

STATE OF RHODE ISLAND CITY OF EAST PROVIDENCE

COUNTY OF PROVIDENCE MINUTES

ZONING BOARD OF REVIEW

A meeting of the East Providence Zoning Board of Review was held at 6:00 P.M., on Wednesday, **1 December 2021**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

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

Chairman Saveory announces that it is the policy of the Zoning Board of Review to caution all petitioners that they have the right to counsel before the Board and failure to do so at this time does not constitute sufficient grounds for a change in circumstances under the eighteen-month repetitive petition clause. All petitioners are also cautioned that if the petition is approved, all construction must be done in compliance with the submitted plan(s), application and testimony presented to the Zoning Board of Review. A change of any sought must obtain the requisite approval of the Zoning Board of Review. All work that deviates from the approval will be ordered halted and promptly removed. Comments will be limited to the petition being heard and no comments will be heard that do not pertain to an item scheduled on tonight's docket. He also notes that it is the policy of the Board that no new agenda item will be heard after 10:30 PM.

Chairman Saveory also notes that the Board welcomes any commentary from the public provided it solely pertains to an item on tonight's docket.

A. Swearing in of the Zoning Officer

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

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory informs the public that **Mr. Braga** is absent and **Mr. Robinson** will be a participating and voting member tonight. **Mr. Cotton** will just be a participating member this evening.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **6 October 2021**, Zoning Board of Review Minutes. **Motion** by **Vice**

Chairman Beauparlant to approve the **6 October 2021**, Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Croke** and **Unanimously** approved.

Mr. Pimentel explains that the **3 November 2021 minutes** will be continued to the **12 January 2022 meeting**.

IV. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is none.

III. CORRESPONDENCE/ DISCUSSION

Zoning Officer Pimentel explains that there is a letter submitted in opposition of one of the petitions, but he will read

it into the record once they get to that petition.

VI. STAFF REPORTS

1. Planning Department Staff Report - Previously Submitted

2. Zoning Complaint List – November 2021– Previously Submitted

Vice Chairman Beauparlant notes that several properties on the complaint list have not received 2nd notices.

Zoning Officer Pimentel explains that when the property owners are trying to comply, he will work with them on a time line and some properties have already met compliance and just need to be removed from that list.

VII. CONTINUED BUSINESS

1. **Petition No. 6858 - JASON SILVA**, requests a **dimensional variance** to retain an above-ground swimming pool, without complying with the minimum accessory rear-yard swimming pool setback requirement, as well as exceeding the maximum impervious lot coverage, for property located at **16 ROUNDS AVENUE, being MAP 512, BLOCK 11, PARCEL 40, in a RESIDENTIAL 3 DISTRICT.**

[NOTE: Continued from 4 August 2021, and 3 November 2021.]

Zoning Officer Pimentel explains to the board that over the two nights, one in August and the other in November, extensive testimony was heard and the same board members must be present. Since **Mr. Braga** is absent this evening the petition needs to be continued to **12 January 2022.**

Vice Chairman Beauparlant explains that he will not be present for the January meeting and probably not for the February meeting as well and inquires if this will cause a conflict.

Zoning Officer Pimentel that it gives time for **Mr. Cotton** to receive the transcripts of the meetings since **Mr. Robinson** has recused himself from participating in this petition.

Motion by Vice Chairman Beauparlant to continue this petition to 12 January 2022, the motion is Seconded by Mr. Croke.

Roll Call Vote

Mr. Croke – Aye

Mr. Pascoa – Aye

Mr. Cotton – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

2A. Petition No. 6881 - BEN and TING CHAN, request a **use variance** to convert a commercial facility to two (2) residential units, otherwise defined as a prohibited land use, for property located at **9 – 11 TURNER AVENUE, being MAP 312, BLOCK 12, PARCEL 14, in a COMMERCIAL 3 DISTRICT.**

Attorney Hagop S. Jawharjian with offices located at Johnston, RI is representing the petitioners.

Attorney Jawharjian explains to the board that the property was previously used as the 1st floor being a chiropractor's office and the 2nd floor was a residential unit. The petitioners would like to convert the 1st floor to be residential. This property is currently a mixed use in a commercial zone and if granted it will create less traffic and with comply with the city's comprehensive plan. **Attorney Jawharjian** adds that this is not due to any prior action of the petitioners and this will not impact any flooding.

Mr. Pascoa has no questions.

Mr. Croke explains that he was here when the property was switched from residential to a mixed use and believes that it will be good to return the property back to residential.

Mr. Cotton has no questions.

Mr. Robinson believes this property was previously a fire station and is an odd building with an odd layout. **Mr.**

Robinson believes that this is a good project.

Vice Chairman Beauparlant has no concerns with the change.

Chairman Saveory believes that bringing the property back to residential is a good thing and inquires that there will be

no changes to the exterior of the property.

Attorney Jawharjian answers that is correct and the petitioners have decided to keep the handicap ramp in case there is a tenant that needs the assistance.

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

Motion by Mr. Pascoa,

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

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

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.

Chairman Saveory asks **Attorney Jawharjian** 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 Jawharjian** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Mr. Robinson

Roll Call Vote

Mr. Pascoa - Aye	The board sees the argument for hardship and
Mr. Croke – Aye	the property becoming completely residential
Mr. Robinson – Aye	will fit in with the neighborhood.
Vice Chairman Beauparlant - Aye	
Chairman Saveory – Aye	

Use variance is unanimously granted 5-0, subject to the aforementioned condition(s).

2B. Petition No. 6882 - BEN and TING CHAN, requests a **dimensional variance** to convert a commercial facility to two (2) residential units, without complying with the minimum off-street parking aisle width requirement, for property located at **9 – 11 TURNER AVENUE, being MAP 312, BLOCK 12, PARCEL 14, in a COMMERCIAL 3 DISTRICT.**

Chairman Saveory queries the Board for a motion.

Motion by Mr. Pascoa,

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

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area, and not due to a physical or economic disability of the applicant excepting those physical disabilities addressed in RIGL 45-24-30(16).

2. The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.
3. The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the city's comprehensive plan upon which this chapter is based.
4. The relief to be granted is the least relief necessary.

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

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

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

1. Petitioner(s) obtaining any, and all, necessary permits - said permits necessary to exercise (execute) the relief granted. Failure to obtain requisite permit(s), if needed, within the six-month approval period (one-year, if extended by the Zoning Board of Review), will result in expiration of said approval.
2. Strict compliance, to include: Submitted site plan (or amended site plan, as it may be applicable) and site plan package; all exhibits; entire testimony of applicant and/or property owner; presentation of legal counsel (if applicable); and, testimony of all expert(s), if applicable.

Chairman Saveory asks **Attorney Jawharjian** 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 Jawharjian** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Robinson

Roll Call Vote

Mr. Pascoa - Aye

The board sees that the impact to the parking is minimum.

Mr. Croke - Aye

Mr. Robinson - Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory - Aye

Dimensional variance is unanimously granted 5-0, subject to the aforementioned condition(s).

VIII. NEW BUSINESS

1. Petition No. 6883 - AMBROSE, LLC, requests a use variance to convert a prior nonconforming light industrial / office use to a less intensive and intrusive art studio/workshop, which entails acrylic painting and glass sculpting, albeit still defined as a nonconforming land use, for property located at **501 BULLOCKS POINT AVENUE, being MAP 313, BLOCK 3, PARCEL 18, in a RESIDENTIAL 4 DISTRICT.**

Attorney Bruce Cox with offices located at East Providence, RI is representing the petitioner.

Owen Dailey, the applicant, is properly sworn in.

Attorney Cox explains to the board that he is present tonight with **Owen Dailey**, the petitioner who is an artist. **Mr. Dailey** works primarily in glass and uses furnaces. The site was previously used for manufacturing, there will be no employees, and minimal deliveries of glass, and there is no intention to expand. The Planning Department gave a favorable review, there will be no increasing of the footprint and no exterior storage. **Mr. Dailey** will properly screen the dumpster on site and there will be only his vehicle parked on the site. **Attorney Cox** has included photographs of **Mr. Dailey's** work so the board has a better idea of what will be going on at the site.

Mr. Robinson notes that he is looking forward to something different going into the property and inquires if the kitchen items gone.

Attorney Cox explains that they will be gone, the owner of Ambrose owns a restaurant and will be cleaning the property up.

Vice Chairman Beauparlant agrees that this will be less intense and that the application is clean.

Mr. Pascoa has no concerns.

Mr. Croke inquires if **Mr. Dailey** uses spray guns.

Mr. Dailey answers no, he uses latex paint and paints by hand.

Mr. Cotton has no questions.

Chairman Saveory thanks **Mr. Dailey** and believes this is a win, the building has been a concern in the past and whatever is inside will be properly vented to meet with building and fire codes.

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

Brian Chabot, owner of 503 Bullocks Pt. Avenue, is properly sworn in.

Mr. Chadot owns an apartment building next door and is happy that the property will be cleaned up, he is tired of the look of the property and so are his tenants.

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

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.

Chairman Saveory asks **Attorney Cox** 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 Cox** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Croke & Vice Chairman Beauparlant

Roll Call Vote

Mr. Pascoa - Aye	The use will be a less-non conforming use and
Mr. Croke – Aye	will be less intense. The board believes that
Mr. Robinson – Aye	the relief is minimum and complies with the
Vice Chairman Beauparlant - Aye	comprehensive plan and will improve the area.
Chairman Saveory – Aye	

Use variance is unanimously granted 5-0, subject to the aforementioned condition(s).

2A. Petition No. 6884 - BELCHIKOO, LLC, and JOHN GREGORY RICE, requests a use variance to convert a commercial floor space to an additional residential unit, thereby converting the present pre-existing nonconforming mixed-use residential and commercial facility into a prohibited six-unit residential facility, for property located at **389 - 391 BULLOCKS POINT AVENUE, being MAP 312, BLOCK 52, PARCEL 6, in a COMMERCIAL 1**

DISTRICT.

Attorney Michael Crane with offices located at Providence, RI is representing the petitioner.

Gregory Rice, the applicant, is properly sworn in.

Attorney Crane notes that he is present tonight with the petitioners, **Mr. John Rice and Mr. Gregory Rice** that can answer questions the board may have. **Attorney Crane** explains that there is a 1st floor commercial unit that the petitioners would like to convert to a residential studio apartment since they have been having trouble leasing the commercial space. The parking requirement currently is 12 spaces and they currently have 8 space available. The petitioners believe that this will fit in with the area since there are other multifamily homes in the area and won't alter the surrounding area. The footprint will not be altered but the awing will be removed.

Zoning Officer Pimentel reads into the record the letter of opposition from Scott Slusarski of 397 Bullocks Pt Avenue

Mr. Slusarski believes that the area is already too congested and that this would force more cars to park on the street. The salon nearby has a lot of customers that park on the already narrow streets and make it difficult for him to get in and out of his driveway. **Mr. Slusarski** includes photographs of the on-street parking issues he mentioned and wants the needs of the surrounding homeowners to be taken into consideration.

Attorney Crane notes that the salon mentioned is two doors down and his clients cannot control the patrons of the salon. The petitioners plan on being excellent neighbors and want to add a 400 sq. ft. studio apartment so one person would be living there.

Mr. Pascoa has no questions.

Mr. Croke notes that he went by yesterday at around 3pm in the afternoon and the petitioner's parking lot was full with the exception of one space and several vehicles parked on the street.

Mr. G. Rice explains that having a commercial unit would have more comings and goings than just 1 tenant in a studio and that this is a better option for the neighborhood.

Mr. Croke notes that this is not the first time this property has been before the board and has issues with this project due to concerns rescue/fire personnel getting down North Street.

Mr. G. Rice notes that the existing garage can hold 2 parking spaces that are not in use currently, and that using these spaces could become an option.

Mr. Cotton notes that a commercial space being converted to residential does lighten some of the load. **Mr. Cotton** mentions that perhaps removing the garage all together would give even more parking spaces.

Mr. Robinson inquires if the existing garage will be staying and what is currently in the garage.

Mr. G. Rice explains that ideally he would like to keep the garage and currently it holds overflow of supplies since they own several properties.

Mr. Robinson notes that there are currently 5 apartments, how many bedrooms are there.

Mr. G. Rice answers 7 bedrooms all together.

Mr. Robinson points out that the plans show the property without a garage.

Mr. G. Rice responds that there are two sets of plans, one with the garage and one without the garage. Typically with the parking situation tenants tend to work together or just park in front since it's easier.

Mr. Robinson inquires what happens during a parking ban when it snows.

Mr. G. Rice responds that they squeeze into the lot together, it is not pretty but it works.

Vice Chairman Beauparlant agrees that the studio apartment would be less intense but also likes the idea of the garage being removed, will there be any structural changes.

Mr. G. Rice answers no.

Chairman Saveory notes that a studio apartment could hold up to 2 people and inquires if there is only one entrance to the studio, and if so what would happen if there was a fire.

Mr. G. Rice answers yes the studio could have two people and currently there is only one entrance to the studio.

Attorney Crane explains that part of the plan is to bring the whole building up to code and keep the footprint of the

building.

Chairman Saveory believes that this could intensify an already intense parking situation.

Attorney Crane explains that this is why they provided the plan with the garage removed, the petitioners wanted to be proactive with the board. Attorney Crane adds that they could even attempt to work with the tenants and put it in lease that they must park in the back lot. This parking situation is a problem that has been there for a while and the petitioners would like to try to fix what they can.

Chairman Saveory notes that stacking the cars would not work today in this age and the board needs to take the other properties into consideration. **Chairman Saveory** explains that he wants to make sure there is ample parking and no cars parked on the sidewalk during a snow storm, are there currently assigned parking spots.

Mr. G. Rice answers no, the tenants just work together.

Mr. Cotton inquires what the last business in the space was.

Attorney Crane answers that it was a tailor.

Mr. Cotton inquires what kind of commercial tenant could occupy the unit without any relief.

Attorney Crane answers that perhaps another small retail business however, they have tried for some time now to lease out the space.

Mr. G. Rice notes that the neighbor in opposition mentions the salon several times, having another business would just make them more upset.

Mr. Pascoa agrees that if there was a business in the unit the parking situation would be worse than a studio.

Attorney Crane notes that the petitioners are willing to tear down the garage to create more spaces.

Mr. Cotton explains that he is uncomfortable to say that they have to tear down the garage but it would be in their best interest.

Mr. Robinson agrees that the best course of action is to get rid of the garage.

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

Motion by Mr. Pascoa,

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

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

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. The existing garage must be demolished to supply more parking spaces.

Chairman Saveory asks **Attorney Crane** 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 Crane** responds that

he fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Robinson

Roll Call Vote

Mr. Pascoa - Aye

The board recognizes the accommodations that

Mr. Croke – Nay

will be made for the parking is a huge advancement

Mr. Robinson – Aye

the studio apartment is more of a limited use than

Vice Chairman Beauparlant - Aye

what was there before. Mr. Croke is against due to

Chairman Saveory – Aye

only one means of egress.

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

2B. Petition No. 6885 - BELCHIKOO, LLC, and JOHN GREGORY RICE, requests a dimensional variance to convert a commercial floor space to an additional residential unit, thereby converting the present pre-existing nonconforming mixed-use residential and commercial facility into a prohibited six-unit residential facility without complying with the minimum off-street parking requirement, for property located at 389 - 391 BULLOCKS POINT AVENUE, being MAP 312, BLOCK 52, PARCEL 6, in a COMMERCIAL 1 DISTRICT.

Attorney Crane formally requests a withdrawal of this petition since they will meet the 12 required spaces by removing the garage.

Chairman Saveory responds that their request is approved.

Chairman Saveory calls for a recess at 7:31pm and the board reconvenes at 7:45pm.

3. Petition No. 6886 - CITY OF EAST PROVIDENCE and ONE NEIGHBORHOOD BUILDERS, request a dimensional variance to introduce a multi-unit residential facility containing 16-units, without complying with: the minimum front-yard setback, obstruction setback at an intersection, increased setbacks resulting from introduction of a third-floor, minimum lot density, trash storage setback, off-street parking within the front-yard setback, provision of off-street parking, exceeding maximum number of stories, wall setback separation between buildings, quantity of minimum yard space allotted each townhouse unit, minimum provision of shade trees, provision of landscaping throughout the perimeter of the property, and buffering of parking areas and other site amenities, for property located at 336 BULLOCKS POINT AVENUE, being MAP 312, BLOCK 12, PARCEL 20, in the RIVERSIDE SQUARE MIXED USE / DOWNTOWN OVERLAY DISTRICT.

Zoning Officer Pimentel explains to the board that the petitioners did not complete their development plan review in time to be heard this evening and the petition needs to be continued to **12 January 2022**.

Motion by Mr. Pascoa to continue this petition to 12 January 2022, the motion is Seconded by Mr. Croke and Mr. Robinson

Roll Call Vote

Mr. Croke – Aye

Mr. Pascoa – Aye

Mr. Robinson – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

4A. Petition No. 6887 - ALAN and JUNE PALUMBO, request a waiver of the mandatory submission of a Class I Surveyed Site Plan, for property located at 220 WATERMAN AVENUE, being MAP 206, BLOCK 17, PARCEL 8, in the WATERMAN AVENUE OVERLAY DISTRICT.

Zoning Officer Pimentel explains to the board that the applicant seeking submission of a Class 1 survey.

Zoning Officer Pimentel believes he can support this waiver for the following reason, the property was originally developed as a single family and several years ago someone wanted to make an office space. The applicant wants to bring the property back as a single family and nothing exterior is going to change. **Zoning Officer Pimentel** adds that in this zone you can have a multifamily by right but a single family requires a use variance.

Motion by Mr. Croke to waive the Class I survey, the motion is Seconded by Mr. Robinson

Roll Call/Vote

Mr. Croke –Aye

Mr. Pascoa– Aye

Mr. Robinson – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

4B. Petition No. 6887 - ALAN and JUNE PALUMBO, request a use variance to convert a facility used for professional office purposes (approved by the Zoning Board of Review) to a single-family dwelling, otherwise defined as a prohibited land use, for property located at **220 WATERMAN AVENUE, being MAP 206, BLOCK 17, PARCEL 8, in the WATERMAN AVENUE OVERLAY DISTRICT.**

June and Alan Palumbo are properly sworn in.

Ms. Palumbo explains to the board that they want the property to go back to a single family.

Mr. Croke inquires if all the amenities were still there.

Mr. Palumbo explains that they had to put the kitchen back in.

Mr. Croke believes that that the property is being returned to what it was supposed to be and it fits in with the neighborhood.

Mr. Cotton inquires if the petitioners just purchased the property.

Ms. Palumbo answers yes.

Mr. Cotton inquires if the property is back on the market and remodeled.

Ms. Palumbo answers yes, they installed a shower stall, cabinets and a new floor. The plan was for their son to move into the property but he changed his mind.

Mr. Robinson has no questions.

Mr. Pascoa has no questions.

Vice Chairman Beauparlant has no questions.

Chairman Saveory notes that he has no concern since the property will be a single family.

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

Motion by Mr. Croke,

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. Croke 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.

Chairman Saveory asks **Ms. Palumbo** 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. Palumbo** responds that she fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Robinson and Vice Chairman Beauparlant

Roll Call Vote

Mr. Pascoa - Aye	The board believes that this will not impact
Mr. Croke – Aye	the surrounding area since it is in a cluster
Mr. Robinson – Aye	of single family homes and the property is
Vice Chairman Beauparlant - Aye	being restored to what it once was.
Chairman Saveory – Aye	

Use variance is unanimously granted 5-0, subject to the aforementioned condition(s).

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

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.

Chairman Saveory asks **Attorney Cox** 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 Cox** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Croke & Vice Chairman Beauparlant

Roll Call Vote

Mr. Pascoa - Aye	The use will be a less-non conforming use and
Mr. Croke – Aye	will be less intense. The board believes that
Mr. Robinson – Aye	the relief is minimum and complies with the
Vice Chairman Beauparlant - Aye	comprehensive plan and will improve the area.
Chairman Saveory – Aye	

Use variance is unanimously granted 5-0, subject to the aforementioned condition(s).

5. Petition No. 6888 - IGUS BEARINGS, INC., a RI CORPORATION, requests a special use permit to engage in 'Open Storage,' an accessory land use permissible with the granting of a special use permit, for property located at 257 FERRIS AVENUE, being MAP 502, BLOCK 5, PARCEL 31, in an INDUSTRIAL 1 DISTRICT.

Attorney Louis Sousa is representing the petitioners.

Todd Dionne, the facilities manager for IGUS, is properly sworn in.

Richard Abbate, Vice President of IGUS, is properly sworn in

Attorney Sousa explains to the board that IGUS has been in East Providence since 1985 and is a world leader in the creation of motion plastics. Currently, the company is working with Space-X to bring internet services to third world countries. IGUS is consistently growing in East Providence and has over 300 employees at this facility. **Attorney Sousa** adds that he has photos of the site he would like to distribute to the board.

Motion by Vice Chairman Beauparlant to accept these photos as Exhibit 1, the motion is Seconded by Mr. Robinson and Unanimously approved.

Attorney Sousa explains that what IGUS is proposing is a 124 ft. open storage area to store the large wooden spools that can be seen in the photos. There currently being stored inside the facility, if approved, the spools would be stored in the open storage facility and then more room can be made for manufacturing. The maximum height of the open storage facility will be 17ft. and will be secured every night with the fenced in property and locked gate. There will be a roof and shielding provided. There is a wooded area blocking the rear of the property and the open storage will not be visible from the public street. **Attorney Sousa** adds that IGUS is bordered by the railroad tracks and other manufacturing buildings.

Vice Chairman Beauparlant confirms that the main facility is 30ft. in height, the open storage facility will be 17ft. in height and the wood spools will be stored in the open storage facility.

Attorney Souza answers yes.

Vice Chairman Beauparlant believes that all the burdens have been met and adds that IGUS has been a great neighbor to East Providence.

Mr. Pascoa has no concerns.

Mr. Croke notes that the security is terrible since he was able to access the property and drive around on a Saturday.

Mr. Abbate responds that there is a Saturday shift during the day and security does close and lock the gate at night.

Mr. Croke notes that there was other material in the rear of the building that was neatly stored.

Mr. Dionne responds that he is not sure what is there.

Mr. Croke notes that everything is neat and in order and well screened from any residential properties. **Mr. Croke** has no concerns with the plans but would like there to be a stipulation to include the 10 suggestions made by the Planning Department.

Zoning Officer Pimentel notes that those are usually always included and this would be reviewed by the Fire Department.

Mr. Croke expresses concerns with potential future management for the housekeeping to stay in order.

Mr. Abbate responds that he has been with IGUS for 25 years, there's not only local management but corporate as well. Corporate has strict standards for their facilities throughout the world.

Mr. Cotton believes that IGUS has been a good neighbor and isn't concerned that anything could change or that anything dangerous/explosive would be stored in the facility. It is a well-kept property and it is tasteful on what they plan on doing.

Mr. Robinson adds that the property has always been well kept and the owners are a good family and they are heavily involved. Mr. Robinson believes that the outside storage will have a low impact in the area and inquires if there will be a rack system installed.

Mr. Dionne answers no, there will not be a rack system the spools will just be stacked.

Mr. Abbate adds that they will mainly be covered so they don't get discolored so they will look clean when delivered to clients.

Vice Chairman Beauparlant has no questions.

Mr. Pascoa has no questions.

Chairman Saveory is happy to open up more manufacturing space and believes there will be no negative impact from

the openstorage.

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

Motion by Vice Chairman Beauparlant, based on all the evidence and testimony presented to the Zoning Board of Review and the personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board hereby finds:

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

Vice Chairman Beauparlant moves that the special use permit be **Granted** subject to the petitioner fulfilling the following conditions:

Petitioner(s) obtaining any, and all, necessary permits.

Chairman Saveory asks **Mr. Abbate** 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. Abbate** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Mr. Croke and Mr. Robinson

Mr. Pascoa - Aye	The board notes that the petitioner is doing all the
Mr. Croke – Aye	right things and this will have no impact to the
Mr. Robinson – Aye	neighborhood.

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

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

IX. PROCEDURES

A. Discussion on amending the Zoning Board of Review ‘Policy and Procedures’ – Instituting a cap on the number of agenda items permitted per hearing.

Zoning Officer Pimentel explains that after the last marathon meeting, some board members mentioned capping the number of agenda items per meeting.

Chairman Saveory suggests that the board members take time to think over to find a solution since hopefully with the cold weather coming the dockets will be lighter.

B. Approval of the Zoning Board of Review Annual Hearing Calendar.

Motion by Mr. Croke to approve the Zoning Board of Review hearing calendar, the motion is **Seconded by Mr. Robinson** and is Unanimously approved.

X. ANNOUNCEMENTS

The next meeting of the Zoning Board of Review is scheduled for **Wednesday 12 January 2022, at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XI. ADJOURNMENT

Motion to adjourn by Mr. Robinson. The motion is **Seconded by Chairman Saveory** and **Unanimously** voted to adjourn. Meeting is adjourned at **8:32pm**.

Edward Pimentel, AICP
Zoning Officer / Clerk

Secretary