

STATE OF RHODE ISLAND PROVIDENCE

CITY OF EAST

COUNTY OF PROVIDENCE MINUTES

ZONING BOARD OF REVIEW

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**

Michael Beauparlant – Acting Chairman

John Braga – **ABSENT**

Richard Croke, Sr.

Gary Pascoa

Matthew Robinson – 1st Alternate

Andrew Cotton – 2nd Alternate

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor – **ABSENT**

Dylan Conley – Assistant City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

Acting Chairman Beauparlant 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.

Acting Chairman Beauparlant 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

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

II. SEATING OF ALTERNATE MEMBERS

Acting Chairman Beauparlant informs the public that **Chairman Saveory and Mr. Braga are both absent**.

Acting Chairman Beauparlant explains that he will be acting tonight and that **Mr. Robinson and Mr. Cotton** will be voting and participating members tonight.

III. APPROVAL OF ZONING BOARD MINUTES

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

Acting Chairman Beauparlant asks for approval of the **4 November 2020**, Zoning Board of Review Minutes. **Motion** by **Mr. Croke** to approve the **4 November 2020**, Zoning Board 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 the annual calendar, the calendar will be regular schedule starting 3 February 2021 having meetings on the 1st Wednesday of every month with the exception of January and July.

Motion by 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** is requesting a 6 month extension out of abundance of caution.

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

VI. STAFF REPORTS

1. Planning Department Staff Report – 8 January 2021 - Previously Submitted

2. December 2020 - Zoning Complaint List – Previously Submitted

VII. CONTINUED BUSINESS

There is no continued business.

VIII. NEW BUSINESS

1. Petition No. 6826 - JOSEPH PAIVA, is requesting a **dimensional variance(s)** to construct a multi-tenant commercial facility, without complying with requisite setbacks off of the rear / residential district boundary line, minimum aisle width, provision of off-street parking and loading, 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 explains to 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 with the one variant and that is to deal with the parking lot run off but that is being dealt with DEM. They were the ones holding up the process and did not approve of the run off they had proposed.

Mr. Croke has no questions at this time and notes that what 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 any concerns then when this petition was first proposed and still doesn't now.

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

Acting Chairman Beauparlant queries the Board for a motion.

Motion by Mr. Croke,

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 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 byMr. 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, thenighbors 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 so they 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 who would like to speak in favor of the subject petition. Hearing and seeing none, **Acting Chairman Beauparlant** inquires if there is anyone present who would like to speak against the subject petition. Hearing and seeing none, **Acting Chairman Beauparlant** inquires if 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 from **Dimas Demello of 30 Upland Rd Riverside, RI.**

In his letter, **Mr. Demello** states that he is aware of the application and is in approval of having it granted.

Mr. Pimentel also explains to the board that he accidentally copied and pasted info from a different petition to this petition but it has been fixed and the neighbors that previously called and they were no longer concerned.

Acting Chairman Beauparlant 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.

Acting Chairman Beauparlant asks **Mr. and Ms. Maciel** 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. Maciel** respond that they fully understand and accept the conditions just stipulated.

Motion is Seconded by Mr. Robinson,

Roll Call Vote

Mr. Pascoa – Aye

Mr. Robinson – Aye

Mr. Croke – Abstained due to being unable to see the 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, Rlis properly sworn in.

Mr. Beagan explains to the board thatthe 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 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. Robinson 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.

Acting Chairman Beauparlant asks **Mr. Beagan** 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. **Mr. Beagan** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Croke,

Roll Call Vote

Mr. Pascoa – Aye

Mr. Robinson - Aye

Mr. Croke – Abstained due to being unable to see the property

Mr. Cotton – Aye

Acting Chairman Beauparlant - Aye

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

4. Petition No. 6829 - SANDRA MUSIAL, requests **dimensional variances** to construct several additions onto a single-family residence, without complying with the minimum side-yard setback requirement, and resulting in exceeding the maximum building coverage requirement, for property located at **161 TERRACE AVENUE, being MAP 414, BLOCK 16, PARCEL 6, in a RESIDENTIAL 3 DISTRICT.**

Sandra Musial of 161 Terrace Avenue Riverside, RI is properly sworn in.

Ms. Musial explains to the board that she has lived at the property for about 4 years and her family is growing. Which is why she needs 2 more bedrooms and wants to make an addition above the garage.

Mr. Robinson has no questions at this time.

Mr. Cotton has no questions.

Mr. Croke has no questions.

Mr. Pascoa has no questions.

Acting Chairman Beauparlant notes that the planning board brought up the fact that it would be over 25%

building coverage.

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

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

Acting Chairman Beauparlant inquires if **Ms. Musial** has spoken with her neighbors.

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

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

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

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

Mr. Harris adds in that they are not looking to change any of the existing bedrooms.

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

Motion by Mr. Robinson,

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. Robinson 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.

Acting Chairman Beauparlant asks **Ms. Musial** 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. Musial** responds that she fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Croke,

Roll Call Vote

Mr. Pascoa – Aye

Mr. Robinson - Aye

Mr. Croke – Abstained due to being unable to see the property

Mr. Cotton – Aye

Acting Chairman Beauparlant - Aye

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

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

Attorney Elizabeth Noonan with offices at 1 Citizens Plaza Providence, RI is representing the petitioners.

Attorney Christine DiBaise with offices at 1 Citizens Plaza Providence, RI is representing the petitioners.

Jake Modestow the engineer for the project with offices located at 1 Beacon Street Boston, MA is properly sworn in.

Daniel Muric of White Leaf Energy with offices located at 10 Kendrick Rd Wareham, MA is properly sworn in.

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

Mr. Modestow explains that he does a lot of work with Bank of America to lower their carbon footprint. This particular site is in an industrial zone that is at 82% impervious coverage. There will be about 13.5 ft. between each turbine and the turbines will only be about 21 ft. in overall height. These turbines will be low impact alternative energy and will not generate any noticeable noise.

Attorney Noonan notes to **Mr. Modestow** that the application asks for 46 sq. ft. for the dimensional variance.

Mr. Modestow explains that it is for the foundations for the 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 46 ft. when there is already a lot of asphalt and inquires why they can't remove some in the lower lot.

Attorney Noonan answers that the lower lot is leased so they cannot.

Mr. Modestow adds that they have 4 extra parking spaces and they 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 on the turbines and would like to keep it on them but is willing to discuss removing them.

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

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

Mr. Modestow explains it will be a combined system.

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

Mr. Croke notes that the number of turbines have increased.

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

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

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

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

Mr. Croke believes this could be a distraction for drivers.

Mr. Modestow assures **Mr. Croke** that these would be similar to a lighting pole and that there is no data they can provide regarding traffic since they did not do a traffic study.

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

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

Acting Chairman Beauparlant inquires if the turbines will go onto city property.

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

Acting Chairman Beauparlant notes that the turbines will be 21ft. 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 fellow board members regarding concerns about signage and impervious coverage.

Mr. Pimentel explains that they are grandfathered in to the 82% 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 could help the impervious coverage situation.

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

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

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

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

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

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

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

Acting Chairman Beauparlant answers yes.

Ms. Munroe expresses her concerns regarding noise.

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

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

Mr. Muric answers no.

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

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

1. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to

the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered in granting a use variance.

2. Any branding/signage be eliminated and if the applicant seeks the branding/signage they must return for a separate variance.

Acting Chairman Beauparlant asks **Attorney Noonan** 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.

Attorney Noonan responds that she fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Robinson

Roll Call Vote

Mr. Pascoa – Aye

Mr. Robinson - Aye

Mr. Cotton – Nay

Mr. Croke – Nay

Mr. Croke has concerns that these will be too distracting on Pawtucket Avenue and wind energy is not mentioned in the ordinance.

Attorney Noonan interrupts before **Acting Chairman Beauparlant** can make his vote, she explains that she would like to continue before the motion is completed since the petition will be denied.

Assistant Solicitor Conley explains that since they are in the middle of the motion, the board member who made the motion and the member that 2nd the motion would need to withdraw their motions if they want to see this petition continued.

Mr. Robinson withdraws his 2nd.

Mr. Pascoa withdraws his motion.

Assistant Solicitor Conley explains that now the motion has been withdrawn and the petitioner has asked for a continuance it is up to the board to grant or deny the continuance.

Motion by Mr. Robinson to continue this petition from 13 January 2021 to 3 March 2021 so the petitioner can make adjustments to the petition, the motion is **Seconded by Mr. Croke**, and the motion to continue this petition passes 4-1.

Roll Call Vote

Roll Call Vote

Mr. Pascoa – Aye

Mr. Robinson - Aye

Mr. Croke – Aye

Mr. Cotton – Nay

Acting Chairman Beauparlant - Aye

5B. Petition No. 6831 - BANK OF AMERICA, NATIONAL ASSOCIATION, requests a **dimensional variance** to introduce wind turbines, resulting in a slight increase in overall impervious lot coverage (present conditions already being excessive, albeit pre-existing), for property located at **3400 PAWTUCKET AVENUE, being MAP 310, BLOCK 5, PARCEL 9, in an INDUSTRIAL 1 DISTRICT.**

Motion by Mr. Pascoa to accept that this petition be withdrawn without prejudice, the motion is **Seconded by Mr. Croke**, and **Unanimously** approved.

The petition to be withdrawn without prejudice is granted.

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

Attorney Elizabeth Noonan with offices at 1 Citizens Plaza Providence, RI is representing the petitioners.

Attorney Christine DiBaise with offices at 1 Citizens Plaza Providence, RI is representing the petitioners.

Jay Gregory, President of the Board of Hattie Ide Chaffee Home, is properly sworn in.

Douglas Allam Jr, engineer with offices located at 151 Centerville Ave Warwick, RI is properly sworn in.

Jessica Coyle, project architect of North Attleboro, MA is properly sworn in.

Mark Winslow, in charge of building with offices at 7 Jackson Walkway Providence, RI is properly sworn in.

Attorney Noonan explains to the board that the petitioners want to expand the property on the existing structure.

Attorney Noonan adds that they have retooled the plan after speaking with neighbors and hearing their concerns.

Mr. Allam explains that he is the engineer for the project, the property is about 5.64 acres in size and currently there is no storm water treatment on site. The addition is for 9 additional beds and to create more single rooms. A new entrance will be provided and require state approval. There will be 15 new parking spaces created and the parking in the rear will be for employees only. All other parking will be for visitors with enlarged spaces. There will be a new dumpster location with an enclosure and landscaping around it that will meet zoning requirements. There will be a proposed 6ft. stockade fence on the northern property line, they will remove old lighting and install new LED lighting, and a storm water management system will be created. Since the property is located on Wampanoag Trail and it is a state highway the DOT will be reviewing this project as well.

Ms. Coyle explains to the board that she is a Rhode Island registered architect and is the vice president of the company 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 and add some new rooms. There will be a centralized office area and everyone will have their own restroom now rather than sharing. The nursing home is in need of rehab/recovery areas and will be blending with what is there now. They will even be using the same materials and extending the existing roof lines, but will not be going taller. They will be flattening out the existing canopy, adding lighting and views.

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

Attorney Noonan adds that they plan on appeasing abutters by putting up fencing, landscaping and reducing the 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 have been granted in the past and this property is non-conforming in a residential zone.

Mr. Gregory stresses that this is a necessity especially with Covid-19 and other Covid type problems with double rooms and shared restrooms.

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

Mr. Pascoa inquires how many employees are currently there.

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

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

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

Mr. Rhodes explains that he had hard copies of his testimony he would like to submit to the board.

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

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

stipulations.

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

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

Ms. Fittro explains to the board that she has lived in her house for 40 years and has concerns regarding traffic flow.

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

Mr. Gregory answers that they do not do any outpatient services, they would have to obtain a separate license but they have no intentions on doing that.

Ms. Fittro inquires how many patients are on the site currently.

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

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

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

Mr. Fittro inquires about the new location of the dumpster.

Mr. Allem answers that it will be adjacent with the employee parking lot and screened with fencing and landscaping.

Ms. Fittro inquires where the generator will go.

Ms. Coyle answers that it will remain in the same area.

Ms. Fittro expresses that she doesn't like when the generator is turned on weekly so early in the morning.

Mr. Gregory explains 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 via Zoom. Hearing and seeing none, **Acting Chairman Beauparlant** 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.

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

3. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered in granting a use variance.
4. The petitioners must abide by the plans dated 9 December 2020.

Acting Chairman Beauparlant asks **Attorney Noonan** 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.

Attorney Noonan responds that she fully understands and accepts the conditions just stipulated.

Motion is Seconded by Mr. Cotton

Roll Call Vote

Mr. Pascoa – Aye

Mr. Robinson - Aye

Mr. Croke – Nay

Mr. Cotton – Aye

Acting Chairman Beauparlant – Aye

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

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

Acting Chairman Beauparlant 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.
3. The petitioners must abide by the plans dated 9 December 2020.

Acting Chairman Beauparlant asks **Attorney Noonan** 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.

Attorney Noonan responds that she fully understands and accepts the conditions just stipulated.

Motion is Seconded by Mr. Cotton

Roll Call Vote

Mr. Pascoa – Aye

Mr. Robinson - Aye

Mr. Croke – Nay

Mr. Cotton – Aye

Acting Chairman Beauparlant - Aye

Dimensional variances 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, requests a **use variance** to retain a prohibited three-unit residential facility, otherwise defined as a prohibited land use, for property located at **216 NARRAGANSETT AVENUE, being MAP 313, BLOCK 1, PARCEL 6, in a RESIDENTIAL 4 DISTRICT.**

Attorney Chris Lambert is representing the petitioner.

Attorney Lambert explains to the board that **Mr. Romanoff** purchased what he believed to be a 3 family house in 2013. **Mr. Romanoff** started to do some work in the basement when the city came in explaining that it was a 2 family and they started to prosecute him. **Mr. Romanoff** is not changing anything and wants to just continue to operate the property as a 3 family. **Mr. Romanoff** did not cause it to go from a 2 to a 3 family, it is just how he purchased it. **Assistant Solicitor Conley** notes that this property is already in municipal court and perhaps the zoning officer should explain.

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

Acting Chairman Beauparlant wants to be clear, the zoning board granted the property to go from a single family to a 2 family.

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

Attorney Lambert adds that the 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 was granted for a 2 family and feels that this is out of context with the rest of the neighborhood.

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

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

Mr. Pascoa has no questions.

Acting Chairman Beauparlant inquires what was being developed in the basement.

Attorney Lambert explains that the existing basement has partial dirt and partial cement, **Mr. Romanoff** was in the process of making a laundry and storage area. The city came in believing he was making a 4th unit.

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

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

Attorney Lambert explains that **Mr. Romanoff** hasn't made any alterations so probably not, but is willing to do so.

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

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

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

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

Mr. Cotton inquires if the board grants the variance would the petitioner be willing to bring the property up to code.

Attorney Lambert answers yes that **Mr. Romanoff** would comply with any other requirements.

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

Motion by Mr. Robinson,

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.

Mr. Robinson moves that the use variance be **Granted** subject to the petitioner fulfilling the following conditions:

5. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered in granting a use variance.

Acting Chairman Beauparlant asks **Attorney Lambert** 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 Lambert responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Mr. Cotton

Roll Call Vote

Mr. Pascoa – Nay

Mr. Robinson - Nay

Mr. Croke – Nay

Mr. Cotton – Nay

Acting Chairman Beauparlant - Nay

Use Variance unanimously fails 5-0.

8. Petition No. 6834 - JOHN NICKSON, JR., TRUSTEE; JOHN NICKSON, JR. TRUST (OWNER) and BDG ACQUISITIONS, LLC (PURCHASER), requests a dimensional variance to convert a portion of existing industrial floor space from manufacturing to professional office, without providing sufficient off-street parking, for property located at 331 NORTH BROADWAY, being MAP 304, BLOCK 5, PARCEL(S) 24, 55, and, 58, in a COMMERCIAL 2 DISTRICT and RESIDENTIAL 3 DISTRICT.

Attorney Christine Engustian with offices located at 1 Grove Avenue E. Providence, RI is representing BDG Acquisitions LLC.

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

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

Mr. Bullman explains that this property would be a field office with field engineers along with a warehouse area but really just a storage area. This area will be for securing construction supplies so they don't have to leave them on a construction site. They will not be buying and selling products from the building and stresses that this will not be a traditional warehouse. Project managers will work from about 6:30am-5:30pm and currently they do not have 2nd shift employees. There will be no more than 15 employees and it is not likely all 15 will be in the building all at once. There will be 18 parking spaces provided which is more than adequate.

Mr. Pimentel notes that this is a unique proposal but under regulations it does allow off-site parking if it is within 400ft.

of the property. This arrangement has come before the board before without a Class I survey and the Class I survey submitted for this petition revealed 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 inquires if they have talked to the neighbors.

Attorney Engustian answers no but no one has reached out either.

Acting Chairman Beauparlant notes that the changes look great.

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

Motion by Mr. Cotton,

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. Cotton 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.

Acting Chairman Beauparlant asks **Mr. Bullman** 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. **Mr. Bullman** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Mr. Robinson,

Roll Call Vote

Mr. Pascoa – Aye

Mr. Robinson - Aye

Mr. Croke – Abstained due to being unable to see the property

Mr. Cotton – 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