motion is **Second by Mr. Croke and Unanimouslyapproved.**

Michael Rogers of 25Brayton Avenue Rumford, RI is properly sworn in.

Mr.Rogersthanks the board for recognizes the issues with the applicant and appreciates **Mr. Mclean** apologizing but he has notheard anything from the applicant. When he and his wife went before the boardthey went to their neighbors first to see if they were okay with their project.**Mr. Rogers** notes that this was thecomplete opposite and that the applicant has created the problem himself and believeshe has gone around the laws.

Nicolau Pereira of 57 Thatcher Street Rumford,RI is properly sworn in.

Mr. Pereira explains that he wouldlike to submit photos to the board and believes **Mr. Ferland** is asking for the maximum of variances and alreadybuilt this cabana, which is massive. **Mr.Pereira** notes that the last time they met for this petition **Mr. Mclean** stated that a few propertiesin the area were not in compliance. Those properties have sheds and garages,not cabanas. **Mr. Pereira** believes propertyvalues will drop now because of the cabana.
Mr. Braga inquires if **Mr. Pereira** is saying that thestructure is not the same size as the original garage.
Mr. Pereira admits it is the samesize but not the same height.
Motion by Vice ChairmanBeauparlant to accept Mr. Pereira's photos as Exhibit C, the motion is **Seconded by Mr. Croke and Unanimously approved.**
ChairmanSaveory inquires if there is a request for a usevariance.
Mr.Pimentel answers no, the applicant is asking forsetback relief for the principle use.

Carolyn Beaudry of 45Thatcher Street Rumford, RI is properly sworn in.

Ms.Beaudry explains to the board that she believes thisis excessive and does not fit in with the neighborhood.

Phillip Norton of 55Merrick Street Rumford, RI is properly sworn in.

Mr.Norton believes this is a pool house, not a cabana ora shed. **Mr. Norton** notes that **Attorney Shekarchi** saidin the last meeting that the heat would be removed and Mr**. Mclean** said tonight the pool won't be heated but now **Mr. Ferland** said the pool may beheated and the pool house will be heated. **Mr.Norton** believes **Mr. Ferland**makes aggressive moves and this will end up being operational 12 months of theyear and expresses concerns about the grill location.
ChairmanSaveoryinquires if there is anyone present via Zoom.

Benjamin Tuthill of 21 HoytAvenue Rumford, RI is properly sworn in.

Mr.Tuthill explains that he can see the property from his house and isin favor of this petition, he believes this has increased the value of theneighborhood.

Dolly Brooks of 53 ThatcherStreet Rumford, RI is properly sworn in.

Ms.Brooks believes that **Mr.Tuthill** is not immediately impacted by the property in questions but he hashis right to voice his opinion. **Ms.Brooks** explains that she has two images to give the board via someonealready present at the meeting. **Ms.Brooks** believes the variance is excessive and is too intense for the area. **Ms. Brooks** believes **Mr. Ferland** applied for a dimensionalvariance because it's easier for it to be granted than a use variance. **Ms. Brooks** believes the applicantcreated the hardship and is playing the system and that this will become aparty house. **Ms. Brooks** believes thecabana was not built to be the same size as the original garage and wants allvariances denied.
Motionby Vice Chairman Beauparlant to accept the two images from Ms. Brooks asExhibits D and E, the motion is **Secondedby Mr. Braga and Unanimously approved**.

Nicholas Craig of 34 BraytonAvenue Rumford, RI is properly sworn in.

Mr. Craigcomplains of the construction debris and the port-a-potty being constantlymoved around. **Mr. Craig** believesthis is excessive and not the least relief necessary and that this could havebeen done different.
ViceChairman Beauparlant inquires if wasn't there supposed to be a 6ft. fence aroundto shield the neighbors.
Mr.Mclean answers that there is an existing portion of fence and therewill be a fence around the pool but there will be abbreviates on the sidewithout a fence.
ViceChairman Beauparlant inquires about the reluctance to put up a fence on thatside.
Mr.Mclean believes abbreviates is more attractive and will grow to beup to 10ft. in height.
Mr.Craig explains he has dogs and small children and would prefer afence installed.
ViceChairman Beauparlant suggests a fence be installed as a stipulation.
Mr.Pimentel explains that due to zoning the fence height is regulated.
Mr.Mclean explains that if the board feels it is necessary they willinstall the fence but it will 4ft. in height.
ChairmanSaveoryqueries the Board for a motion.
Motion by **Vice Chairman Beauparlant,**
Basedon all evidence presented to the Zoning Board of Review and personal knowledgeof the members of the Board

of the land and area of the City of EastProvidence, the Zoning Board of Review hereby finds pursuant to Section19-45(a) of the City of East Providence Zoning Ordinance:

1.The hardship from which the applicant seeks relief is due to the uniquecharacteristics of the subject land or structure and not due to the generalcharacteristics of the surrounding area, and not due to a physical or economicdisability of the applicant excepting those physical disabilities addressed inRIGL 45-24-30(16).

2.The hardship is not the result of any prior action of the applicant and doesnot result primarily from the desire of the applicant to realize greaterfinancial gain.

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

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

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

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

Vice ChairmanBeauparlant 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.

3. Operation of the cabana will only be fromMay1st-October31st

4. The drainage plans being included into thelandscape plan.

5. No range stove allowed in the cabana.

6. No overnight stays or any type of residency inthe cabana.

7. A 4ft. in height fence be installed from the leftside of the property.

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

Motionis Seconded by**Mr. Braga**

RollCall Vote

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

The boardbelieves this is a difficult case and are trying to make it work for the applicant andthe neighbors.There will not be any drainage issues, the hot tub and the stove have beeliminated. Mr. Croke believes that thereis too much impervious coverage.

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

Chairman Saveory requests a recess at 8:16pm and the boardreconvenes 8:28pm.

VIII. NEW BUSINESS

3A. Petition No. 6819 - ST.MARGARET CHURCH, requests a use variance to introduce a digital sign,otherwise defined as a prohibited land use, for property located at **1098 PAWTUCKET AVENUE, being MAP 503, BLOCK2, PARCEL 1, in a RESIDENTIAL 4 DISTRICT.**

Attorney Gregory Dias is representing thepetitioner.

Attorney Dias explains to the board that the petitionerwould like to install a sign with an electronic message board. Attorney Diasalso asks for a motion to modify the petition since it had the incorrectnumbers listed.

Mr. Pimentel explains that the sign will be two sided andonly one side was considered.

Attorney Dias adds that the planning board recommendsapproval with the addition of 3 specific requirements that the applicant iswilling to meet.

Monsignor John Darcy is properly sworn in.

Monsignor Darcy explains to the board that St.Margaret has been there for 130 years and the existing sign is deteriorating.The new sign will help with the mission of St. Margaret and will be test only.It will have times and school related messages and is willing to have Amber andSilver alerts for the city. The sign will be facing Pawtucket Avenue and willgive illumination to the sidewalk and no neighbors have reached out to him tooppose the sign.

Attorney Dias adds that they have a petition from neighborsin favor of the sign and a map of those people who signed in favor and wouldlike to give these to the board.

Motion by Vice Chairman Beauparlantto accept the petition signed by abutters in favor of the sign as Exhibit A, themotion is **Seconded by Mr. Braga andUnanimously approved.**

Motion by Vice Chairman Beauparlantto accept the map of the abutters in favor of the sign as Exhibit B, the motionis **Seconded by Mr. Croke and Unanimouslyapproved.**

Jason Sozazez is properly sworn in.

Mr. Sozazez explains to the board that he frequently doesthis type of sign construction and can meet all of the planning board'srecommendations. The sign has the ability to dim down automatically and he didthe same type of sign for St. Theresa's in Pawtucket on Newport Avenue.

Vice Chairman Beauparlant is glad to see the planningboard's stipulations will be agreed to and that there will be no animationssuch as scrolling. **Vice ChairmanBeauparlant** admits he'd would be more comfortable with the sign off atnight.

Mr. Pascoa has no questions.

Mr. Croke would like to consider having the sign shutoff at midnight and inquires how the messages can be controlled.

Mr. Sozazez explains that they could control the sign toshut off at 10pm and would not be an issue. The messages are controlled throughcloud based technology, it can be done through cellphone, computer or tablet.

Mr. Croke inquires if there will be rolling messages.

Mr. Sozazez answers that the sign has the ability to do sobut, will be sticking with the stipulations set by the planning board.

Mr. Braga explains that with the planning boardstipulations in place, he has no issue with this petition.

Mr. Robinson explains that if the applicant is willing touse the sign for law enforcement, those messages should be an exception tobeing turned off at night.

Mr. Sozazez explains that they can easily manage thealerts then put it back to the more restricted messages.

Monsignor Darcy explains that there are many peoplehe trust to operate the sign if he is unavailable, but he can manage the signform his cellphone or IPad.

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 Vice ChairmanBeauparlant,

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 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.Following the stipulations provided by the planning board.
3.The sign system be shut down from 10pm-6am with the exception foran emergency/public safety message.
ChairmanSaveoryasks **Attorney Dias** 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. **AttorneyDias** responds that he fully understands and accept the conditions juststipulated.
Motionis Seconded by**Mr. Croke**
RollCall Vote
Mr.Pascoa – Aye **Members ofthe board have seen the St. Theresa's**
Mr. Braga - Aye **signand have no issue with sign since the**
Mr.Croke - Aye **applicanthas agreed to their stipulations and the**
ViceChairman Beauparlant - Aye **planning board's stipulations.**
ChairmanSaveory – Aye
Use Variance unanimouslygranted, subject to the aforementioned condition(s).
3B. Petition No. 6820 - ST.MARGARET CHURCH, requests a dimensional variance tointroduce a digital sign, that will exceed the maximum aggregate signagerequirements, otherwise defined as a prohibited land use, for property locatedat **1098 PAWTUCKET AVENUE, being MAP 503,BLOCK 2, PARCEL 1, in a RESIDENTIAL 4 DISTRICT.**
ChairmanSaveoryqueries the Board for a motion.
Motion by Vice ChairmanBeauparlant,
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.
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.

3. Following the stipulationsprovided by the planning board.

4.The sign system be shut down from 10pm-6am with the exception for anemergency/public safety message.

ChairmanSaveoryasks **Attorney Dias** 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. **AttorneyDias** responds that he fully understands and accept the conditions juststipulated.

Motionis Seconded by**Mr. Croke**

RollCall Vote

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

Members ofthe board have seen the St. Theresa's signand have no issue with sign since the applicanthas agreed to their stipulations and the planning board's stipulations.

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

4. Petition No. 6821 - SUE SHEINITKIN, requests a dimensional variance to convert an accessory garage to principal living space,without complying with the minimum side-yard setback requirement, for propertylocated at **226 PLEASANT STREET, beingMAP 504, BLOCK 10, PARCEL 8, in a RESIDENTIAL 3 DISTRICT.**

Sue Shein-Itkin is properly sworn in.

Ms. Shein-Itkin explains to the board that shewould like to create a workout space in the garage since she cannot work out atthe gym due to Covid-19. They will be removing the garage door and installing aregular door.

Vice Chairman Beauparlant inquires if the work as alreadybegun.

Ms. Shein-Itkin answers that there was termitedamaged that needed to be repaired. **Ms.Shein-Itkin** explains that she will not be turning this into a business andthat her driveway has spaces for 3 vehicles.

Mr. Croke inquires if heat will be installed.

Ms. Shein-Itkin answers that she hopes between theinsulation and working out that it will be warm enough to not install heat.

Mr. Braga has no questions at this time.

Chairman Saveory inquires if there will be anyelectricity or water to the garage.

Ms. Shein-Itkin answers yes to electric but no towater.

Chairman Saveory inquires if there will be abedroom built in the garage.

Ms. Shein-Itkin answers no.

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 **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 greater financialgain.
3.The granting of the requested variance will not alter the general character ofthe surrounding area or impair the intent or purpose of this chapter or thecity's comprehensive plan upon which this chapter is based.
4.The relief to be granted is the least relief necessary.
TheZoning Board of Review hereby further finds pursuant to Section 19-45(b) of theCity of East Providence Zoning Ordinance:
1.In granting a dimensional variance, that the hardship that will be suffered bythe owner of the subject property if the dimensional variance is not grantedshall amount to more than a mere inconvenience.
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.
3.If the gym does not work out or the property is sold the gym must be revertedback into a garage.
ChairmanSaveoryasks **Ms. Shein-Itkin**if she 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. **Ms. Shein-Itkin** responds that she fully understands and accept theconditions just stipulated.
Motionis Seconded by**Mr. Croke**
RollCall Vote
Mr.Pascoa – Aye
Mr. Braga - Aye
Mr.Croke - Aye
ViceChairman Beauparlant - Aye
ChairmanSaveory – Aye

The boardbelieves there is hardship due to the property pre-dating zoning and that this willnot alterthe surrounding area. The board likes that therewill be no windows on the left side of the gym for privacy.

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

5. Petition No. 6822 - 310GREENWOOD AVE., LLC, requests a use variance to convert a priorcommercial usage of property (as approved by the Zoning Board of Review), to aprohibited two-unit residence, for property located at **310 GREENWOOD AVENUE, being MAP 403, BLOCK 20, PARCEL 6.1, in aRESIDENTIAL 3 DISTRICT.**

Chairman Saveory informs the public that ViceChairman Beauparlant will be recusing himself and Mr. Robinson will be aparticipating and voting member.

Attorney Joseph Brennan is representing thepetitioner.

Attorney Brennan explainsto the board that the proposed conversion of the property is 2 residentialunits, one top floor with 2 bedrooms and 1 bathroom and one bottom floor with 2bedrooms and 1 bathroom. **AttorneyBrennan** explains that they were previously before the board proposing agolf simulation but was denied by the board.
Attorney Brennan notes that they met with as many neighbors as theycould and they all wanted the commercial use abandoned. This property was along time existing commercial building that is large in size but is on a smalllot.
Attorney Brennan adds that hehas a letter from **Tom Sweeney**, norelation to the applicant **MichaelSweeney, Mr.**

Tom Sweeney is a real estate expert and his letter states that2 residential units is the best option.

Motion by Mr. Braga to accept Mr.Tom Sweeney's resume and letter as Exhibit A, the motion is Seconded by Mr.Pascoa and is Uniamously approved.

Attorney Brennan notes thatthere was previous discussion about a disputed easement and explains to theboard that they are present tonight for a variance only and not here for anyprivate rights. There are currently 4 parking spaces which they are required tohave for 2 residential units.

Motion by Mr. Robinson to acceptthe letter regarding the easement as Exhibit B, the motion is Seconded by Mr.Braga and is Uniamously approved.

Mr. Robinson has no questions at this time.

Mr. Pascoa has no questions at this time.

Mr. Croke inquires where the 4 parking spaces are.

Attorney Brennan explains that the plan is to getrid of bulkhead which would give room for a potential 5th parkingspot.

MichaelSweeney of 322 Blackstone Blvd Providence, RI is properly sworn in.

Mr. Sweeney is trying to do everything to find a use forthe property the only person that may object is his neighbor **Ms. Cain** who owns the 12 units becauseshe wants to purchase the property. The building was a victim of time and wouldlike to have a two 2 bedroom units for younger or older couples.

Mr. Braga explains that he can't see another use forthis property and that the proposed use last time would have been too intense.Mr. Braga agrees with Attorney Brennan's arguments for hardships andpresentation.

Chairman Saveory has no issues with the proposedtwo family.

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.

Anne Cain,owner of 40-42 Elm Avenue Rumford, RI is properly sworn in.

Ms. Cain presents apackage of her opposition regarding this petition and would like it submittedinto the record.

Motion by Mr. Robinson to acceptMs. Cain's packet as Exhibit C, the motion is Seconded by Mr. Braga and is and Uniamously approved.

Ms. Cain explainsthat she is against this petition due to the parking and easement reasons.

ChairmanSaveoryinquires if there is anyone present via Zoom.

Lucy Stoddard of 5 Carolina Avenue Riverside,RI is properly sworn in.

Ms. Stoddard explains to the board that she was the listingagent for the property and had an issue with **Ms. Cain** regarding the parking. **Ms. Stoddard** explains that the property does have parking and that **Mr. Sweeney** will make the property lookbetter.

Mr. Croke inquires about the removal of the bulkhead formore parking and the potential blocking of the stairs.

Attorney Brennan answers that they will not blockthe stairs.

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:

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:
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.
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**Mr. Braga and Mr. Croke**
RollCall Vote
Mr.Pascoa – Aye
Mr. Robinson - Aye
Mr.Croke - Aye
Mr.Braga - Aye
Chairman Saveory – Aye

The board likesthe idea of the commercial use beingabandoned and turned residential. There is residential12 unit next door so it will fit inwith the area. The board realizes that there are limited options for this property.

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

Chairman Saveory calls for a recess at 10:17pm,the board reconvenes at 10:28pm

Chairman Saveory informs the public that ViceChairman Beauparlant has returned as a voting and participating member and Mr.Robinson will return to being a participating but not voting member.

6. Petition No. 6823 - C. JULIANUGENT and JEAN CAVANAUGH, request a dimensional variance toconstruct a new single-family residence, without complying with the minimumfront and side-yard setback requirements, for property located at **29 SUNNYSIDE AVENUE, being MAP 209, BLOCK3, PARCEL 8, in a RESIDENTIAL 3 DISTRICT.**

C. Julia Nugent of 29 Sunnyside AvenueRiverside, RI is properly sworn in.

Ms. Nugent explains to the board that the house is a1920's structure and the proposed new home will not be in the exact footprintas the existing home, which is why she is here tonight. **Ms. Nugent** explains that she has spoken with all of the abuttersregarding this petition.
Mr. Pascoa has no questions at this time.
Mr. Croke inquires how **Ms. Nugent** will protect the property from vehicles.
Ms. Nugent explains that there isn't a sidewalk but theroad does become parallel in front of her home.
Mr. Braga has no concerns with this petition.
Mr. Robinson can see why the house needs to be demolishedand had spoken with one of the neighbors and they had a lot of good things tosay.
Vice Chairman Beauparlant notes that all the neighbors willstill keep their views.
Chairman Saveory has no issues with the petition.
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. Pascoa,**
Basedon all evidence presented to the Zoning Board of Review and personal knowledgeof the members of the Board of the land and area of the City of EastProvidence, the Zoning Board of Review hereby finds pursuant to Section19-45(a) of the City of East Providence Zoning Ordinance:
1.The hardship from which the applicant seeks relief is due to the uniquecharacteristics of the subject land or structure

and not due to the generalcharacteristics of the surrounding area, and not due to a physical or economicdisability of the applicant excepting those physical disabilities addressed inRIGL 45-24-30(16).
2.The hardship is not the result of any prior action of the applicant and doesnot result primarily from the desire of the applicant to realize greaterfinancial gain.
3.The granting of the requested variance will not alter the general character ofthe surrounding area or impair the intent or purpose of this chapter or thecity's comprehensive plan upon which this chapter is based.
4.The relief to be granted is the least relief necessary.
TheZoning Board of Review hereby further finds pursuant to Section 19-45(b) of theCity of East Providence Zoning Ordinance:
1.In granting a dimensional variance, that the hardship that will be suffered bythe owner of the subject property if the dimensional variance is not grantedshall amount to more than a mere inconvenience.
Mr. Pascoa moves that thedimensional variances be **Granted**subject to the petitioner fulfilling the following conditions:
1.Petitioner(s) obtaining any, and all, necessary permits - said permitsnecessary to exercise (execute) the relief granted. Failure to obtain requisitepermit(s), if needed, within the six-month approval period (one-year, 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.
ChairmanSaveoryasks **Ms. Nugent** 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.Nugent** responds that she fully understands and accept the conditions juststipulated.
Motionis Seconded by**Mr. Croke**
RollCall Vote
Mr.Pascoa – Aye
Mr. Braga - Aye
Mr.Croke - Aye
ViceChairman Beauparlant - Aye
ChairmanSaveory – Aye

The board notes that the home will bebuilt in a similarfootprint and the property has had pre-existing variances.

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

7. Petition No. 6824 - JESSICAGOMES, requests a dimensional variance to construct an addition, as wellas convert an existing attached accessory garage to living space, withoutcomplying with the minimum front and side-yard setback requirements, as well asexceeding the maximum building and lot coverage requirements, for propertylocated at **45 FERNCREST DRIVE, being MAP612, BLOCK 7, PARCEL 45, in a RESIDENTIAL 3 DISTRICT.**

Bryan Gomes of 45 Ferncrest Drive Riverside, RIis properly sworn in.

Mr. Gomes explains to the board that the garage iscurrently set back and will would it to come out 5ft and create more livingspace for a kitchen/living room area. They currently have 4 children and one ofwhich is special needs so they are just trying to make more living space.
Mr. Braga has no questions at this time.
Mr. Robinson has no questions at this time.
Vice Chairman Beauparlant inquires who is doing theconstruction work.
Mr. Gomes answers that he'll be doing the work.
Vice Chairman Beauparlant has no further questions.
Mr. Pascoa has no questions at this time.
Mr. Croke noticed that other neighbors are doing work aswell and inquires if they have spoken with them.

Mr. Gomes responds that the neighbors on the left knowand the neighbor on the right came today but left due to the time but was goingto speak on their behalf.

Chairman Saveory believes this will be animprovement.

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. 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.

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

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

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

1.Petitioner(s) obtaining any, and all, necessary permits - said permitsnecessary to exercise (execute) the relief granted. Failure to obtain requisitepermit(s), if needed, within the six-month approval period (one-year, 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.

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

Motionis Seconded by**Mr. Croke**

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

The board recognizes the hardship andbelieves thiswill fit in with the neighborhood.

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

8. Petition No. 6825 CRAIG and ELIZABETHO'ROURKE, request a dimensional variance to construct several second-flooradditions, without complying with the minimum front and both side-yard setbackrequirements, for property located at **22CATLIN AVENUE, being MAP 403, BLOCK 19, PARCEL 3, in a RESIDENTIAL 3 DISTRICT.**

Craig and Elizabeth O'Rourke of 22 CatlinAvenue Rumford, RI are properly sworn in.

Vice Chairman Beauparlant inquires if they are stayingwithin the existing footprint.

Ms. O'Rourke answers yes.

Mr. Croke inquires if the garage will be torn down.

Mr. O'Rourke answers yes due to fire code reasons.

Mr. Braga has no concerns.

Mr. Robinson believes this will fit in with the area.

Chairman Saveory also believes that this will fitin with the area.

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,

Mary Jane McDonald of16 Catlin Avenue Rumford, RI is properly sworn in.

Ms.McDonaldexplains to the board that she feels that it is a large addition facing herside and has concerns with the potential damage done to the tree on herproperty.

Mr.O'Rourkeanswers that they will just be cutting braches hanging over to their propertyand that this was the least relief necessary.

ChairmanSaveoryqueries the Board for a motion.

Motion by **Vice Chairman Beauparlant,**

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

1.The hardship from which the applicant seeks relief is due to the uniquecharacteristics of the subject land or structure and not due to the generalcharacteristics of the surrounding area, and not due to a physical or economicdisability of the applicant excepting those physical disabilities addressed inRIGL 45-24-30(16).

2.The hardship is not the result of any prior action of the applicant and doesnot result primarily from the desire of the applicant to realize greaterfinancial gain.

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

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

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

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

Vice ChairmanBeauparlant 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. and Ms. O'Rourke** if theyaccept 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. **Mr.and Ms. O'Rourke** respond that they fully understand and accept theconditions just stipulated.

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

RollCall Vote

Mr.Pascoa – Aye **Theboard believes this will fit in nicely with the**
Mr. Braga - Aye **neighborhood and is the least reliefnecessary.**
Mr.Croke - Aye
ViceChairman Beauparlant - Aye
ChairmanSaveory – Aye

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

9. Petition No. 6789 - RANDALLROMANOFF, requests a use variance to retain a prohibited three-unitresidential facility, otherwise defined as a prohibited land use, for propertylocated at **216 NARRAGANSETT AVENUE,being MAP 313, BLOCK 1, PARCEL 6, in a RESIDENTIAL 4 DISTRICT.**

Mr. Pimentel explainsto the board that the applicant is still working on having the land surveycompleted and would like to have this petition continued.

Motion by **Mr. Braga to continue this petition from 4November 2020 to 14 December 2020 so the petitioner has time to completed theclass I survey**, the motion is **Seconded**by **Vice Chairman Beauparlant,** and **Unanimously** approved.

IX. PROCEDURES

Chairman Saveory requeststhe board for a motion to have the next regular scheduled meeting of the zoningboard be 14 December 2020.

Motion by Mr. Braga tomake the next regular meeting of the zoning board, the motion is Seconded byMr. Croke and Mr. Pascoa and **Unanimously** approved.

X. ANNOUNCEMENTS

The next meeting of the Zoning Board of Review is scheduled for **Monday, 14 December 2020, at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XI. ADJOURNMENT

Motiontoadjourn by **Mr. Braga.** The motion is **Seconded** by **Vice Chairman Beauparlant** and **Unanimously** voted to adjourn. Meeting is adjourned at 11:10pm.

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EdwardPimentel, AICP
Zoning Officer / Clerk

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Secretary