STATE OF RHODE ISLAND
CITY OF EAST PROVIDENCE

COUNTYOF PROVIDENCE **APPELLATE BOARD OF REVIEW**

MINUTES

A meeting of the East Providence Appellate Boardof Review was held at 7:04pm, on Wednesday, **14 April 2021**. The meetingis scheduled to be purely in a **VirtualFormat** due to the **ExecutiveOrder by the Governor and the Mayor of East Providence.**

The following members were present:

Eugene Saveory – Chairman – **ABSENT**

Michael Beauparlant – ActingChairman

John Braga

Richard Croke, Sr.

Gary Pascoa

Matthew Robinson – 1st Alternate

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

Edward Pimentel – Zoning Officer /Clerk

Michael Marcello – City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

ActingChairman Beauparlant announces that the Zoning Board of Review will now bereconvening as an Appellate Board, following the respective procedures.

II. CONTINUED BUSINESS

There is no continued business on tonight'sdocket.

III. NEW BUSINESS

1.**PetitionNo. 6845 - S & D REALTY, LLC, appeals the decision of the City of EastProvidence Zoning Officer**, regarding his determination that introductionof an accessory garage is either an intensification of the present three-unitresidential usage of property, stated use being defined as a Use Permitted byVariance, or violates an express condition of approval that permitted theintroduction of the referenced usage of property, for property located at **0 FISHER STREET, being MAP 207, BLOCK 27, PARCEL9, in a RESIDENTIAL 3 DISTRICT.**

Attorney Bruce Cox is representing thepetitioner.

Attorney Cox explains that the board is familiar with theproperty, it is a 3 family unit that had received a variance with this board.The applicant is now proposing an accessory structure, a one car garage, 20x26in size. What has happened is the owner, **Mr.Dipilitto** and his wife decided that they want to reside in the southernunit. There will be a modest movement of the driveway to accommodate. Thedecision says that no more additional units will be allowed but this is agarage that will provide storage for **Mr.Dipilitto's** pick-up truck, snow blower and maintenance equipment.

Attorney Cox believes that this is notintensifying the site and the property will remain 3 units.

Solicitor Marcello confirms that this appeal is forthe denial of the building permit for the garage.

Attorney Cox responds that **Mr. Pimentel** denied the building permit since he felt that thisneeded to go back before the board for another variance due to the decision.

Solicitor Marcello explains that the board is here todetermine whether or not the garage is an intensification of the residentialunits or the lot in general.

Mr. Pimentel explains that there was two conditions ofapproval, one being that there will be strict compliance with the approval andthe second being that no further intensification of the property. It is forthese reasons why he denied the building permit.

Solicitor Marcello inquires if the garage would meetall other setbacks.

Mr. Pimentel explains that he is going off memory but yesthat is correct.

Mr. Croke explains that he has concerns that the garagewill eventually be converted into living/recreational space.

Solicitor Marcello explains that if the board grantsthe appeal it would be approved for the garage and would violate thestipulation.

Mr. Croke inquires about the other garages that werepreviously proposed.

Attorney Cox answers that there are other garages on sitebut the **Dipilittos** have twovehicles, one being a work pick-up truck and doesn't want to be "the guy withthe truck".

Mr. Croke believes this is adding a 4th building.

Mr. Braga believes the intent of the board at the time wasthat there will be no intensification without going to the board first. Thesystem is working.

Mr. Pascoa has no concerns.

Mr. Robinson explains that his concern is that thepetitioner is a contractor and this garage will house commercial equipment, toolsand be able to run his business out of it.

Acting Chairman Beauparlant believes the petitioner is seekingadditional relief and that this is an intensification.

Acting Chairman Beauparlant notes that there was a lot of concernfrom the neighbors.

Solicitor Marcello explains to the board that theyhave two options, 1. Is uphold the decision of **Mr. Pimentel.** This would mean that the appeal would be denied andthe applicant would have to come back before the board. 2. Is overrule **Mr. Pimentel** and grant the appeal, theapplicant can have their permit and build the garage.

Acting Chairman Beauparlant would like to hear from thepublic.

Solicitor Marcello explains that this is an appeal andnot required.

Mr. Pimentel explains that some neighbors thought theywould be heard tonight.

Solicitor Marcello explains that he wouldn't normallyallow this but leaves it up to **AttorneyCox.**

Attorney Cox wants to stick to the record, in case of thedecision by the board is a denial.

Mr. Croke wants the motion to be in denial of the appealand uphold **Mr. Pimentel's** decision.

Motion by Mr. Robinson to uphold Mr. Pimentel's decision and denythe appeal, the motion is Seconded by Mr. Braga.

Roll Call Vote
Mr. Pascoa – Nay
Mr. Robinson - Aye
Mr. Croke – Aye
Mr. Braga – Aye
Acting ChairmanBeauparlant - Aye

The board feels that this is anintensification andthat the system is working. Mr. Pascoa notes that the garage is in the code and doesn't see the concern.

The motion to deny theappeal and to uphold Mr. Pimentel's decision passes 4-1.

IV. ANNOUNCEMENTS

Chairman Saveory announces that the next**regular scheduled meeting of the ZoningBoard of Review is scheduled for Wednesday, 5 May 2021, at 6:00 PM**, in avirtual format until otherwise noted.

V. ADJOURNMENT

Motiontoadjourn by **Mr. Braga.** The motion is **Seconded** by **Mr. Robinson**and **Unanimously** voted to adjourn.Meeting is adjourned at 7:25P.M.

EdwardPimentel, AICP
ZoningOfficer / Clerk

Secretary