

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, **2 February 2022**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Acting Chairman

John Braga

Richard Croke, Sr.

Gary Pascoa

Matthew Robinson – 1st Alternate

Andrew Cotton – 2nd Alternate - **ABSENT**

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor – **ABSENT**

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 there is a full quorum this evening. **Mr. Robinson** will be participating but not voting this evening.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **3 November 2021**, Zoning Board of Review Minutes. **Motion** by **Vice Chairman Beauparlant** to approve the **3 November 2021**, Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

Chairman Saveory asks for approval of the **1 December 2021**, Zoning Board of Review Minutes. **Motion** by **Vice Chairman Beauparlant** to approve the **1 December 2021**, Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

Chairman Saveory asks for approval of the **12 January 2022**, Zoning Board of Review Minutes. **Motion** by **Mr. Croke** to approve the **12 January 2022**, Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Pascoa** and **Vice Chairman Beauparlant** and **Unanimously** approved.

IV. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is none.

III. CORRESPONDENCE/ DISCUSSION

Zoning Officer Pimentel explains that there is none.

VI. STAFF REPORTS

1. Planning Department Staff Report - Previously Submitted

2. Zoning Complaint List – January 2022 – Previously Submitted

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, 3 November 2021, 1 December 2021 and 12 January 2022.]

Zoning Officer Pimentel explains that only board members that heard testimony can participate, those members are the following,

Chairman Saveory, Vice Chairman Beauparlant, Mr. Braga, Mr. Croke and Mr. Pascoa.

Mr. Robinson recuses himself and sits in the audience.

Attorney Dennis Ritchie is representing the petitioner.

Jason Silva, of 16 Rounds Avenue, is properly sworn in.

Attorney Ritchie explains to the board that the last time they were here was in November 2021, the continuance was for a new survey and a copy of the new survey was provided to the zoning officer and the board members.

Attorney Ritchie believes that this meets all the requirements that the board was looking for.

Mr. Braga has no questions at this moment.

Vice Chairman Beauparlant has no questions.

Mr. Pascoa has no questions.

Mr. Croke notes that originally the petitioner mentioned and was willing to remove the shed and the pavers and inquires why this is no longer on the table.

Attorney Ritchie explains that it was not a requirement and no longer an issue.

Mr. Croke explains that he is not willing to drop the subject and inquires why that idea was removed.

Attorney Ritchie explains that going by the minutes of the last meeting they were only required to provide the new survey.

Chairman Saveory inquires if the issue of impervious coverage still exists.

Zoning Officer Pimentel answers yes, the pool was removed but the petitioner wants to re-introduce it in the spring. The proposal was to move the pool to meet dimensional requirements and all improvements.

Chairman Saveory inquires what the maximum amount of coverage is.

Zoning Officer Pimentel answers 45% is the maximum.

Chairman Saveory notes that currently at 52%, so they are asking for 7% relief.

Zoning Officer Pimentel answers that based on the survey, yes.

Chairman Saveory inquires if anything has been removed.

Mr. Silva answers that the pool was put up two years ago, but nothing else extra.

Chairman Saveory inquires if the patio was expanded.

Mr. Silva answers no, the pavers were put around.

Chairman Saveory confirms that Mr. Silva is looking for 7% coverage relief.

Mr. Silva answers yes.

Attorney Tim Chapman is representing the neighbors.

Attorney Chapman explainsto the board that he would like to go over a few things, he previouslysubmitted municipal court violations against the applicant, Exhibit 1, therecord of the 30 police calls, Exhibit 2, the petition objecting the variancethat was signed by 13 neighbors, Exhibit 3. **Attorney Chapman** explains that he has new exhibits to share withthe board,

A. Zoning board decision from 3 December 2018, on the 2nd page #1, Mr. Silva's Dimensional relief, Mr. Silva agrees to no other impervious coverage.

Motionby Mr. Braga to accept the zoning board decision from 3 December

2018 as Exhibit 4, the motion is Secondedby Vice Chairman Beauparlant.

Roll CallVote

Mr. Croke –Aye

Mr. Pascoa– Aye

Mr. Braga –Aye

ViceChairman Beauparlant – Aye

ChairmanSaveory – Aye

B. Copy of the surveycompleted on 3 May 2018 vs the current survey and what is beingrequested, there are now several improvements. The pavers and pool were addedand the overall expansion of the property from 2018-2021.

Motion by Mr. Braga to accept the a copy ofthe survey from 3 May 2018 as Exhibit 5, the motion is Seconded by Vice Chairman Beauparlant.

Roll CallVote

Mr. Croke –Aye

Mr. Pascoa– Aye

Mr. Braga –Aye

ViceChairman Beauparlant – Aye

ChairmanSaveory – Aye

C.Copies of the electrical and building permits, both from July 2020, both weresubmitted and denied.

Motion by Mr. Braga to accept the copy of theelectrical permit form 11 July 2020 and building permit from 14 July 2020,the motion is Seconded by Vice Chairman Beauparlant.

Roll CallVote

Mr. Croke –Aye

Mr. Pascoa– Aye

Mr. Braga –Aye

ViceChairman Beauparlant – Aye

ChairmanSaveory – Aye

Attorney Chapmancontinues with talking about the dimensional variance standards, the firstbeing hardship. In this case the hardship is the result of prior action by thepetitioner, all neighboring lots are about 5,000 sq. ft. and believes that thiswill alter the general character of the area. **Attorney Chapman** believes that this is not the least reliefnecessary, the impervious coverage was at 45% that went to 48% in 2018 and willnow be going to 52%. That is substantial with a 5,000 sq. ft. lot and beingsurrounding by 5,000 sq. ft. lots. Regarding a mere inconvenience, the Rhodelsland Supreme Court case, Sciacca vs. Caruso, it was ruled if there was no otherreasonable use of the property and here that is not the case. The petitionercan currently enjoy their property and this petition should be denied.

Mr. Braga requests clarification onthe current coverage percentage on the property, are they currently at 52% orrequesting to be at 52%.

Zoning Officer Pimentel explainsthat with the introduction of the pool the property would be at 52%.

Mr. Braga inquires the percentage without the pool.

Zoning Officer Pimentel explains that he can only assume from the 2018 survey that it will be at 48%.

Chairman Saveory notes that the shed is not listed in the 2018 survey.

Attorney Ritchie explains that the shed was present when his client purchased the home.

Chairman Saveory inquires when the property was purchased.

Mr. Silva responds that it was purchased in 2012.

Chairman Saveory reiterates that the shed is not mentioned in the 2018 survey but is on the new 2021 survey along with the pool and pavers. He then inquires if the addition was ever built.

Mr. Silva answers no that he only put up the pavers and the pool.

Chairman Saveory notes that the petitioner did agree to no further impervious coverage in 2018.

Mr. Silva believes that since he didn't build the addition that he could have the pool.

Chairman Saveory inquires about the denied permits.

Mr. Silva explains that he had the pool for 2 years and didn't know that he needed permits for the pool. When he applied due to the coverage issues the permits were denied and he needed to come before the board to get approval and then re-apply for the permits.

Chairman Saveory inquires when the deck was built.

Mr. Silva responds that he does not know, it was there when he bought the house. **Mr. Silva** adds that the 30 police calls were all for noise ordinances but they weren't past 10pm.

Chairman Saveory explains that the calls will not be taken into consideration.

Mr. Silva believes that the neighbors are trying to paint him as a punk.

Mr. Croke inquires to Zoning Officer Pimentel inquires where is the record of the first two meetings.

Mr. Pimentel explains that there are minutes that were already or just approved.

Mr. Croke notes that the petitioner agreed to remove pavers and the shed.

Zoning Officer Pimentel explains that there was a lot of back and forth, the conversation turned into if the pool was moved then there would no longer be the need for the dimensional relief. The petitioner wanted to keep everything else.

Attorney Chapman adds that his notes agree with what **Mr. Croke** is saying, it happened at the September 2021 meeting. Attorney Chapman adds he has a witness online via zoom ready to testify.

Mary Tracy of 20 Rounds Avenue Riverside, RI is properly sworn in.

Ms. Tracy explains that her property abuts **Mr. Silva's** property and has lived at 20 Rounds Avenue since 1964 and is currently 81 years old. Ms. Tracy did not have issues with the previous owners of 16 Rounds Avenue but issues started when **Mr. Silva** moved in 2012. It started with **Mr. Silva's** dog barking all day and into the night and when people are over for parties they are very loud and the music speakers hanging from **Mr. Silva's** garage are facing her property, **Ms. Tracy** is objecting this variance.

Attorney Ritchie inquires if **Ms. Tracey** has concerns about the noises from the yard.

Ms. Tracy answers yes that and other problems.

Attorney Ritchie inquires if **Ms. Tracy** ever called the police on **Mr. Silva**.

Ms. Tracy answers yes a couple times.

Attorney Ritchie inquires if **Ms. Tracy** was ever told by police that he wasn't violating any ordinances.

Ms. Tracy answers yes.

Attorney Ritchie inquires if **Ms. Tracy** was one of the neighbors complaining against Mr. Silva having a pool.

Ms. Tracy answers yes.

Attorney Ritchie inquires if **Ms. Tracy** complained on her own or was approached by someone else, and if **Ms. Tracy** ever filed a complaint with the city regarding the pool.

Ms. Tracy responds that she complained on her own and no she did not file a complaint with the city since she did not know how large the pool really was until these meetings.

Attorney Ritchie wants the petition signed by the 13 witnesses redacted since these people are not here tonight to be cross examined and inquires to **Attorney Chapman** where his witnesses are.

Chairman Saveory instructs **Attorney Ritchie** to slow down, this is not district court.

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

Via Zoom, Mary Tracy 20 Rounds Avenue Riverside, RI

Ms. Tracy explains that she is actually all set.

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. Braga,

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

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

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

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

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

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

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

Motion is Seconded by **Vice Chairman Beauparlant**

Roll Call Vote

Mr. Braga – Nay

Mr. Croke – Nay

Mr. Pascoa – Aye

Vice Chairman Beauparlant's computer crashed during the motion, a recess is taken so he can attempt to call in or restart his computer. The board is back at 7:15pm

Zoning Officer Pimentel explains to the board that **Attorney Ritchie** approached him regarding another continuance during the recess.

Chairman Saveory explains that he is in the middle of a motion, and inquires to **Assistant Solicitor Conley** if he is correct by not allowing any more testimony.

Assistant Solicitor Conley answers yes it is ultimately the board's choice.

Chairman Saveory adds that there has been 3 votes received already and only took the break due to technical issues, can the board continue with the motion or start over.

Assistant Solicitor Conley responds that the board can continue.

Roll Call Vote

Mr. Braga – Nay

Mr. Croke – Nay

Mr. Pascoa – Aye

Vice Chairman Beauparlant – Nay

Chairman Saveory – Nay

The board believes there is beneficial use

of the property and already had the

stipulation in the last granting that there would

not be any increasing of impervious coverage.

The petitioner is not willing to remove any thing

in the yard and 52% is quite a bit of coverage.

Dimensional variance has failed 4-1.

2. Petition No. 6886 - CITY OF EAST PROVIDENCE and ONE NEIGHBORHOOD BUILDERS, request

dimensional variances 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 this property is located in the Riverside overlay district which relaxes most of the variances listed, only a handful of them are required to have board approval.

Attorney Ken McGonigle is representing the petitioner.

Attorney McGonigle explains to the board that he will refer to the applicant as "One". "One" has been chosen to be the developer at this site. This project is exciting and would provide 16 lower income apartment units with 3 of those 16 units being for youth aging out of the foster care system. "One" is over 30 years old and is a non-profit organization, there is top-notch staff and will be built and managed by "One".

Mr. Croke inquires who owns the property currently.

Attorney McGonigle responds that the City of East Providence however, the client hasn't done a title search yet since they haven't purchased the property. **Attorney McGonigle** adds that this will be bringing the property back in a safe way.

Joel Vanderweele, the architect for the project, is properly sworn in.

Mr. Vanderweele explains to the board that he has received his master's degree in architecture and has been an architect since 2017 and a consultant since 2019. **Mr. Vanderweele** further explains that he has been before other boards in Rhode Island and in Massachusetts, and was before the East Providence Waterfront Commission.

Motion by Mr. Braga to accept Mr. Vanderweele as an expert in architecture, the motion is Seconded by Mr. Pascoa,

Roll Call Vote

Mr. Croke – Nay

Mr. Pascoa – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

Mr. Vanderweele continues stating that Bullocks Point Avenue has a lot of mixed use buildings, single family homes, businesses, etc. This property is located on a primary bus route and there will be parking in the rear, using Fenner Avenue as access to the parking lot. On both sides of the building will be 6 units with a shared staircase and in the

middle will be 4 townhouses with their own entrances. Both ends will be 3 stories with the highest point being 30ft. and the townhouses will be 2 stories. There will be a mixed of one and two bedroom units and the units on the ground floor will have the bedrooms facing the rear for maximum privacy.

Timothy Behan, engineer for the project, is properly sworn in.

Mr. Behan explains to the board that he is a University of Rhode Island graduate with his bachelors in civil engineering and masters in engineering. **Mr. Behan** has been an engineer since the 1980's and is a partner/owner of Commonwealth Engineers.

Motion by Mr. Braga to accept Mr. Behan as an expert in engineering, the motion is Seconded by Vice Chairman Beauparlant,

Roll Call Vote

Mr. Croke – Nay

Mr. Pascoa – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

Mr. Behan explains to the board the details of the project, the lot is over 18,000 sq. ft. with the proposed building up front and providing 16 parking spaces in the back accessible off Fenner Avenue. Mr. Behan understands that 2 spaces are typically required per unit but adds that there are 7 spaces on Bullocks Pt Avenue, so in all there is a total of 23 spaces all together. The storm water system will consist of catch basins in front of the building and will lead to a level spreader, this system will be less than pre-construction conditions. There will be 3 lights around the parking area, they will be solar lighting with the panel on top. There will also be public water and sewer. **Mr. Behan** adds that they have gone back and forth with the engineering and planning departments and are awaiting final comments from the engineering department but did get the okay from the planning department.

Mr. Croke inquires about the parking on Bullocks Pt. Ave and if the petitioners contact the City Council to reserve those spaces for their residents only.

Mr. Behan responds that it was not mentioned and due to their research this type of building only needs 16 spaces and they are comfortable with the 16 spaces proposed.

Mr. Croke notes that tenants in the 2 bedroom could each have a car then that could cause a problem and is not happy with what he is seeing so far.

Mr. Robinson inquires about the demographics of the expected tenants.

Milton Baxter, owner of "One", is properly sworn in.

Mr. Baxter responds that the tenants will be qualified based on income and expect mostly adults, in the 2 bedroom units there may be very young children that are not of school age. There will be 3 units for youth aging out of foster care so they will be around 18-21 years old.

Mr. Robinson notes there are 16 units with 26 bedrooms, most of the tenants will be adults and most adults in East Providence have cars. So, it is likely to have 16 or more cars and the city requires having 32 spaces and their report mentioned 32 spaces.

Assistant Solicitor Conley notes that the planning report may be helpful with the breakdown, in section E just before section F, it mentions that this is an overlay zone. This is a petition that was required to be demonstrated to the DPR Committee and the committee had no concerns. Due to the overlay zone, the maximum amount of spaces is 16 which is what the petitioner has. DPR believes that the number they have is adequate. The variance regarding the parking is not required like **Zoning Officer Pimentel** mentioned previously.

Zoning Officer Pimentel adds that the overlay district requirements take over.

Mr. Robinson notes that he understands that this board has no say regarding the parking but believes this is a travesty to the residents of Riverside that the number is so low. **Mr. Robinson** mentions that if there were 16 one bedroom units it would be more understandable. **Mr. Robinson** believes that this is for financial gain and is trying to fit 10lb in a

5lb bag. **Mr. Robinson** points out that the developer across the street is tearing down a garage to accommodate more parking and that public developers should not be treated differently than the city's developer.

Chairman Saveory notes that this is an affordable housing situation and a lot of these tenants may not have vehicles due to the inability to afford one.

Attorney McGonigle adds that their funders, mainly Rhode Island Housing, want these type of developments on main bus routes.

Chairman Saveory points out that he does not like the 16 spaces given, but since it is lower income housing and on a bus line changes things.

Mr. Braga has no questions.

Vice Chairman Beauparlant explains that he does not have huge concerns regarding the 16 spots since the overlay situation and there will be no impact to the neighbors with the lighting.

Mr. Pascoa has no questions.

Mr. Croke inquires if the city has the title to the property.

Assistant Solicitor Conley answers yes, to the best of his knowledge.

Chairman Saveory inquires that this will be fully managed and not a condo situation.

Attorney McGonigle responds that yes that is correct and it will not be a condo situation.

Mr. Croke believes that the neighbors are the ones that will suffer.

Attorney McGonigle explains that East Providence is an important area for his client and they are trying to fit into what the city wanted and wants it to thrive.

Mr. Croke believes that there is going to be problems regarding the parking since there are some people that don't care where they park.

Chairman Saveory inquires if the petitioners will hire a 3rd party management company, and believes that management can help out with these problems.

Mr. Baxter responds that they will be hiring a 3rd party management company and have used them for over 20 years and even share a building together. **Mr. Baxter** adds that they are held to a higher standard due to their funders.

Mr. Pascoa inquires if they will be using low income tax credits.

Mr. Baxter answers no, they will be using funding sources from Rhode Island Housing, HOME federal program, Building Homes, etc.

Mr. Pascoa inquires if those funders have regular monitoring.

Mr. Baxter answers yes, there are deed restrictions regarding affordable units and ensure good quality cabinets, plumbing, etc. Rhode Island Housing requires annual inspections of the units and will have property managers on site regularly but there will not be a leasing office on site.

Mr. Croke inquires if there will be an abasement.

Mr. Baxter answers no due to contamination, DEM has limitations of what can be done and there will be a soil management plan during construction.

Mr. Croke inquires if there will be a heating system and if so, what type.

Mr. Baxter responds that there will be electric heat pumps. There will be a hot water tank and heat pump for each unit that will be high efficiency and adequately marked.

Mr. Robinson inquires what exactly the board is voting on, the agenda lists all of these items and didn't receive the front page of the application for a dimensional variance like everyone else submits.

Mr. Croke responds that there is a letter from **Zoning Officer Pimentel** that breaks down what is being asked.

Assistant Solicitor Conley adds that to his knowledge the DPR just mentioned the parking and all others are subject under the overlay zone.

Mr. Robinson believes that the city wants the board to approve/deny things that they have no privy to and just want a rubber stamp of approval from this board.

Zoning Officer Pimentel explains that this wasn't for a rubber stamp, this was to be careful and cautious, and the

overlay zones area learning curve. The variances for the board are the setback issues.

Chairman Saveory adds that this is an exceptional property that requires an exceptional petition.

Mr. Robinson expresses that he was excited to see this project and likes it, believing that all the variances were acceptable except for the parking. There is an existing parking issue in the area.

Zoning Officer Pimentel adds that if someone were to build a 4-5 bedroom single family home, they would only need 2 parking spaces.

Mr. Robinson believes that there will be more than 16 cars.

Mr. Behan tries to clarify the parking, in section 19-360, it allows parking in front of the subject site which is the 7 spaces on Bullocks Pt. Ave.

Chairman Saveory adds that those spaces are public spaces.

Mr. Croke has no argument with the parking on the street but would like to see the applicant petition to reserve those parking for their tenants.

Mr. Robinson inquires about if the applicant is expecting to house handicap tenants.

Mr. Baxter explains that they cannot discriminate against anyone, they are expecting handicap clients. **Mr. Baxter** adds that they need to have the 16 apartments because that is the minimal number to support the debt. If they cannot have the 16 units then the project cannot be feasible, and the rent will be higher for the 2 bedroom units.

Mr. Robinson inquires if the number of beds drive more money.

Mr. Baxter responds that this is not for cash flow, this would be barely make enough to support the debt. These properties are difficult to develop, this is not cash flow driven and a non-profit.

Chairman Saveory notes that this is the renaissance area and the point is develop the area and fix issues in the way.

Chairman Saveory believes that the city needs to have a different attitude and that this is a much better situation since it is more controlled and a non-profit.

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.

Robert Plouffe of 117 Smith Street Riverside, RI is properly sworn in.

Mr. Plouffe explains to the board that the Riverside Square is getting better and being fixed up however, businesses are coming and going because there is no parking. There is plenty of housing going on everywhere and that this is being squeezed. **Mr. Plouffe** believes that the 3rd floor is too much and that another developer can do a better job or the property should be turned into a parking lot for businesses to use.

Chairman Saveory queries the Board for a motion.

Motion by Mr. Braga,

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

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

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

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

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

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

1. Petitioner(s) obtaining any, and all, necessary permits - said permits necessary to exercise (execute) the relief granted. Failure to obtain requisite permit(s), if needed, within the six-month approval period (one-year, if extended by the Zoning Board of Review), will result in expiration of said approval.

2. Strict compliance, to include: Submitted site plan (or amended site plan, as it may be applicable) and site plan package; all exhibits; entire testimony of applicant and/or property owner; presentation of legal counsel (if applicable); and, testimony of all expert(s), if applicable.

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

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote **The board is going off the experts and reports**

Mr. Pascoa - Aye **regarding the parking although it is not ideal.**

Mr. Croke - Aye **The lot is odd shaped and located on a main**

Mr. Braga - Aye **bus route.**

Vice Chairman Beauparlant - Aye

Chairman Saveory - Aye

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

Chairman Saveory requests a recess at 9:14pm, the board reconvenes at 9:26pm.

3. Petition No. 6889 - RS ASSOCIATES, requests a use variance to convert a multi-tenant commercial facility to a mixture of commercial and residential land uses, consisting of several commercial tenancies and three (3) residential units, otherwise defined as a prohibited land use, for property located at **2224 PAWTUCKET AVENUE, being MAP 406, BLOCK 7, PARCEL 11, in a COMMERCIAL 5 DISTRICT.**

Peter Rotelli, the owner of the property and attorney.

David Sission, the architect for the project with offices located at 345 Taunton Avenue E. Providence, RI, is properly sworn in.

Attorney Rotelli explains to the board that he has owned the building for over 20 years and when Covid hit he got a call from one of the tenants announcing they were leaving. It's been impossible to lease the space now for two years and everyone is working from home so it is difficult to lease commercial space. It is a special and different time, he has tried everything possible to lease the space. Since the building is located in a C5 zone, he has decided to have the building become mixed use. **Attorney Rotelli** adds that there is plenty of parking and has almost 2 acres of land.

Mr. Sisson explains that the proposal consists of taking 3,300 sq. ft. and converting it to 3 residential apartment units, each unit will have 2 bedrooms. There will be no changes to the exterior except for egress windows. The building is single level and there is plenty of parking.

Mr. Croke expresses concerns since the building is located next to the gas station, auto repair business next door and across the street. There is an additional building in the back that wasn't mentioned and believes that this is not conducive with the area, inquires if there is a daycare facility on site.

Attorney Rotelli explains that the property is just commercial, currently the property has One Solution and Core each share a half. One Solution is a temporary job agency, notes that the Planning Department had no issues with the proposal and there are 2 residential buildings nearby.

Mr. Croke notes that he sat in the parking lot of the business and that those residential homes pre-date zoning and have been there for decades. **Mr. Croke** believes that there are too many issues with residential in that particular building because of the rest of the area and concerns with what the tenants would have to contend with.

Vice Chairman Beauparlant inquires if the signage will remain.

Attorney Rotelli answers yes.

Vice Chairman Beauparlant inquires if there will be designated parking for the residential and commercial.

Attorney Rotelli answers that they haven't done a plan but imagines that the north side, which has about 20 spaces, will be used for the residential.

Vice Chairman Beauparlant has no further questions and agrees that the world is changing towards this direction.

Mr. Braga notes that there is no green space being provided.

Attorney Rotelli responds that greenery can be provided to buffer.

Mr. Braga agrees with **Mr. Croke** but agrees with **Vice Chairman Beauparlant** as well. Most apartments do have green spaces so the tenants can go outside. **Mr. Braga** believes that this is not conducive to the way it looks to be a mixed use, unless he can see what is allocated for business and residential there is not enough information for him.

Mr. Pascoa has no questions.

Mr. Robinson has no questions.

Chairman Saveory is wondering if this could even work due to egress onto Pawtucket Avenue and concerned with what could go into the commercial spaces over time such as manufacturing.

Attorney Rotelli answers that currently they are just 9am-5pm offices.

Chairman Saveory admits she is uncomfortable at this junction.

Attorney Rotelli requests a continuance to create a more detail plan for the board.

Motion by Mr. Croke to continue this petition from 2 February 2022 to 6 April 2022, for the petitioner to create a more detailed plan, the motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Croke – Aye

Mr. Pascoa – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

VIII. NEW BUSINESS

1. Petition No. 6890 - MAURO HANTMAN, requests dimensional variances to add a dormer to the third-floor attic space, thereby realizing true living space, resulting in an excessive number of stories, and failing to comply with the increased front and side-yard setback requirements, for property located at **62 CEDAR AVENUE, being MAP 312, BLOCK 42, PARCEL 16, in a RESIDENTIAL 4 DISTRICT.**

Mauro Hantman of 62 Cedar Avenue Riverside, RI is properly sworn in.

Mr. Hantman explains to the board that he does not have a basement for storage and is hoping to build an attic.

Mr. Braga notes that he went by the property and does not have an issue with the petition. **Mr. Braga** inquires that doing this adds a 3rd floor.

Mr. Hantman answers yes, there are existing cathedral ceilings and will not be adding a full story.

Mr. Braga inquires if the space will be for storage only and not for living space.

Mr. Hantman answers yes that is correct.

Mr. Braga notes that the dormer will be 8ft. shorter than the maximum height allowed.

Vice Chairman Beauparlant agrees with **Mr. Braga** and believes it won't impact the area due to the location of the dormer. **Vice Chairman Beauparlant** adds that due to the proposed size there isn't a lot of options for any other future use.

Mr. Pascoa has no questions.

Mr. Croke notes that it looks like many additions were added onto the home.

Mr. Hantman answers yes, the house was built in 1910 but he hasn't put on any additions.

Mr. Robinson notes that the property is well maintained and can sympathize with having a flat roof. **Mr. Robinson** inquires if **Mr. Hantman** will do the siding on the dormer to match the home.

Mr. Hantman responds that it is currently clapboard but yes he will.

Chairman Saveory has no issues with this petition.

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

James Michaud of 53 Cedar Avenue Riverside, RI is properly sworn in.

Mr. Michaud explains to the board that he is diagonally across from the petitioner and that this home is one of the best houses/well kept on the street and the dormer will not affect him at all.

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. Braga,

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

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

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

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

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

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

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

Motion is Seconded by Mr. Croke

Roll Call Vote

Mr. Pascoa - Aye

Mr. Croke - Aye

Mr. Braga - Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory - Aye

The board notes that the home pre-dates zoning and will straighten the home out from all the additions and will flow better.

The dormer will still be under the maximum height requirement.

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

2. Petition No. 6891 - DAVI I D M. S I S S O N and I T O H A N I. O S A Y I M W E S E, request dimensional variances to subdivide the subject parcel into two (2) distinct lots, both of which will fail to comply with the minimum lot area and lot width requirement, and the existing house lot will fail to provide the appropriate off-street parking stall dimensions,

for property located at **56 OXFORD STREET, being MAP 306, BLOCK 11, PARCEL 4, in a RESIDENTIAL 4 DISTRICT.**

Zoning Officer Pimentel explains to the board that this petition still needs to be heard by the Planning Board, and won't be heard by them until March 2022.

Motion by Mr. Croke to continue this petition from 2 February 2022 to 6 April 2022, for the petitioner to be heard by the Planning Board, the motion is Seconded by Mr. Braga

Roll Call Vote

Mr. Croke – Aye

Mr. Pascoa – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

3. Petition No. 6892 - PETER and MARIE CONHEENEY, requests dimensional variances to construct an addition onto a single-family dwelling, without complying with the minimum side and rear-yard setback requirements, as well as exceeding the maximum building coverage requirement, for property located at **31 POKANOKET AVENUE, being MAP 513, BLOCK 43, PARCEL 7, in a RESIDENTIAL 4 DISTRICT.**

Peter Conheeneey of 31 Pokanoket Avenue, Riverside, RI is properly sworn in.

Mr. Conheeneey explains to the board that he would like to build an addition to create a den that may become another bedroom since it is becoming hard for his wife to go up and down stairs.

Mr. Braga has no questions or issues with this petition.

Vice Chairman Beauparlant has no questions.

Mr. Pascoa has no questions.

Mr. Croke explains that he understands what **Mr. Conheeneey** is going through and doesn't have issues with the petition but does have issues with the shed on the property.

Chairman Saveory has no issues with this petition.

Mr. Robinson feels that this petition is straightforward and the setbacks are minor.

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. Braga,

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

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

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

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

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

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

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

Motion is Seconded by Mr. Croke

Roll Call Vote

Mr. Pascoa - Aye	The board sees that there is hardship due to
Mr. Croke – Aye	the property being located on a corner lot and
Mr. Braga – Aye	it would be more than a mere inconvenience
Vice Chairman Beauparlant - Aye	for the petitioners if this petition was not
Chairman Saveory – Aye	approved.

Dimensional variance is unanimously granted 5-0, 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.

This discussion will be held on **2 March 2022**.

B. Discussion on the prepared Zoning Application Instructional Package

Zoning Officer Pimentel explains that this is a new package he created so people can know exactly what to do before going before the board and would like the board to review and give comments/suggestions for the next meeting on **2 March 2022**.

X. ANNOUNCEMENTS

The next meeting of the Zoning Board of Review is scheduled for **Wednesday 2 March 2022, at 6:00 PM**, in a **hybrid form** and in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XI. ADJOURNMENT

Motion to adjourn by Mr. Pascoa. The motion is **Seconded** by **Mr. Braga** and **Unanimously** voted to adjourn. Meeting is adjourned at **10:14pm**.

Edward Pimentel, AICP
Zoning Officer / Clerk

Secretary