

STATE OF RHODE ISLAND CITY OF EAST PROVIDENCE

COUNTY OF PROVIDENCE MINUTES

APPELLATE BOARD OF REVIEW

A meeting of the East Providence Appellate Board of Review was held at 7:04pm, on Wednesday, **14 April 2021**. The meeting is scheduled to be purely in a **Virtual Format** due to the **Executive Order by the Governor and the Mayor of East Providence**.

The following members were present:

Eugene Saveory – Chairman – **ABSENT**

Michael Beauparlant – Acting Chairman

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

Acting Chairman Beauparlant announces that the Zoning Board of Review will now be reconvening as an Appellate Board, following the respective procedures.

II. CONTINUED BUSINESS

There is no continued business on tonight's docket.

III. NEW BUSINESS

1. Petition No. 6845 - S & D REALTY, LLC, appeals the decision of the City of East Providence Zoning Officer, regarding his determination that introduction of an accessory garage is either an intensification of the present three-unit residential usage of property, stated use being defined as a Use Permitted by Variance, or violates an express condition of approval that permitted the introduction of the referenced usage of property, for property located at **0 FISHER STREET, being MAP 207, BLOCK 27, PARCEL 9, in a RESIDENTIAL 3 DISTRICT.**

Attorney Bruce Cox is representing the petitioner.

Attorney Cox explains that the board is familiar with the property, 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, 20x26 in size. What has happened is the owner, **Mr. Dipilitto** and his wife decided that they want to reside in the southern unit. There will be a modest movement of the driveway to accommodate. The decision says that no more additional units will be allowed but this is a garage that will provide storage for **Mr. Dipilitto's** pick-up truck, snow blower and maintenance equipment. **Attorney Cox** believes that this is not intensifying the site and the property will remain 3 units.

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

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

Solicitor Marcello explains that the board is here to determine whether or not the garage is an intensification of the residential units or the lot in general.

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

Solicitor Marcello inquires if the garage would meet all other setbacks.

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

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

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

Mr. Croke inquires about the other garages that were previously proposed.

Attorney Cox answers that there are other garages on site but the **Dipillittos** have two vehicles, one being a work pickup truck and doesn't want to be "the guy with the truck".

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

Mr. Braga believes the intent of the board at the time was that there will be no intensification without going to the board first. The system is working.

Mr. Pascoa has no concerns.

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

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

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

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

Acting Chairman Beauparlant would like to hear from the public.

Solicitor Marcello explains that this is an appeal and not required.

Mr. Pimentel explains that some neighbors thought they would be heard tonight.

Solicitor Marcello explains that he wouldn't normally allow this but leaves it up to **Attorney Cox**.

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

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

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

Roll Call Vote	The board feels that this is an intensification
Mr. Pascoa – Nay	and that the system is working. Mr. Pascoa
Mr. Robinson - Aye	notes that the garage is in the code and
Mr. Croke – Aye	doesn't see the concern.
Mr. Braga – Aye	
Acting Chairman Beauparlant - Aye	

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

IV. ANNOUNCEMENTS

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

V. ADJOURNMENT

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

Edward Pimentel, AICP
Zoning Officer / Clerk

Secretary

