

# 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, **4 October 2023**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Vice Chairman

John Braga

Richard Croke, Sr. – **ABSENT**

Gary Pascoa

Matthew Robinson – 1<sup>st</sup> Alternate

Andrew Cotton – 2<sup>nd</sup> Alternate – **ABSENT**

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – 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 **Solicitor Marcello** to swear in the **Zoning Officer, Mr. Pimentel**.

### II. SEATING OF ALTERNATE MEMBERS

**Chairman Saveory** explains to the public that **Mr. Croke** is absent this evening, so **Mr. Robinson** will be a participating and voting member.

### III. APPROVAL OF ZONING BOARD MINUTES

**Chairman Saveory** asks for approval of the **2 August 2023**, Zoning Board of Review Minutes **Motion** by **Mr. Braga** to approve the **2 August 2023** Zoning Board of Review Minutes. The motion is **Seconded** by **Vice Chairman Beauparlant** and **Unanimously** approved.

**Chairman Saveory** asks for approval of the **9 August 2023**, Zoning Board of Review Minutes **Motion** by **Vice Chairman Beauparlant** to approve the **9 August 2023** Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

**Chairman Saveory** asks for approval of the **6 September 2023**, Zoning Board of Review Minutes **Motion** by **Vice Chairman Beauparlant** to approve the **6 September 2023** Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

### III.ZONING OFFICER’S REPORT

**Petition No. 6949 - JON CERAMI of 219 MAURAN AVENUE, being MAP 106, BLOCK 33, PARCEL 19, in a RESIDENTIAL 6 DISTRICT.**

**Zoning Officer Pimentel** explains this is regarding the opaque screening that was a condition of approval. There are 3 options that the petitioner and their attorney submitted and would like the board’s approval to make sure that if any of the options meet the intent.

**Mr. Robinson** believes the option with the horizontal one with the slight gaps would be the best of the three options.

**Vice Chairman Beauparlant** explains that he doesn’t see an issue with the options presented.

**Mr. Pascoa** agrees with **Vice Chairman Beauparlant**

**Mr. Braga** believes that the slanted one at the right angle could work.

**Chairman Saveory** agrees with **Mr. Robinson** and **Mr. Braga’s** choices.

### V. CORRESPONDENCE/ DISCUSSION

**A. Six-Month Continuance Request – Twitchell, Kenneth, 210 Riverside Drive, Petition No. 6934.**

**Zoning Officer Pimentel** explains that the petitioner is working with CRMC which is causing some delay so the petitioner is requesting a six month continuance to be on the safe side.

**Motion by Mr. Braga to grant the six month continuance, the motion is Seconded in Mr. Robinson and Unanimously approved.**

**B. Six-Month Continuance Request – Gomez, Karolina, 21 Arlington Street, Petition No. 6939**

**Zoning Officer Pimentel** explains that the petitioner as recently lost her job due to illness and in turn has lost the financing she needs to make the appropriate changes to the property.

**Motion by Mr. Robinson to grant the six month continuance, the motion is Seconded in Vice Chairman Beauparlant and Unanimously approved.**

### VI. STAFF REPORTS

## 1. Planning Department Staff Report - Previously Submitted

**2. Zoning Complaint List – September 2023**

### VII. DOCKET ITEM ORGANIZATION

**Chairman Saveory** explains to the public that the docket will remain in the order that it is in.

### VIII. CONTINUED BUSINESS

**1. JOEL DEMELO and JANE M. ROCHA-DEMELO, seek dimensional relief** to permit a two-lot subdivision, which fails to meet the minimum lot area and lot depth requirements, in addition to excessive usage of the lot frontage for off-street parking purposes, in regard to both proposed parcels, for property located at **10 SIDNEY STREET, being MAP 406, BLOCK 12, PARCEL 9, in a RESIDENTIAL 4 DISTRICT. (Dimensional Variance(s) - Petition No. 6955)**

***[Continued from 6 September 2023. No testimony taken.]***

***Attorney Bruce Cox is representing the petitioner.***

**Attorney Cox** explains to the board that his client wants to subdivide the lot and the goal is to have 2 dwelling units. The issue is the lot is a little shallow and is short on width as well, the petitioner **Mr. DeMelo** is present tonight to answer any questions if needed. Additionally, the Planning board is in approval of this petition.

**Mr. Robinson** believes that the petition is straightforward, and this will clean up the property.

**Vice Chairman Beauparlant** agrees with **Mr. Robinson** but does have a question regarding a garage on the map and who’s garage it is.

**Attorney Cox** answers that is the abutter’s garage.

**Mr. Pascoa** has no concerns.

**Mr. Braga** feels that the deviations are minor and are in line with the existing neighborhood.

**Chairman Saveory** also believes that these are minor deviations and will improve the neighborhood overall.

**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.

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 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 accepts the conditions just stipulated.

**Motion is Seconded by Vice Chairman Beauparlant**

**Roll Call Vote**

**Mr. Braga – Aye**

**Mr. Pascoa – Aye**

**Mr. Robinson – Aye**

**Vice Chairman Beauparlant – Aye**

**Chairman Saveory – Aye**

The board recognizes the deviations are minor and are in line with the existing area. The board believes this will be an upgrade to the area.

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

**2. MAG VENTURES, LTD.**, seeks permission to introduce a second free-standing (pylon) sign along Hall Street, whereas the regulations only permit one (1) sign per street frontage, for property located at **415 TAUNTON AVENUE**, being **MAP 306, BLOCK 9, PARCEL(S) 5, 5.1, 6, 7, 8, 10, 11, and 12**, in a **COMMERCIAL 4 DISTRICT**. (Dimensional Variance- Petition No. 6956)

***[Continued from 6 September 2023. No testimony taken.]***

***Attorney John Shekarchi is representing the petitioner.***

**Zoning Officer Pimentel** explains to the board that in regard to the signage, the sign was existing and was failed to be acknowledged last time they were before the board.

**Attorney Shekarchi** explains that with him this evening is Dan Campbell, a licensed engineer on the project.

***Dan Campbell, of Level Designing Group, is properly sworn in.***

**Attorney Shekarchi** explains that they also petitioned to speak about the curb stops but the curb stops were not advertised. The petitioner is willing to take the risk in case of any issues.

**Mr. Campbell** explains to the board that the sign is existing but are back this evening out of abundance of caution. In regards to the curb stops, the cause impediments with snow removal and new vehicles that come in so they would like this stipulation removed.

**Attorney Shekarchi** adds that the new electric vehicles are built lower to the ground, additionally, the Greico family couldn't be present this evening due to a death in the family.

**Mr. Robinson** understands the sign and did see the existing post and has no issues since the new sign will be identical to the other two. However, he isn't sure what curb stops exactly are being mentioned.

**Attorney Shekarchi** explains that the curb stops weren't advertised but would like the stipulation for them removed.

**Vice Chairman Beauparlant** wants to clarify that the petitioners want the requirement for curb stops to be removed but they are not currently installed.

**Mr. Campbell** answers yes, the previous zoning approval including the curb stops as a requirement. However, since there hasn't been an issue over the years would like the requirement removed.

**Vice Chairman Beauparlant** explains that he has no issues with the sign or the stops since there hasn't been issues over the last 8 years.

**Mr. Pascoa** has no concerns.

**Mr. Braga** notes that in regards to the curb stops, Toyota would be responsible in case of an incident and they obviously wouldn't want to run people over. Mr. Braga has no issues with either the sign or the curb stops.

**Chairman Saveory** expresses concerns with the Taunton Avenue curb stops since Taunton Avenue is incredibly busy.

**Mr. Campbell** explains that there is already a substantial bumper in place.

**Mr. Robinson** expresses concerns over this conversation in regards to the curb stops since it wasn't properly advertised and is not comfortable since there was no notice to Planning, the city engineer or the public.

**Attorney Shekarchi** explains that this wasn't done intentionally to not advertise the curb stops.

**Zoning Officer Pimentel** explains that the board will just rule on the signage this evening and will re-advertise and re-notice for the curb stops.

**Solicitor Marcello** adds that this was the city's fault for not properly advertising the curb stops since it was requested on the petitioner's cover letter that was submitted.

**Chairman Saveory** has no concerns regarding the signage.

**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.

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

**Motion is Seconded by Vice Chairman Beauparlant**

**Roll Call Vote**

**Mr. Braga – Aye**

**Mr. Pascoa – Aye**

**Mr. Robinson – Aye**

**Vice Chairman Beauparlant – Aye**

**Chairman Saveory – Aye**

The board believes that the existing sign is grandfathered in but appreciates the petitioner coming this evening for approval.

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

## **IX. NEW BUSINESS**

**1. WAYNE A. FORTIN, seeks dimensional** relief to expand a third-floor living area, without complying with the minimum front-yard setback off of Worcester Avenue, front-yard setback off of Cove Street, in addition to exceeding the maximum number of stories, for property located at **160 WORCESTER AVENUE, being MAP 413, BLOCK 4, PARCEL 7, in a RESIDENTIAL 4 DISTRICT. (Dimensional Variance(s) - Petition No. 6959)**

***[Automatically continued to 1 November 2023. No testimony taken.]***

**Zoning Officer Pimentel** explains to the board that it was discovered that the applicant needs more relief than what was originally advertised for. The petitioner is asking for a continuance so they are able to re-advertise and re-notice abutters.

**Motion by Mr. Braga to continue this petition from 4 October 2023 to 1 November 2023 the motion is Seconded in Mr. Robinson and Unanimously approved.**

**2A. MICHAEL R. CAVACO, seeks a special use permit** to modify an accessory detached garage (having previously been approved via the granting of a special use permit), in addition to expanding an existing deck, both in conjunction with a pre-existing nonconforming two-unit residence, thereby being defined as an expansion of a pre-existing legal nonconforming land use, for property located at **135 – 137 BOURNE AVENUE, being MAP 303, BLOCK 8, PARCEL 16, in a RESIDENTIAL 3 DISTRICT. (Special Use Permit - Petition No. 6960)**

***Michael and Jennelyn Cavaco of 135-137 Bourne Ave are properly sworn in.***

**Mr. Cavaco** explainsto the board that the 2<sup>nd</sup> floor of the garage would be strictlystorage and the 1<sup>st</sup> floor has two bays. They have a lot of stuff andhave it placed in a storage unit. Additionally, **Mr. Cavaco** would like toremove the internal staircase inside the garage and move it to the exteriorrear of the garage to make more room. In regards to the deck, he would like anadditional 12ft. since they entertain a lot.

**Vice Chairman Beauparlant** notes thatthe planning report states that the roof of the garage is shorter.

**Mr. Cavaco** answersthat it is under 20ft.

**Vice Chairman Beauparlant** inquiresif any neighbors have concerns.

**Mr. Cavaco** answersno, he is very fortunate.

**Mr. Pascoa** has noconcerns.

**Mr. Braga** inquiresabout utilities in the garage.

**Mr. Cavaco** answerswould like to put electricity and potentially a gas space heater.

**Mr. Braga** notes hewould like no plumbing as a stipulation.

**Mr. Robinson** notes thatthe property in question is located across the street from a apartment complexthat have decks so this deck will be in line with the neighborhood. **Mr. Robinson** adds he would like a stipulation for the 2<sup>nd</sup> floor tobe storage only.

**Chairman Saveory** inquires if there is anyone present whowould like to speak in favor of the subject petition. Hearing and seeing none, **Chairman Saveory** inquiresif there is anyone present who would like to speak against the subjectpetition. 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 Reviewand the personal knowledge of the members of the Board of the land and area ofthe 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 userequested.
5. That the use is in conformance with the purpose and intent of theEast Providence Comprehensive Plan and applicable standards of this Chapter.
6. Stipulations of the 2<sup>nd</sup> floor of the garage remain forstorage use and no plumbing in the garage.

**Vice Chairman Beauparlant** moves that the special use permit be granted,

**ChairmanSaveory** asks **Mr. Cavaco** if he accepts theconditions of approval just stipulated, understanding that strict compliancemeans that any deviation will necessitate revisiting the Zoning Board ofReview; said revisit may be requested by either the Zoning Officer or anymember of the Zoning Board of Review. **Mr. Cavaco** responds that he fully understandsand accept the conditions just stipulated.

**Motionis Seconded byMr. Robinson**

**Roll Call Vote**

**Mr. Robinson – Aye**

**Mr. Braga – Aye**

**Mr. Pascoa – Aye**

**Vice ChairmanBeauparlant - Aye**

**Chairman Saveory – Aye**

**The board feels that this iscompatible with**

**neighboring land usesand is just an adjustment**

**to what waspreviously approved. Additionally,**

**theheight of the garage is lower than what was**

**previouslyapproved.**

***Therequest for a Special Use Permit has been approved 5-0***

**2B.MICHAEL R. CAVACO, seeks dimensional relief** to expand an existing deck,without complying with the minimum front-yard setback requirement, for propertylocated at **135 – 137 BOURNE AVENUE, being MAP 303, BLOCK 8, PARCEL 16, in aRESIDENTIAL 3 DISTRICT. (Dimensional Variance - Petition No. 6961)**

**Chairman Saveory** queries the Board for a motion.

**Motion by Vice Chairman Beauparlant,**

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.

**Vice Chairman Beauparlant** 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. Cavaco** 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. Cavaco** responds that he fully understands and accepts the conditions just stipulated.

**Motion is Seconded by Mr. Robinson**

**Roll Call Vote**

**Mr. Braga – Aye**

**Mr. Pascoa – Aye**

**Mr. Robinson – Aye**

**Vice Chairman Beauparlant – Aye**

**Chairman Saveory – Aye**

**The board feels that this is a minor deviation and there are similar properties with larger decks in the neighborhood.**

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

**3. C&C INVESTING GROUP, LLC, seeks dimensional relief** to convert a long-standing mixed use professional office and single-family residence to a pottery and retail studio and three (3) residential units (referenced combination of land uses being permitted as a matter-of-right), for which the associated off-street parking area does not comport with the minimum front-yard setback, aisle-width, and other similar off-street parking design requirements, for property located at **10 WAMPANOAG TRAIL, being MAP 308, BLOCK 27, PARCEL 15, in a COMMERCIAL 2 DISTRICT.**

**(Dimensional Variance(s) - Petition No. 6962)**

**[To be withdrawn. Applicants submitted revised plan that is dimensionally compliant.]**

**Zoning Officer Pimentel** explains to the board that the applicant submitted a new plan to him that no longer requires the zoning board's approval so this petition is being withdrawn.

**X. PROCEDURES**

- a. Discussion on MotionForms.
- b. Discussion on theZoning Application Instructional Package.
- c. Discussion on Rulesand Procedures.

**XI. ANNOUNCEMENTS**

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday 1 November 2023, at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

**XII. ADJOURNMENT**

**Motion**toadjourn by **Mr. Braga**. The motion is **Seconded**by **Mr. Robinson** and **Unanimously** voted to adjourn.  
**Meeting is adjourned at 7:09pm.**

\_\_\_\_\_  
**EdwardPimentel, AICP**  
**ZoningOfficer / Clerk**

\_\_\_\_\_  
**Secretary**