

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

The following members were present:

Eugene Saveory – Chairman – **ABSENT**

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**

Todd Romano – Assistant City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

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

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

A. Swearing in of the Zoning Officer

Chairman Beauparlant asks Solicitor Romano to swear in the **Zoning Officer, Mr. Pimentel**

II. SEATING OF ALTERNATE MEMBERS

Chairman Beauparlant explains to the public that **Chairman Saveory** is absent so he will be acting chairman and **Mr. Robinson** will be a participating and voting member.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **5 October 2022**, Zoning Board of Review Minutes. **Motion** by **Mr. Braga** to approve the **5 October 2022**, Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Robinson** and **Mr. Croke** 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 regarding **Petition No. 6922**.

VI. STAFF REPORTS

1. Planning Department Staff Report -

Previously Submitted

2. Zoning Complaint List – October 2022 –Previously Submitted

VII.CONTINUED BUSINESS

1. Petition No. 6922 - FORBES STREET, LLC, request dimensional variances to retain an expanded parking area and trash storage area, associated with a mixed use residential and storage property, resulting in excessive off-street parking within the requisite front-yard, excessive off-street pavement within the requisite front-yard and vehicles exiting in a rear-fashion, for property located at **100 and 120 FORBES STREET, being MAP 411, BLOCK 5, PARCEL(S) 85 and 86, in a COMMERCIAL 4 DISTRICT.**

Zoning Officer Pimentel explains that they are currently working on issues with the owners of this property and suggests that they need about 60 days to figure things out.

Motion by Mr. Robinson to continue this petition from **2 November 2022 to 11 January 2023, the motion is Seconded in Mr. Braga and Unanimously approved**

2. Petition No. 6923 - EDINGTON FAMILY TRUST, request dimensional variances to subdivide a parcel via an Administrative Subdivision, resulting in deficient lot area in regard to a pre-existing two-unit residence, and deficient lot area and lot width in regard to a proposed single-family family residence, for property located at **0 and 91 MAIN STREET, being MAP 412, BLOCK 20, PARCEL(S) 3 and 3.1, in a RESIDENTIAL 3 DISTRICT.**

Zoning Officer Pimentel explains to the board that the Planning Board did previously express some minor concerns and the new plans were delivered today. **Zoning Officer Pimentel** suggests that if the board were to grant the variance to stipulate the conditions by the Planning board.

Attorney Timothy Chapman, with offices located in East Providence, is representing the petitioner.

Attorney Chapman explains that his client is looking to build a single family on 0 Main Street which is a 5,000 sq. ft. lot and next to 0 Main Street is an abutting two family located on 91 Main Street. The two family is to remain, but will raze the existing shed and is located on a 10,000 sq. ft. lot. There is lot size relief required and received a certificate of completeness and the planning report that can be read into the record.

Mr. Robinson notes that he has a memo from the Planning Board dated 31 October 2022 and cannot see the conditions that need to be stipulated.

Zoning Officer Pimentel explains that it is the Planning Board memo from 12 October 2022.

Attorney Chapman explains that the engineering hasn't seen the most recent plans.

Mr. Robinson makes a motion to enter in as **Exhibit 1 the certificate of completeness from Planning dated 2 November 2022**, the motion is **Seconded by Mr. Braga and Unanimously approved.**

Mr. Robinson makes a motion to enter in as **Exhibit 2 the memo from Planning dated 12 October 2022 which stipulates the conditions of the administrative subdivision**, the motion is **Seconded by Mr. Braga and Unanimously approved.**

Mr. Pascoa has no questions.

Mr. Croke cannot see where this will do any harm since the property is well off the beaten path.

Mr. Braga agrees with **Mr. Croke.**

Chairman Beauparlant notes that just the length and width of house was determined by not the style of home.

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

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

Motion by Mr. Robinson,

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

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area, and not due to a physical or economic disability of

the applicant excepting those physical disabilities addressed in RIGL 45-24-30(16).

2. The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.

3. The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the city's comprehensive plan upon which this chapter is based.

4. The relief to be granted is the least relief necessary.

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

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

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

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

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

3. Compliance with the conditions stipulated in the memo from Planning dated **12 October 2022** regarding the administrative subdivision.

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

Motion is Seconded by Mr. Croke

Roll Call Vote

The board notes that this will not negatively effect the surrounding area.

Mr. Pascoa – Aye

Mr. Croke – Aye

Mr. Braga – Aye

Mr. Robinson – Aye

Chairman Beauparlant – Aye

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

VIII. NEW BUSINESS

1. **Petition No. 6924 - ANTHONY LAMBRESE**, requests dimensional variances to construct several additions onto a single-family residence, without complying with the minimum side-yard setback, and exceeding the maximum coverages, for property located at **253 TERRACE AVENUE, being MAP 415, BLOCK 1, PARCEL 2, in a RESIDENTIAL 3 DISTRICT.**

Zoning Officer Pimentel explains that he did receive an email from a neighbor in favor of the petition.

Zoning Officer Pimentel passes out copies of the email to members of the board.

Attorney Mark Hartman, with offices located in East Providence, is representing the petitioner.

Attorney Hartman explains to the board that he believes that his client is asking for modest additions to his home and requires 2.5% lot coverage relief. The lot has contours that make construction challenging nothing the petitioners have done contribute to the hardship. **Attorney Hartman** believes that this will not change the surrounding area and is the least relief necessary to achieve what the petitioners want and enjoy their property.

Anthony Lambrese of 253 Terrace Avenue Riverside, RI is properly sworn in.

Mr. Lambrese explains to the board that they moved to Terrace Avenue in 2018 and are happy with the neighborhood.

Together they have four children and two grandchildren and the goal is to expand the home to have family over more often.

Mr. Robinson believes that the plans are straight forward and will fit into the area since a lot of houses in the neighborhood are doing the same thing. **Mr. Robinson** inquires if there is a right of way to the water.

Mr. Lambrese answers no.

Mr. Pascoa has no questions.

Mr. Croke inquires if the addition will have windows on the south wall facing the neighbor.

Sean Lafranboise, contractor for the project, is properly sworn in.

Mr. Lafranboise answers no, there will be two windows facing the front and a slider in the rear.

Mr. Croke notes he would like this to be a stipulation of approval.

Mr. Braga has no concerns since the questions regarding windows on the south wall of the addition has been answered. **Mr. Braga** inquires about two existing windows and whether or not they will be staying.

Mr. Lafranboise answers that one will be staying but the other removed due to the pitch of the roof.

Chairman Beauparlant inquires if the petitioners have spoken with their neighbors.

Mr. Lambrese answers yes.

Mr. Robinson makes a motion to accept the email by **Angel Canada Granoff of 249 Terrace Avenue, Riverside, RI**, in favor of the petition, the motion is **Seconded** by **Mr. Croke** and **Unanimously** approved.

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

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

Motion by Mr. Robinson,

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

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

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

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

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

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

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

Motion is Seconded by Mr. Croke

Roll Call Vote

Mr. Pascoa – Aye

Mr. Croke – Aye

Mr. Braga – Aye

Mr. Robinson – Aye

Chairman Beauparlant – Aye

The board notes that the lots in the area are small since they were summer homes that pre-date zoning. The board believes this is in line with the area.

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

Assistant Solicitor Romano notes that **Mr. Croke** suggested that there be a stipulation regarding the windows and that should be included in the motion. **Assistant Solicitor Romano** suggests that **Mr. Robinson** make a motion to withdraw his original motion.

Mr. Robinson makes a motion to **withdraw his initial motion**, the motion is **Seconded by Mr. Braga**,

Roll Call Vote

Mr. Pascoa – Aye

Mr. Croke – Aye

Mr. Braga – Aye

Mr. Robinson – Aye

Chairman Beauparlant – Aye

Mr. Robinson makes a motion to include the stipulation of no window on the south side of the addition, the motion is **Seconded by Mr. Croke**,

Roll Call Vote

Mr. Pascoa – Aye

Mr. Croke – Aye

Mr. Braga – Aye

Mr. Robinson – Aye

Chairman Beauparlant – Aye

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

IX. PROCEDURES

A. Discussion on the prepared Zoning Application Instructional Package.

Zoning Officer Pimentel explains to the board that so far there are no petitions on the docket for the 7 December 2022 meeting but the deadline is coming up. **Zoning Officer Pimentel** suggests that they still hold the meeting in order to have a workshop to go over some new ordinances and to go over the instructional package.

X. ANNOUNCEMENTS

The next meeting of the Zoning Board of Review is scheduled for **Wednesday 7 December 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. Braga. The motion is **Seconded by Mr. Robinson** and **Unanimously** voted to adjourn.

Meeting is adjourned at 6:40pm.

Edward Pimentel, AICP
Zoning Officer / Clerk
