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**, 13 January 2021**,in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman – **ABSENT**

MichaelBeauparlant – Acting Chairman

JohnBraga – **ABSENT**

RichardCroke, Sr.

GaryPascoa

Matthew Robinson – 1st Alternate

Andrew Cotton – 2nd Alternate

EdwardPimentel – Zoning Officer / Clerk

MichaelMarcello – City Solicitor – **ABSENT**

DylanConley – Assistant City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

Acting Chairman Beauparlant announces that it is the policy of the Zoning Board of Review tocaution all petitioners that they have the right to counsel before the Boardand failure to do so at this time does not constitute sufficient grounds for achange 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.

Acting Chairman Beauparlant also notes that the Board welcomes any commentary from the public providedit solely pertains to an item on tonight's docket.

A.Swearing in of the Zoning Officer

Acting Chairman Beauparlant asks **AssistantSolicitor Conley** to swear in the**Zoning Officer, Mr. Pimentel.**

II.SEATING OF ALTERNATE MEMBERS

Acting ChairmanBeauparlant informsthe public that **Chairman Saveory and Mr.Braga are both absent**.

ActingChairman Beauparlant explains that he will be acting tonight and that **Mr. Robinson and Mr. Cotton** will be voting and participatingmembers tonight.

III. APPROVAL OFZONING BOARD MINUTES

Acting Chairman Beauparlant asks for approval ofthe **14 October 2020**, Zoning Board ofReview Minutes. **Motion** by **Mr. Robinson** toapprove the **14 October 2020**, ZoningBoard of Review Minutes. The motion is **Seconded**by **Mr. Croke** and **Unanimously** approved.

Acting Chairman Beauparlant asks for approval ofthe **4 November 2020**, Zoning Board ofReview Minutes. **Motion** by **Mr. Croke** toapprove the **4 November 2020**, ZoningBoard of Review Minutes. The motion is **Seconded**by **Mr. Robinson** and **Unanimously** approved.

IV.ZONING OFFICER'S REPORT

Mr.Pimentel explains that the board must approve theannual calendar, the calendar will be regular schedule starting 3 February 2021having meetings on the 1st Wednesday of every month with theexception of January and July.

Motionby Mr. Croke to approve the annual calendar, the motion is Seconded by Mr.Robinson.

V. CORRESPONDENCE/ DISCUSSION

Mr. Pimentel explains that **PACE, the owners of 10 Tripps Lane** isrequesting a 6 month extension out of abundance of caution.

Motion by Mr. Croke togrant the 6 month extension, the motion is Seconded by Mr. Robinson.

VI. STAFF REPORTS

1. Planning DepartmentStaff Report – 8 January 2021 - Previously Submitted

2. December 2020 - ZoningComplaint List – Previously Submitted

VII.CONTINUED BUSINESS

Thereis no continued business.

VIII. NEW BUSINESS

1. Petition No. 6826 - JOSEPHPAIVA, is requesting a **dimensionalvariance(s)** to construct a multi-tenant commercial facility, withoutcomplying with requisite setbacks off of the rear / residential districtboundary line, minimum aisle width, provision of off-street parking andloading, and minimum side-yard setback, for property located at **501 WARREN AVENUE, being MAP 307, BLOCK 36,PARCEL 14, in a COMMERCIAL 4 DISTRICT.**

[NOTE:Initial approval expired. Requesting approval of the exact same proposal.]

Mr. Pimentel explainsto the board that this is the same exact proposal that was previously approved,it had just expired so they had to come back before the board.

Attorney Bruce Cox is representing the petitioner.

Attorney Cox explains that it is the same application withthe one variant and that is to deal with the parking lot run off but that isbeing dealt with DEM. They were the ones holding up the process and did notapprove of the run off they had proposed.

Mr. Croke has no questions at this time and notes thatwhat is proposed will clean up that corner.

Mr. Robinson has no questions.

Mr. Cotton has no questions.

Mr. Pascoa has no questions.

Acting Chairman Beauparlant explains that he did not have anyconcerns then when this petition was first proposed and still doesn't now.

Acting Chairman Beauparlant inquires if there is anyone present whowould like to speak in favor of the subject petition. Hearing and seeing none, **Acting ChairmanBeauparlant** inquires if there isanyone present who would like to speak against the subject petition. Hearingand seeing none, **Acting Chairman Beauparlant** inquiresif there is anyone present via Zoom. Hearing and seeing none,

Acting Chairman Beauparlant 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 the city'scomprehensive 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** subjectto 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.
ActingChairman Beauparlant asks**Attorney Cox** 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.
AttorneyCox responds that he fully understands and accept the conditions juststipulated.
Motionis Seconded by**Mr. Pascoa,**
RollCall Vote
Mr.Pascoa – Aye
Mr. Robinson - Aye
Mr.Croke – Aye
Mr. Cotton – Aye
ActingChairman Beauparlant - Aye

Dimensionalvariances unanimously granted, subject to the aforementioned condition(s).
2. Petition No. 6827 - MICHAEL C.and CHRISTINA A. MACIEL, requests a **dimensional variance(s)** to construct an addition onto asingle-family residence, without complying with the minimum side-yard setbackrequirement, for property located at **31UPLAND ROAD, being MAP 309, BLOCK 17, PARCEL 7, in a RESIDENTIAL 3 DISTRICT.**
[NOTE: THISIS A CORRECTIVE NOTICE. THE INITIAL NOTICE DETAILED INCORRECT RELIEFINFORMATION. THE SUBJECT PETITION SIMPLY NECCESITATES A VERY MINOR SIDE-YARDSETBACK DIMENSIONAL DEVIATION.]
Christina and Michael Maciel of 31 Upland RdRiverside, RI are p'roperly sworn in.
Stephen Litwin with offices in Providence, RIis representing the petitioners.
Attorney Litwin explains to the board that exhibitA that is attached to their application explains what the **Maciel's** want. The **Maciel's** wantto construct a 2 car garage attached to the existing home on the side yard. Therelief requested is 8ft. on the side yard and 6.8ft in the rear yard and **Attorney Litwin** believes this is aminimal request.
Attorney Litwinexplains that the **Maciel's** havespoken with their neighbors and even gave them some input on the design, theneighbors are in approval of this project.
Mr. Pascoa has no questions.
Mr. Robinson has no questions.
Mr. Cotton has no questions.
Mr. Croke has no questions.
Acting Chairman Beauparlant expresses some concern about theside facing the neighbors and windows since there were no pictures provided.

Mr. Maciel answers that there will be elevated windows sothey will not be able to see out on that side of the property.
Acting Chairman Beauparlant explains that he no longer has concerns.
Acting Chairman Beauparlant inquires if there is anyone present whowould like to speak in favor of the subject petition. Hearing and seeing none, **Acting ChairmanBeauparlant** inquires if there isanyone present who would like to speak against the subject petition. Hearingand seeing none, **Acting Chairman Beauparlant** inquiresif there is anyone present via Zoom. Hearing and seeing none,
Mr.Pimentel explains that he has a letter he needs to read into the record fromDimas Demello of 30 Upland Rd Riverside, RI.
In his letter, **Mr. Demello** states that he is aware of the application and is inapproval of having it granted.
Mr.Pimentelalso explains to the board that he accidentally copied and pasted info from adifferent petition to this petition but it has been fixed and the neighborsthat previously called and they were no longer concerned.
Acting Chairman Beauparlant 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, 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.
Acting ChairmanBeauparlant asks**Mr. and Ms. Maciel** if they acceptthe 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. Maciel** respond that they fully understands and accept theconditions just stipulated.
Motionis Seconded by**Mr. Robinson,**
RollCall Vote
Mr.Pascoa – Aye
Mr. Robinson - Aye
Mr.Croke – Abstained due to being unable to seethe property
Mr. Cotton – Aye

ActingChairman Beauparlant - Aye

Dimensionalvariances unanimously granted 4-0, subject to the aforementioned condition(s).

3. Petition No. 6828 - ARGARET FARLEY, JOSEPHBEAGEN, and TABATHA GLAVIN, request dimensional variances to retainexcessive off-street parking within the requisite front-yard setback, forproperty located at **57, 59 and 61 WHITEAVENUE, being MAP 313, BLOCK 7, PARCEL(S) 3, 4, and 5, in a RESIDENTIAL 4DISTRICT.**

Joseph Beagan and Margaret Farley of 57 WhiteAvenue Riverside, RI are properly sworn in.

Tabatha Glavin of 61 White Avenue Riverside, RIis properly sworn in.

Mr. Beagan explains to the board thathe have previously submitted a written statement in their application and theyare here tonight to seek permission to retain excessive off-street parkingwithin the requisite front-yard setback. **Mr.Beagan** gives a brief history about the property at 59 White Ave, wasabandoned and a potential fire hazard. 59 White Ave was eventually boarded anddemolished and between neighbors, they purchased the property and want tosubdivide it.

Togetherthey have fixed the drainage issues, planted grass and installed a fence. Theyuse the front area for additional parking, they hired an East Providence pavingcompany but no one told them they would be in violation of anything. 57 WhiteAve and 61 White Ave previously only had 2 parking spaces, but with theadditional parking they now each have 4 spaces. **Mr. Beagan** explains that they let other neighbors use parkingspaces during snow storms and allow delivery drivers and postal servicevehicles to use the spaces as well. **Mr.Beagan** believes that they have enhanced the beauty of the area and helpedthe neighborhood since White Avenue is so narrow. **Mr. Beagan** mentions that they have pictures they would like to showthe board.

Motion byMr. Robinson to accept pictures 1, 2, and 3 as Exhibit A, the motion isSeconded by Mr. Pascoa.

Ms. Glavin explains that she has twomore additional pictures that she wants the board to have.

Motion byMr. Robinson to accept pictures 1 and 2 as Exhibit B, the motion is Seconded byMr. Croke

Mr. Robinson explains that he isfamiliar with the area and that the property does look beautiful and theparking situation has improved.

Mr. Cotton has no questions but ispassing right now to review the photos.

Mr. Croke has no questions.

Mr. Pascoa has no questions.

Acting Chairman Beauparlant inquireshow many spaces there is now.

Mr. Beagan answers that there is 4 on59 White and and 2 each and 57 and 61 White Ave.

Acting Chairman Beauparlant has nofurther questions.

Acting Chairman Beauparlant inquires if there is anyone present whowould like to speak in favor of the subject petition. Hearing and seeing none, **Acting ChairmanBeauparlant** inquires if there isanyone present who would like to speak against the subject petition. Hearingand seeing none, **Acting Chairman Beauparlant** inquiresif there is anyone present via Zoom. Hearing and seeing none,

Mr. Pimentelexplains that he has emails he needs to read into the record from abutters.

Paul andHeather Swanson of 1 Clark Avenue Riverside, RI explain in their emailthat they are in favor of this petition since the roads are narrow and theparking is being shared.

RobinBoucher of 55 White Avenue Riverside, RI explains in her email that White Avenue isonly a one way and they are only able to park on one side and parking on thestreet causes congestion and this has helped.

PaulMovsesian of 53 White Avenue Riverside, RI explains in his email that he is infavor of the petition and the property has been improved.

Acting Chairman Beauparlant 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 general characteristicsof the surrounding area, and not due to a physical or economic disability ofthe applicant excepting those physical disabilities addressed in RIGL45-24-30(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.
ActingChairman Beauparlant asks**Mr. Beagan** 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.Beagan** responds that he fully understands and accept the conditions juststipulated.
Motionis Seconded by**Mr. Croke,**
RollCall Vote
Mr.Pascoa – Aye
Mr. Robinson - Aye
Mr.Croke – Abstained due to being unable to seethe property
Mr. Cotton – Aye
ActingChairman Beauparlant - Aye

Dimensionalvariances unanimously granted 4-0, subject to the aforementioned condition(s).
4. Petition No. 6829 - SANDRA MUSIAL, requests **dimensional variances** to constructseveral additions onto a single-family residence, without complying with theminimum side-yard setback requirement, and resulting in exceeding the maximumbuilding coverage requirement, for property located at **161 TERRACE AVENUE, being MAP 414, BLOCK 16, PARCEL 6, in a RESIDENTIAL3 DISTRICT.**
Sandra Musial of 161 Terrace Avenue Riverside,RI is properly sworn in.
Ms. Musial explains to the board thatshe has lived at the property for about 4 years and her family is growing. Whichis why she needs 2 more bedrooms and wants to make an addition above thegarage.
Mr. Robinson has no questions at thistime.
Mr. Cotton has no questions.
Mr. Croke has no questions.
Mr. Pascoa has no questions.
Acting Chairman Beauparlant notes thatthe planning board brought up the fact that it would be over 25%

buildingcoverage.

Shawn Harris of 48 Pleasant St. Fairhaven, MAis properly sworn in.

Mr. Harris explains to the board thathe is the architect for the proposed project, and that yes the original planswould be over 25% but the new plans dropped it down to 23%.

Acting Chairman Beauparlant inquiresif **Ms. Musial** has spoken with herneighbors.

Ms. Musial answers that she has spokenwith the immediate neighbors and they seemed to be okay with the project.

Mr. Pimentel explains to the board thathe did deliver plans to the neighbors that called in about this petition.

Mr. Cotton inquires if the propertyalready has 4 bedroom and is looking to have 6 bedrooms all together.

Ms. Musial answers that it is only a 3bedroom house.

Mr. Harris adds in that they are notlooking to change any of the existing bedrooms.

Acting Chairman Beauparlant inquires if there is anyone present whowould like to speak in favor of the subject petition. Hearing and seeing none, **Acting ChairmanBeauparlant** inquires if there isanyone present who would like to speak against the subject petition. Hearingand seeing none, **Acting Chairman Beauparlant** inquiresif there is anyone present via Zoom. Hearing and seeing none, **Acting ChairmanBeauparlant** queries the Board for amotion.

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.

ActingChairman Beauparlant asks**Ms. Musial** 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.Musial** responds that she fully understands and accept the conditions juststipulated.

Motionis Seconded by**Mr. Croke,**

RollCall Vote

Mr.Pascoa – Aye

Mr. Robinson - Aye

Mr.Croke – Abstained due to being unable to seethe property
Mr. Cotton – Aye
ActingChairman Beauparlant - Aye

Dimensionalvariances unanimously granted 4-0, subject to the aforementioned condition(s).

5A. Petition No. 6830 - BANK OFAMERICA, NATIONAL ASSOCIATION, requests a **use variance** to introduce wind turbines, otherwise deemed aprohibited land use because it is not expressly defined in the City's ZoningOrdinance, for property located at **3400PAWTUCKET AVENUE, being MAP 310, BLOCK 5, PARCEL 9, in an INDUSTRIAL 1DISTRICT.**

Attorney Elizabeth Noonan with offices at 1Citizens Plaza Providence, RI is representing the petitioners.
Attorney Christine DiBaise with offices at 1Citizens Plaza Providence, RI is representing the petitioners.
Jake Modestow the engineer for the project withoffices located at 1 Beacon Street Boston, MA is properly sworn in.
Daniel Muric of White Leaf Energy with officeslocated at 10 Kendrick Rd Wareham, MA is properly sworn in.

Attorney Noonan explains to the board that theproperty in question is located at 3400 Pawtucket Avenue and Bank of Americawould like to reduce its carbon footprint by installing wind turbines. Theseturbines are smaller than the stereotypical wind turbines with the large bladesbut the zoning ordinance doesn't mention reusable energy.

Mr. Modestow explains that he does a lot of work with Bankof America to lower their carbon footprint. This particular site is in anindustrial zone that is at 82% impervious coverage. There will be about 13.5ft.between each turbine and the turbines will only be about 21ft. in overallheight. These turbines will be low impact alternative energy and will notgenerate any noticeable noise.

Attorney Nooan notes to **Mr.Modestow** that the application asks for 46 sq. ft. for the dimensionalvariance.

Mr. Modestow explains that it is for the foundations forthe turbines.

Mr. Pascoa has no questions at this time.

Mr. Robinson wants to talk about the impervious coverage,the petitioners are asking for an additional 46ft. when there is already a lotof asphalt and inquires why they can't remove some in the lower lot.

Attorney Noonan answers that the lower lot isleased so they cannot.

Mr. Modestow adds that they have 4 extra parking spaces andthey can see about possibly removing some of them to ease the coverage.

Mr. Robinson inquires if the turbines have signage on them.

Attorney Noonan explains that there is branding onthe turbines and would like to keep it on them but is willing to discussremoving them.

Mr. Robinson notes that the amount of energy these 3turbines create would only be enough for a large house rather than a 24 hourfacility. **Mr. Robinson** believes thatsolar panels may be a better option.

Attorney Noonan explains that they will be havingboth solar panels and the wind turbines.

Mr. Modestow explains it will be a combined system.

Mr. Cotton has no questions since his questions aboutsignage as already been answered.

Mr. Croke notes that the number of turbines haveincreased.

Attorney Noonan explains that her understandinghas been it was always supposed to be 3 turbines.

Assistant Solicitor Conley adds that the planning boardreports mentions 3 as well.

Mr. Croke inquires why do the turbines have to belocated on the main road and not elsewhere.

Mr. Modestow answers that it is the optimal space for thewind.

Mr. Croke believes this could be a distraction fordrivers.

Mr. Modestow assures **Mr.Croke** that these would be similar to a lighting pole and that there is nodata they can provide regarding traffic since they did not do a traffic study.

Mr. Croke inquires why the petitioners can't use moresolar panels.

Mr. Pimentel explains that although there hasn't been aformal request put in yet, there are talk about a large carport being installedso the petitioners can have solar panels on top of the carport. **Mr. Pimentel** notes that this particularbuilding does need a lot of energy.

Acting Chairman Beauparlant inquires if the turbines will goonto city property.

Mr. Modestow answers no that they will be about 7ft. fromcity property.

Acting Chairman Beauparlant notes that they turbines will be21ft. in height but inquires how tall the building is.

Mr. Modestow admits he does not have that information.

Acting Chairman Beauparlant explains he agrees with his fellowboard members regarding concerns about signage and impervious coverage.

Mr. Pimentel explains that they are grandfathered in to the82% impervious coverage.

Mr. Robinson inquires how many feet is a parking space.

Mr. Modestow answers 180 sq. ft.

Mr. Robinson notes that removing one parking space couldhelp the impervious coverage situation.

Mr. Croke inquires if there will be a shed for themechanics for the turbines.

Mr. Muric answers no, there will be safety switches formaintenance and all wiring will be hooked into the building.

Acting Chairman Beauparlant inquires if there is anyone present whowould like to speak in favor of the subject petition. Hearing and seeing none, **Acting ChairmanBeauparlant** inquires if there is anyonepresent who would like to speak against the subject petition.

Kathleen Munroe of 79 Read Street Riverside, RIis properly sworn in.

Ms. Munroe inquires to the board thatif the board grants only 3 turbines will that be it.

Acting Chairman Beauparlant explainsthat if they want more turbines they would have to come back before this board.

Ms. Munroe inquires if Bank of Americawere to leave that property do the turbines stay on the property.

Acting Chairman Beauparlant answersyes.

Ms. Munroe expresses her concernsregarding noise.

Mr. Modestow explains that regularlyit's about the same noises level of two people having a conversation. However,if the wind goes up to about 60 mph then the turbines will be louder but youwould hear other things as well during that time.

Ms. Munroe inquires if the turbineswill interfere with TV or cell phone reception.

Mr. Muric answers no.

Acting Chairman Beauparlant inquires if there is anyone present viaZoom. Hearing and seeing none, **Acting Chairman Beauparlant** 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.

Mr. Pascoa 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.Any branding/signage be eliminated and if the applicant seeks thebranding/signage they must return for a separate variance.
ActingChairman Beauparlant asks**Attorney Noonan** 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.
AttorneyNoonan responds that she fully understands and accept the conditions juststipulated.
Motionis Seconded by**Mr. Robinson**
RollCall Vote
Mr.Pascoa – Aye
Mr. Robinson - Aye
Mr. Cotton – Nay
Mr. Croke – Nay

Mr. Croke has concerns that these will betoo distracting on Pawtucket Avenue and wind energy is notmentioned in the ordinance.

Attorney Noonan interrupts before **Acting Chairman Beauparlant** can makehis vote, she explains that she would like to continue before the motion iscompleted since the petition will be denied.
Assistant SolicitorConley explainsthat since they are in the middle of the motion, the board member who made themotion and the member that 2nd the motion would need to withdrawtheir motions if they want to see this petition continued.
Mr. Robinson withdraws his 2nd.
Mr. Pascoa withdraws his motion.
Assistant SolicitorConleyexplains that now the motion has been withdrawn and the petitioner has askedfor a continuance it is up to the board to grant or deny the continuance.
Motion by **Mr. Robinson to continue this petition from13 January 2021 to 3 March 2021 so the petitioner can make adjustments to thepetition**, the motion is **Seconded**by **Mr. Croke, and the motion to continuethis petition passes 4-1.**
Roll Call Vote
RollCall Vote
Mr.Pascoa – Aye
Mr. Robinson - Aye
Mr.Croke – Aye
Mr. Cotton – Nay
ActingChairman Beauparlant - Aye
5B. Petition No. 6831 - BANK OFAMERICA, NATIONAL ASSOCIATION, requests a **dimensional variance** to introduce wind turbines, resulting in aslight increase in overall impervious lot coverage (present conditions alreadybeing excessive, albeit pre-existing), for property located at **3400 PAWTUCKET AVENUE, being MAP 310, BLOCK5, PARCEL 9, in an INDUSTRIAL 1 DISTRICT.**
Motion by **Mr. Pascoa to accept that this petition bewithdrawn without prejudice**, the motion is **Seconded** by **Mr. Croke,** and**Unanimously** approved.

The petition to bewithdrawn without prejudice is granted.

6A. Petition No. 6832 - HATTIE IDECHAFFEE HOME, requests a **use variance**to expand an existing nursing home operation, otherwise defined as a prohibitedland use, for property located at **200WAMPANOAG TRAIL, being MAP 408, BLOCK 23, PARCEL 1, in a RESIDENTIAL 2DISTRICT.**

Attorney Elizabeth Noonan with offices at 1Citizens Plaza Providence, RI is representing the petitioners.
Attorney Christine DiBaise with offices at 1Citizens Plaza Providence, RI is representing the petitioners.
Jay Gregory, President of the Board of Hattielde Chaffee Home, is properly sworn in.

Douglas Allam Jr, engineer with offices locatedat 151 Centerville Ave Warwick, RI is properly sworn in.
Jessica Coyle, project architect of NorthAttleboro, MA is properly sworn in.
Mark Winslow, in charge of building withoffices a 7 Jackson Walkway Providence, RI is properly sworn in.

Attorney Noonan explainsto the board that the petitioners want to expand the property on the existingstructure.

Attorney Noonan adds thatthey have retooled the plan after speaking with neighbors and hearing theirconcerns.

Mr. Allam explains that he is theengineer for the project, the property is about 5.64 acres in size andcurrently there is no storm water treatment on site. The addition is for 9additional beds and to create more single rooms. A new entrance will beprovided and require state approval. There will be 15 new parking spacescreated and the parking in the rear will be for employees only. All otherparking will be for visitors with enlarged spaces. There will be a new dumpsterlocation with an enclosure and landscaping around it that will meet zoningrequirements. There will be a proposed 6ft. stockade fence on the northernproperty line, they will remove old lighting and install new LED lighting, anda storm water management system will be created. Since the property is locatedon Wampanoag Trail and it is a state highway the DOT will be reviewing thisproject as well.

Ms. Coyle explains to the board thatshe is a Rhode Island registered architect and is the vice president of thecompany she has worked for the past 15 years. **Ms. Coyle** explains that the proposed addition will be 12,000 sq.ft. The nursing home needs to change out their double rooms to single rooms andadd some new rooms. There will be a centralized office area and everyone willhave their own restroom now rather than sharing. The nursing home is in need ofrehab/recovery areas and will be blending with what is there now. They willeven be using the same materials and extending the existing roof lines, butwill not be going taller. They will be flattening out the existing canopy,adding lighting and views.

Mr. Gregory gives some background aboutthe property, it was established in 1948 as a tuberculosis center, and then inthe 1960's it became a nursing home. The population of patients are mostly EastProvidence residents. This is a non-profit facility and the idea behind theproposal is to offer residents single rooms and the worst is 4 people to onebathroom. Covid-19 came along and now there is a serious need for single roomsand restrooms and well as avoiding traumatic situations for patients such aslosing a roommate. The new plans are including an elevator/lift to help thepatients move around to the parking lot.

Attorney Noonan adds thatthey plan on appeasing abutters by putting up fencing, landscaping and reducingthe amount of proposed parking by 4 spaces, and new lighting with no spillage.

Mr. Robinson has no questions.

Mr. Cotton has no questions.

Mr. Croke notes that variances havebeen granted in the past and this property is non-conforming in a residentialzone.

Mr. Gregory stresses that this is anecessity especially with Covid-19 and other Covid type problems with doublerooms and shared restrooms.

Acting Chairman Beauparlant notes thatthe petitioners are trying to be good neighbors and improving the area and thatthis is the point of requesting variances.

Mr. Pascoa inquires how many employeesare currently there.

Mr. Gregory cannot say for sure butnotes that there are about 30 cars a day in the parking lot.

Acting Chairman Beauparlant inquires if there is anyone present whowould like to speak in favor of the subject petition.

Jared Rhodes of 25Fairbanks Avenue E. Providence, RI is properly sworn in.

Mr.Rhodesexplains that he had hard copies of his testimony he would like to submit tothe board.

Motion byMr. Pascoa to accept the copies of Mr. Rhode's testimony as Exhibit A, themotion is Seconded by Mr. Croke.

Mr.Rhodesadmits he is the abutter that had concerns originally but is now happy with thearrangements the petitioner is willing to make. However, **Mr. Rhodes** would appreciate the board to enforce these arrangementsby making them

stipulations.

Acting Chairman Beauparlant inquires if there is anyone present whowould like to speak against the subject petition.

Marsha Fittro of 184Wampanoag Trail Riverside, RI is properly sworn in.

Ms.Fittroexplains to the board that she has lived in her house for 40 years and hasconcerns regarding traffic flow.

Ms.Fittro also inquires if the rehab will be outpatient.

Mr.Gregoryanswers that they do not do any outpatient services, they would have to obtaina separate license but they have no intensions on doing that.

Ms.Fittroinquires how many patients are on the site currently.

Mr.Gregoryanswers that there are 60 and if approved, it will be going to 69 and will beadding 3 more staff members.

Ms.Fittroinquires why the addition can't go on the other side of the property.

Mr.Gregoryexplains that they looked at the Boyd Avenue side but there is a gradedifference and would be able to match the building and where the new parkinglot will be wouldn't work. They even looked into adding a 2nd storyto the building but that wouldn't be able to work either. **Mr. Gregory** believes that this will be the least impactful.

Mr.Fittroinquires about the new location of the dumpster.

Mr. Allem answers that it willbe adjacent with the employee parking lot and screened with fencing andlandscaping.

Ms.Fittroinquires where the generator will go.

Ms. Coyle answers that it willremain in the same area.

Ms.Fittroexpresses that she doesn't like when the generator is turned on weekly so earlyin the morning.

Mr.Gregoryexplains that he is willing to meet **Ms.Fittro** and address these concerns regarding the generator in private.

Acting Chairman Beauparlant inquires if there is anyone present viaZoom. Hearing and seeing none, **Acting Chairman Beauparlant** 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 in RIGL45-24-30(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. Pascoa moves that the use variance be **Granted** subject tothe petitioner fulfilling the following conditions:

3.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.

4.The petitioners must abide by the plans date 9 December 2020.

ActingChairman Beauparlant asks**Attorney Noonan** 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 any memberof the Zoning Board of Review.

AttorneyNoonan responds that she fully understands and accept the conditions juststipulated.

Motionis Seconded by**Mr. Cotton**

RollCall Vote

Mr.Pascoa – Aye
Mr. Robinson - Aye
Mr.Croke – Nay
Mr. Cotton – Aye
ActingChairman Beauparlant – Aye

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

6B. Petition No. 6833 - HATTIE IDECHAFFEE HOME, requests **dimensionalvariances** to expand an existing nursing home operation, resulting inproposed off-street parking failing to comply with the requisite side andrear-yard setbacks, for property located at **200 WAMPANOAG TRAIL, being MAP 408, BLOCK 23, PARCEL 1, in aRESIDENTIAL 2 DISTRICT.**

Acting Chairman Beauparlant 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, 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 petitioners must abide bythe plans date 9 December 2020.

ActingChairman Beauparlant asks**Attorney Noonan** 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.

AttorneyNoonan responds that she fully understands and accept the conditions juststipulated.

Motionis Seconded by**Mr. Cotton**

RollCall Vote
Mr.Pascoa – Aye
Mr. Robinson - Aye
Mr.Croke – Nay
Mr. Cotton – Aye

ActingChairman Beauparlant - Aye

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

Acting Chairman Beauparlant calls for a recess,the board reconvenes at 9:17pm.

7. Petition No. 6789 - RANDALL ROMANOFF, requestsa **use variance** to retain aprohibited three-unit residential facility, otherwise defined as a prohibitedland use, for property located at **216NARRAGANSETT AVENUE, being MAP 313, BLOCK 1, PARCEL 6, in a RESIDENTIAL 4DISTRICT.**

Attorney Chris Lambert is representing thepetitioner.

Attorney Lambert explainsto the board that **Mr. Romanoff**purchased what he believed to be a 3 family house in 2013. **Mr. Romanoff** started to down some work in the basement when thecity came in explaining that it was a 2 family and they started to prosecutehim. **Mr. Romanoff** is not changinganything and wants to just continue to operate the property as a 3 family. **Mr. Romanoff** did not cause it to gofrom a 2 to a 3 family, it is just how he purchased it.

Assistant Solicitor Conley notes thatthis property is already in municipal court and perhaps the zoning officershould explain.

Mr. Pimentel explains to the board thatthe previous owner went to the zoning board to go from a 1 family to a 4 familyhouse. The board at that time felt that it was too intense and the board andthe previous owner settled on the house becoming a 2 family. Someone requesteda zoning certificate once then it was withdrawn before any research could beconducted. Then came complaints about work being done and that's when the citywent into the home and realized there was a 3rd unit.

Acting Chairman Beauparlant wants tobe clear, the zoning board granted the property to go from a single family to a2 family.

Mr. Pimentel answers yes and all of thatshould be in the board's packets.

Attorney Lambert adds thatthe tax records states that it is a 3 family and this was a cash purchase.

Mr. Robinson has no questions.

Mr. Croke notes that a variance wasgranted for a 2 family and feels that this is out of context with the rest ofthe neighborhood.

Mr. Cotton inquires to **Mr. Pimentel** what the layout is of thehome.

Mr. Pimentel explains that it looks likea duplex cut horizontal and it's obvious where the 3rd unit wasadded but is unsure when exactly it was built.

Mr. Pascoa has no questions.

Acting Chairman Beauparlant inquireswhat was being developed in the basement.

Attorney Lambert explainsthat the existing basement has partial dirt and partial cement, **Mr. Romanoff** was in the process ofmaking a laundry and storage area. The city came in believing he was making a 4thunit.

Acting Chairman Beauparlant admits heis not inclined to expand the property or grant the 3rd unit.

Mr. Cotton inquires if the fireprotection is hardwire or just as is and notes for a 3 family it is required.

Attorney Lambert explainsthat **Mr. Romanoff** hasn't made anyalterations so probably not, but is willing to do so.

Mr. Robinson inquires if there were anypermits pulled to create the 3rd unit.

Attorney Lambert believesthe changes were made about 30 years ago but didn't see any.

Mr. Robinson inquires how many means ofegress the 3rd unit has.

Attorney Lambert explainsthere is only 1 but that it is Section 8 housing so it has been inspected.

Mr. Cotton inquires if the boardgrants the variance would the petitioner be willing to bring the property up tocode.

Attorney Lambert answersyes that **Mr. Romanoff** would complywith any other requirements.

Acting Chairman Beauparlant inquires if there is anyone present whowould like to speak in favor of the subject petition. Hearing and seeing none, **Acting ChairmanBeauparlant** inquires if there isanyone present who would like to speak against the subject petition. Hearingand seeing none, **Acting Chairman Beauparlant** inquiresif there is anyone present via Zoom. Hearing and seeing none, **Acting ChairmanBeauparlant** queries the Board for amotion.

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:

5.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.

ActingChairman Beauparlant asks**Attorney Lambert** 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.

AttorneyLambert responds that he fully understands and accept the conditions juststipulated.

Motionis Seconded by**Mr. Cotton**

RollCall Vote

Mr.Pascoa – Nay

Mr. Robinson - Nay

Mr.Croke – Nay

Mr. Cotton – Nay

ActingChairman Beauparlant - Nay

Use Variance unanimouslyfails 5-0.

8. Petition No. 6834 - JOHN NICKSON, JR.,TRUSTEE; JOHN NICKSON, JR. TRUST (OWNER) and BDG ACQUISITIONS, LLC (PURCHASER), requestsa **dimensional variance** to convert aportion of existing industrial floor space from manufacturing to professionaloffice, without providing sufficient off-street parking, for property locatedat **331 NORTH BROADWAY, being MAP 304,BLOCK 5, PARCEL(S) 24, 55, and, 58, in a COMMERCIAL 2 DISTRICT and RESIDENTIAL3 DISTRICT.**

Attorney Christine Engustian with officeslocated at 1 Grove Avenue E. Providence, RI is representing BDG AcquisitionsLLC.

John Bullman, an employee of BDG AcquisitionsLLC is properly sworn in.

Attorney Engustian explainsto the board that there is no off street parking and that the previous ownersusually use parking from other properties owned by the same owner. The propertywill be going from a printing/manufacturing use to an office space.

Mr. Bullman explains that this propertywould be a field office with field engineers along with a warehouse area butreally just a storage area. This are will be for securing construction suppliesso they don't have to leave them on a construction site. They will not bebuying and selling products from the building and stresses that this will notbe a traditional warehouse. Project managers will work from about 6:30am-5:30pmand currently they do not have 2nd shift employees. There will be nomore than 15 employees and it is not likely all 15 will be in the building allat once. There will be 18 parking spaces provided which is more than adequate.

Mr. Pimentel notes that this is a uniqueproposal but under regulations it does allow off-site parking if it is within400ft.

of the property. This arrangement has come before the board beforewithout a Class I survey and the Class I survey submitted for this petitionrevealed a lot of information.

Mr. Cotton has no questions.

Mr. Croke has no questions.

Mr. Pascoa has no questions.

Mr. Robinson has no questions.

Acting Chairman Beauparlant inquiresif they have talked to the neighbors.

Attorney Engustian answers nobut no one has reached out either.

Acting Chairman Beauparlant notes thatthe changes look great.

Acting Chairman Beauparlant inquires if there is anyone present whowould like to speak in favor of the subject petition. Hearing and seeing none, **Acting ChairmanBeauparlant** inquires if there isanyone present who would like to speak against the subject petition. Hearingand seeing none, **Acting Chairman Beauparlant** inquiresif there is anyone present via Zoom. Hearing and seeing none, **Acting ChairmanBeauparlant** queries the Board for amotion.

Motion by **Mr. Cotton,**

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. Cotton 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.

ActingChairman Beauparlant asks**Mr. Bullman** 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.Bullman** 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 – Abstained due to being unable to seethe property

Mr. Cotton – Aye

ActingChairman Beauparlant - Aye

Dimensionalvariances unanimously granted 4-0, subject to the aforementioned condition(s).

9. Petition No. 6835 - BOYD ASSOCIATES (OWNER)and PETRO HOLDINGS, INC. (PURCHASER), request a **dimensional variance** to engage in 'Open Storage', referenced landuse 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 explainsto the board that the applicant now needs additional dimensional relief thatwasn't requested originally.

Motion by **Mr. Robinson to continue this petition from13 January 2021 to 3 February 2021 sothe petitioner has time to apply for additional dimensional relief**, themotion is **Seconded** by **Mr. Cotton,** and **Unanimously** approved.

IX. PROCEDURES

Acting ChairmanBeauparlant explainsthat there are no procedures to announce.

X. ANNOUNCEMENTS

The next meeting of the Zoning Board of Review is scheduled for **Wednesday 3 February 2021, at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XI. ADJOURNMENT

Motiontoadjourn by **Mr. Cotton.** The motion is **Seconded** by **Mr. Robinson** and **Unanimously** votedto adjourn. Meeting is adjourned at 9:58pm.

EdwardPimentel, AICP
Zoning Officer / Clerk

Secretary