

STATE OF RHODE ISLAND COUNTY OF EAST PROVIDENCE

CITY

COUNTY OF PROVIDENCE MINUTES

ZONING BOARD OF REVIEW

A meeting of the Zoning Board of Review is scheduled for **3 February 2021**, at 6:00 P.M. The meeting is scheduled to be purely in a **Virtual Format** due to the **City Hall being closed to the public by Executive Order by the Governor and the Mayor of East Providence.**

The following members were present:

Eugene Saveory – Chairman

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 – **ABSENT**

Travis DeCosta – Assistant City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

Chairman Saveory announces that it is the policy of the Zoning Board of Review to caution all petitioners that they have the right to counsel before the Board and failure to do so at this time does not constitute sufficient grounds for a change in circumstances under the eighteen-month repetitive petition clause. All petitioners are also cautioned that if the petition is approved, all construction must be done in compliance with the submitted plan(s), application and testimony presented to the Zoning Board of Review. A change of 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 promptly removed. Comments will be limited to the petition being heard and no comments will be heard that do not pertain to an item scheduled on tonight's docket. He also notes that it is the policy 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 from the public provided it solely pertains to an item on tonight's docket.

A. Swearing in of the Zoning Officer

Chairman Saveory asks **Assistant City Solicitor DeCosta** to swear in the **Zoning Officer, Mr. Pimentel.**

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory informs the public that all board members are present tonight and **Mr.**

Robinson will be participating but not voting.

III. APPROVAL OF ZONING BOARD MINUTES

Mr. Pimentel explains to the board that the December 2020 and January 2021 minutes were prepared but not listed on the docket so unfortunately motions cannot be made on them.

Chairman Saveory notes that they will be put on the docket for March's meeting.

IV. ZONING OFFICER'S REPORT

Chairman Saveory announces that there is nothing to report.

V. CORRESPONDENCE / DISCUSSION

Mr. Pimentel explains that **HMS Associates of 65 Tripps Lane** was heard before the board in July 2020, they are requesting a **6 month extensions** due to being delayed because of Covid-19.

Motion by Mr. Pascoa to grant the 6 month extension, the motion is Seconded by Mr. Braga.

VI. STAFF REPORTS

1. Planning Department Staff Report – 28 January 2021 - Previously Submitted
2. January 2021 - Zoning Complaint List – Previously Submitted

VII. CONTINUED BUSINESS

Chairman Saveory announces that there is no continued business on the docket.

VIII. NEW BUSINESS

1. Petition No. 6837 - DANIEL and SUSAN CORRIA, request a **dimensional variance** to retain an unenclosed deck that was constructed within the requisite front-yard setback, for property located at **130 MAYFLOWER STREET, being MAP 407, BLOCK 9, PARCEL 4, in a RESIDENTIAL 3 DISTRICT.**

Daniel and Susan Corria of 130 Mayflower Street E. Providence, RI are properly sworn in.

Ms. Corria explains to the board that she always wanted a front porch and they had hired a contractor to come out to do the job. They had inquired to the contractor if they needed a permit and the contractor told them no, that they didn't need a permit due to the height of the porch from the ground. **The Corrias** believed the contractor but note that the porch does not come out more than the house.

Mr. Pimentel explains he did feel bad for making the **Corrias** come before the board but there was no other option.

Mr. Pascoa has no questions or concerns regarding this petition.

Vice Chairman Beauparlant has no concerns regarding this petition.

Mr. Braga believes that this is a technicality that the **Corrias** got caught up in.

Mr. Pimentel explains that he does have a letter of approval that was already put into the board's packages and is part of the public record.

Ms. Corria explains that there are at least four letters in favor of their petition.

Chairman Saveory believes that this is conducive with the house and the area.

Chairman Saveory inquires if there is anyone present via Zoom who would like to speak in favor of the subject petition.

Jose Delgado of 121 Mayflower St. E. Providence, RI is properly sworn in.

Mr. Delgado explains that he wrote a letter in favor but wanted to tell the board himself that he lives directly across the street from the **Corrias** and that they have his full support.

Chairman Saveory inquires if there is anyone present via Zoom who would like to speak against the subject petition. Hearing and seeing none,

Chairman Saveory queries the Board for a motion.

Motion by Mr. Pascoa,

Based on all evidence presented to the Zoning Board of Review and personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board of Review hereby finds pursuant to Section 19-45(a) of the City of East Providence Zoning Ordinance:

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area, and not due to a physical or economic disability of the applicant excepting those physical disabilities addressed in RIGL 45-24-30(16).
2. The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.
3. The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the city's comprehensive plan upon which this chapter is based.
4. The relief to be granted is the least relief necessary.

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

1. In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the

dimensional variance is not granted shall amount to more than a mere inconvenience.

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

1. Petitioner(s) obtaining any, and all, necessary permits - said permits necessary to exercise (execute) the relief granted. Failure to obtain requisite permit(s), if needed, within the six-month approval period (one-year, if extended by 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 it may be applicable) and site plan package; all exhibits; entire testimony of applicant and/or property owner; presentation of legal counsel (if applicable); and, testimony of all expert(s), if applicable.

Chairman Saveory asks **Mr. and Ms. Corria** if they accept the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. **Mr. and Ms. Corria** respond that they fully understand and accept the conditions just stipulated.

Motion is Seconded by **Vice Chairman Beauparlant**,

Roll Call Vote	The board feels that the hardship lies with the
Mr. Pascoa – Aye	shape of the home and the home pre-dating
Mr. Braga - Aye	zoning. The petitioners were misled by their
Mr. Croke – Aye	contractor and it is obvious that they have
Vice Chairman Beauparlant - Aye	support from their neighbors.
Chairman Saveory – Aye	

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

2. Petition No. 6838 - 186 WATERMAN ASSOCIATES, requests a **dimensional variance** to introduce a free-standing sign that exceeds the maximum square footage permitted, for property located at **2253 PAWTUCKET AVENUE**, being **MAP 406, BLOCK 13, PARCEL 2**, in a **COMMERCIAL 1 DISTRICT**.

Attorney Joseph Brennan is representing the petitioner.

Attorney Brennan explains to the board that his client is looking to utilize the existing sign on the property in a greater fashion. His client would like to have the signage large enough for more tenants. The sign will be located in the same spot and will remain to be the same height. They are requesting an additional 67 sq. ft. on either side. **Attorney Brennan** notes that the property is surrounded by C4 properties and they are allowed to have up to 100 sq. ft. in size. If this petition is granted, **Attorney Brennan** believes that this will fit in nicely with the surrounding area. **Attorney Brennan** argues that the hardship is due to the property itself since it is such a large building. The owner would like to have 3 tenants instead of just one. The building has been there for a long time and the sign is outdated and the owner will upgrade the sign to make it more pleasant to look at. **Attorney Brennan** adds that any tenant will request to have proper signage for their business.

Mr. Croke notes that the property has zoning history and has constantly been vacant. **Mr. Croke** notes that the zoning ordinance in the C1 zone doesn't allow a sign that big.

Vice Chairman Beauparlant doesn't think that requesting addition 67 sq. ft. on each side will not be impactful in this area.

Mr. Braga understands the argument that the property is surrounded by businesses in the C4 zone. **Mr. Braga** notes that there are plenty of signs in the area that are much larger than what is being requested and believes that this is the least relief necessary and a reasonable request.

Mr. Pascoa has no concerns regarding this petition.

Mr. Robinson inquires if the sign will just be internally illuminated or a digital display.

Attorney Brennan answers that it will be just internally illuminated.

Mr. Robinson agrees that this is the least relief necessary.

Chairman Saveory inquires if the building is already separated into different units or is just one big building.

Attorney Brennan answers that it is just one big building for now.

Mr. Croke notes that he has been inside the building and notes that there are 3 separate offices.

Attorney Brennan explains that no space has been rented out.

Chairman Saveory then inquires if the building has ever been occupied with multiple tenants.

Attorney Brennan answers that he doesn't know that part of the building's history and explains that usually before you can lease a space out the owner will need to have signage to offer the tenant.

Chairman Saveory does understand due to Covid-19 people are downsizing their workspaces and having separate units makes more sense but does inquire if they are willing to take a few feet off the proposed signage.

Attorney Brennan answers that the owner was unable to be present tonight so he will have to say no since he does believe that this is a reasonable size.

Mr. Pimentel adds that it will be about 11x6 in size on each side.

Chairman Saveory admits he would like the sign to be downsized but would rather have the building to be occupied.

Attorney Brennan adds that they would like the tenant's signs large enough for people to see while driving to be able to see them clearly and not have to slow down or stare for too long.

Chairman Saveory inquires if there is anyone present via Zoom who would like to speak in favor of the subject petition. Hearing and seeing none, **Chairman Saveory** inquires if there is anyone present via Zoom who would like to speak against the subject petition. Hearing and seeing none,

Chairman Saveory queries the Board for a motion.

Motion by Mr. Croke,

Mr. Croke reads his motion in as a denial, but is the sole member to be in favor of the denial. Mr. Braga, Vice Chairman Beauparlant, Mr. Pascoa and Chairman Saveory vote nay to deny this petition. The motion is then read by Mr. Braga to be in favor of this petition.

Motion by Mr. Braga,

Based on all evidence presented to the Zoning Board of Review and personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board of Review hereby finds pursuant to Section 19-45(a) of the City of East Providence Zoning Ordinance:

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area, and not due to a physical or economic disability of the applicant excepting those physical disabilities addressed in RIGL 45-24-30(16).
2. The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.
3. The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the city's comprehensive plan upon which this chapter is based.
4. The relief to be granted is the least relief necessary.

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

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

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

1. Petitioner(s) obtaining any, and all, necessary permits - said permits necessary to exercise (execute) the relief granted. Failure to obtain requisite permit(s), if needed, within the six-month approval period (one-year, if extended by 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 it may be applicable) and site plan package; all exhibits; entire testimony of applicant and/or property owner; presentation of legal counsel (if applicable); and, testimony of all expert(s), if applicable.

Chairman Saveory asks **Attorney Brennan** if he accepts the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. **Attorney Brennan** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant,

Roll Call Vote	The board feels that the hardship lies with the
Mr. Pascoa – Aye	property being located surrounded by the C4
Mr. Braga - Aye	zone. The board would prefer this building to be
Mr. Croke – Nay	occupied. Mr. Croke believes that there is full use
Vice Chairman Beauparlant - Aye	of the property since it went before the board in
Chairman Saveory – Aye	1984 and in 1987.

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

3A. Petition No. 6835 - BOYD ASSOCIATES (OWNER) and PETRO HOLDINGS, INC. (LESSEE), request a **special use permit** to engage in 'Open Storage', referenced land use activity being permitted by special use permit, for property located at **88 BOYD AVENUE, being MAP 508, BLOCK 1, PARCEL 1, in an INDUSTRIAL 1 DISTRICT.**

Mr. Pimentel explains to the board that he has submitted photographs in the board's packages from the lessee of what materials they would like to store on the site. **Mr. Pimentel** adds that they petitioners haven't received final DPR approval, if this board was to grant the petition there would have to be the stipulation of obtaining DPR approval.

Attorney Christine Engustian with offices located at 1 Grove Ave E. Providence, RI is representing the lessee. **Attorney Engustian** explains to the board that this property is located on a "through lot", it is facing Boyd Avenue and Amaral Street, the property was built pre-zoning. The property is surrounded by non-residential properties, Amaral Street has no residential uses and Boyd Avenue is mostly commercial/industrial uses. The lessee would like to move their business from Almedia Avenue in East Providence and open into a unit available at 88 Boyd Avenue. There are currently 2 tenants at 88 Boyd Avenue with office uses. The proposed open storage meets zoning ordinance, it is just not allowed in this zone and the petitioners meet the requirements for a special use permit. The open storage will be in the back of the building and completely out of view. The applicant submitted a dimensional variance because they couldn't meet off street parking requirements by being 11 spaces short. **Attorney Engustian** adds she has one witness for the application.

Wendy Wood, general manager for Wood's Heating, is properly sworn in.

Ms. Wood explains she has worked for Wood's Heating for over 40 years and Petro Holding's is their parent company. Wood's Heating would occupy 88 Boyd Avenue and will only occupy a portion of the building's interior space and would be office space for office use. They will park vehicles such as the vans, oil trucks, and propane trucks, outside. The containers holding equipment and empty propane tanks are too big to store inside the building so those will be stored outside as well. **Ms. Wood** explains that she took those photographs mentioned by **Mr. Pimentel**. **Ms. Wood** explains that they plan on installing a fence and will have a locked gate to protect the materials and vehicles. The employee in work vehicles will only use Amaral Street and office employees in regular vehicles will use either Boyd Avenue or Amaral Street. There are a total of 30 employees but will have only 11-13 employees in the office at the same time, most of the employees are out on the road. Hours of operation are 7am-5pm Monday-Friday depending on the season, during the colder weather some employees will be there on Saturdays. **Ms. Wood** believes that the parking is sufficient for what they need. Wood's Heating has been in business for nearly 100 years and would like to stay in East Providence.

Mr. Pascoa has no questions or concerns.

Vice Chairman Beauparlant explains that **Attorney Engustian and Ms. Wood** answered his questions.

Mr. Braga has no questions at this time.

Mr. Croke inquires if propane will be stored on the property and if they will fill tanks on site.

Ms. Wood answers no and that there will be just one propane tank for deliveries.

Mr. Croke inquires if they have many propane customers in East Providence.

Ms. Wood answers yes, she is even surprised with how many propane customers they have here in the city.

Mr. Croke notes he is happy that the work trucks will be using Amaral Street only and just had concerns about the trucks being kept out of residential areas.

Ms. Wood agrees completely.

Mr. Croke inquires if wouldn't leaving boilers outside cause them to rust.

Ms. Wood explains that they will be stored in containers on the property to store boilers and generators. **Ms. Wood** adds that they want to keep the neighborhood happy.

Mr. Robinson has no questions at this time.

Chairman Saveory inquires if there will be 24 hour service.

Ms. Wood answers yes for emergencies.

Chairman Saveory inquires if there will be retail sales and pick up on site.

Ms. Wood answers no.

Chairman Saveory inquires if there is anyone present via Zoom who would like to speak in favor of the subject petition. Hearing and seeing none, **Chairman Saveory** inquires if there is anyone present via Zoom who would like to speak against the subject petition. Hearing and seeing none,

Chairman Saveory queries the Board for a motion.

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

1. That the use is compatible with neighboring land uses.
2. The use does not create a nuisance in the neighborhood.
3. That the use does not hinder the future development of the City.
4. That the use conforms to all applicable sections of the special use requested.
5. That the use is in conformance with the purpose and intent of the East Providence Comprehensive Plan and applicable standards of this Chapter.

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

- Petitioner(s) obtaining any, and all, necessary permits.
- Petitioners receive final DPR approval.

Chairman Saveory asks **Ms. Wood** if she accepts the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. **Ms. Wood** responds that she fully understands and accept the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Pascoa – Aye	The board believes this will fit in with the area
Mr. Braga - Aye	since it is a more commercial area. There will be
Mr. Croke - Aye	fencing to keep the open storage hidden.

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

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

3B. Petition No. 6836 - BOYD ASSOCIATES (OWNER) and PETRO HOLDINGS, INC. (LESSEE), requests a dimensional variance to introduce a third entity within an office building, without complying with the requisite off-street

parking, for property located at **88 BOYD AVENUE, being MAP 508, BLOCK 1, PARCEL 1, in an INDUSTRIAL 1DISTRICT.**

Chairman Saveory queries the Board for amotion.

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, ifextended by the Zoning Board of Review), will result in expiration of saidapproval.
- 2.Strict compliance, to include: Submitted site plan (or amended site plan, as itmay be applicable) and site plan package; all exhibits; entire testimony ofapplicant and/or property owner; presentation of legal counsel (if applicable);and, testimony of all expert(s), if applicable.

ChairmanSaveoryasks **Ms. Wood** 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.Wood** responds that she fully understands and accept the conditions juststipulated.

Motionis Seconded by**Vice Chairman Beauparlant,**

RollCall Vote

Mr.Pascoa – Aye	The boardbelieves that lacking 11 spaces is
Mr. Braga - Aye	minimumsince the property already has 118
Mr.Croke - Aye	spaces.

ViceChairman Beauparlant - Aye

ChairmanSaveory – Aye

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

IX. PROCEDURES

Chairman Saveoryannounces there are none.

X. ANNOUNCEMENTS

The next special meeting of the Zoning Board of Review is scheduled for **Wednesday, 3 March 2021, at 6:00 PM**, in a virtual format until otherwise noted.

XI. ADJOURNMENT

Motiontoadjourn by **Mr. Braga.** The motion is **Seconded** by **Vice Chairman Beauparlant**

and **Unanimously**voted to adjourn. Meeting isadjourned at 7:28pm.

EdwardPimentel, AICP
Zoning Officer / Clerk

Secretary