

STATE OF RHODE ISLAND CITY OF EAST PROVIDENCE

COUNTY OF PROVIDENCE

ZONING BOARD OF REVIEW

MINUTES

A meeting of the East Providence Zoning Board of Review was held at 6:00 P.M., on Wednesday, **2 August 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.

Gary Pascoa

Matthew Robinson – 1st Alternate

Andrew Cotton – 2nd 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 there is a full quorum and **Mr. Robinson** will be participating but not a voting member.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **12 July 2023**, Zoning Board of Review Minutes **Motion** by **Vice Chairman Beauparlant** to approve the **12 July 2023** Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Croke** and **Unanimously** approved.

IV. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is none.

III. CORRESPONDENCE/ DISCUSSION

VI. STAFF REPORTS

1. Planning Department Staff Report - Previously Submitted

2. Zoning Complaint List – July 2023

VII. DOCKET ITEM ORGANIZATION

Chairman Saveory explains to the public that the docket is laid out as it should be organized.

VIII. CONTINUED BUSINESS

1. Petition No. 6926 - ROBERT E. DENHAM III, W/LIFE ESTATE and JEANNE DENHAM, request dimensional variances to construct an addition and decking onto a single-family residence, without complying with the minimum front, side, and rear-yard setback requirements, for property located at **154 TERRACE AVENUE, being MAP 414, BLOCK 3, PARCEL 7, in a RESIDENTIAL 3 DISTRICT.** [Continued from 3 May 2023.]

Zoning Officer Pimentel explains that he did receive correspondence today and made copies of the correspondence and will pass the copies out to the board member. The revised plans are also included in the board member's packets.

Robert Denham, owner of the property, is properly sworn in.

Mr. Denham explains to the board that he changes the plans and made the addition smaller.

Mr. Braga has no questions at the moment.

Vice Chairman Beauparlant has no questions at this time.

Mr. Pascoa has no questions.

Mr. Croke has no questions at this time.

Mr. Robinson notes that the petitioner has been before the board three times, and the problem consistently is the neighbor at 152 Terrace Ave, will be directly affected. None of the neighbors that submitted that they were in favor will be directly impacted.

Mr. Denham points out the board has given variances to other homes on Terrace Ave like 161 Terrace Ave or 153 Terrace Ave and they weren't given any problems.

Mr. Robinson cannot speak to those properties, he can only speak about the petition in front of him.

Mr. Croke notes that the addition could potentially be blocking the neighbor in the rear of the property.

Mr. Denham explains that he has spoken with her and it is not an issue.

Mr. Croke notes he would prefer to hear from that neighbor.

Chairman Saveory confirms that from the original plan to the new plan before them, **Mr. Denham** is maintaining the request for the 4.7ft. and has reduced the addition from the rear yard setback. Could it be possible to move the side more inwards?

Mr. Denham explains that it is possible but he is trying to make it ADA complaint so the rooms need to be a certain size.

Chairman Saveory notes that everything in that area was done prior to zoning and is just trying to find some neutral ground here.

Mr. Denham explains that he is trying to stay in the contour of the house and could possibly get for 7ft. for a side yard setback.

Chairman Saveory notes that 4ft. is tight so 7ft. is better.

Mr. Braga notes that there are no plans available with the 7ft. shown.

Chairman Saveory notes there is a hardship with the house being built prior to zoning and it is conducive with that area.

Mr. Braga notes that this is the third time and this board has expressed their concerns. Their concerns then was that it was too close to the side yard and will hinder the enjoyment of the neighbor since the addition will be a 23ft-26ft. wall. The property is a large piece of property and could have an addition on the other side of the home.

Chairman Saveory inquires if **Mr. Denham** would want another continuance or continue to a vote.

Mr. Denham wants the petition to go to a vote.

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.

Christine Bennett of 152 Terrace Avenue Riverside, RI is properly sworn in

Ms. Bennett explains that she is frustrated that **Mr. Denham** keeps coming back and only adjusted 3ft. and if approved, she won't see anything but a wall of house. **Ms. Bennett** explains that she has spoken to two realtors and they confirmed this would lower her property value and even spoken with an attorney. Although she doesn't have money for an attorney, the lawyer she spoke to said she wouldn't need representation since it's obvious this shouldn't be allowed. This is not the least relief necessary since **Mr. Denham** could put the addition on the other side of the property and feel that even 7ft. would still be too close. **Mr. Denham** refuses to make any adjustments and is asking the board to deny this petition.

Solicitor Marcellon notes that only **Mr. Braga, Mr. Croke, Mr. Robinson** and **Chairman Saveory** can vote on this petition since **Mr. Pascoa** and **Vice Chairman Beauparlant** missed the prior meetings.

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. Denham** 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. Denham** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Robinson

Roll Call Vote

Mr. Braga – Nay

Mr. Croke – Nay

Mr. Robinson – Nay

Chairman Saveory – Nay

The board feels that there is adequate space on the south side of the property that wouldn't effect anyone and that this is not the least relief necessary. The petitioner was given a number of opportunities to adjust his petition and refused to do so.

The request for the dimensional variance fails 4-0.

IX. NEW BUSINESS

1. Petition No. 6947 -JOHN N. ZINNI, JR., requests dimensional variances to introduce six-foot high stockade fencing within the requisite front-yard setback along Becker Avenue, and retain four-foot high chain-link fencing at the intersection of Becker Avenue and Rounds Avenue, both of which will exceed the maximum height limit, for property located at **21 ROUNDS AVENUE, being MAP 512, BLOCK 12, PARCEL 8, in a RESIDENTIAL 3 DISTRICT.**

Zoning Officer Pimentel explains to the board that the city engineer visited the site and from the line of safety, there are shrubs on the corner and the front of the house. The city engineer explains if removed it would be adequate. The petitioners agree that the shrubs will be removed if the petition is approved. Zoning Officer Pimentel adds that there are also photographs that will be submitted.

John and Kendra Zinni of 21 Rounds Avenue are properly sworn in.

Mr. Zinni explains to the board that he has pictures of the property to show them. **Mr. Zinni** also understands that the rules on corner lots are more restrictive. They need the fence for their young daughter and since the property almost has no backyard and they only have the side yard to use.

Ms. Zinni explains that she is a stay at home mom and their daughter has no fear and has concerns that something bad could happen since there is speeding and sometimes people cut through their yard. They want the fence for some privacy.

Mr. Zinni adds that the letter that was mailed out mentions retaining the existing 4ft. chain link fence, but if approved that will be removed and will install a 6ft. stockade fence instead.

Motion by Vice Chairman Beauparlant to enter in **Mr. Zinni's photos of the property as Applicant's Exhibit A**, the motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

Mr. Braga notes that the hardship is the fact that the property is on a corner lot and will take the city engineer's word that it will not hinder the intersection.

Mr. Robinson wants to clarify that there is mention of a 4ft. stockade fence as well as the 6ft. stockade fence.

Mr. Zinni explains that they dropped the idea for the 4ft. fence.

Mr. Robinson confirms the front of the property will be open.

Mr. Zinni initials marked up plans eliminating the 4ft. fencing in the front and the front will be open

Vice Chairman Beauparlant explains with the changes being made and where the 6ft. fence will stop, he has no concerns.

Mr. Pascoa has no questions.

Mr. Croke has no questions.

Chairman Saveory inquires if the fence will cover the easement.

Mr. Zinni answers no, they will be leaving 8ft. for a walkway.

Chairman Saveory confirms that the chain link fencing will be removed.

Mr. Zinni answers yes.

Chairman Saveory has no concerns as long as there is visibility for the intersection.

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.

3. All shrubs be removed from the corner of Rounds Avenue and Becker Avenue and adjacent to the home at 21 Rounds Avenue.

Chairman Saveory asks **Mr. Zinni** 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. Zinni** 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. Croke – Aye

Mr. Pascoa – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

The board recognizes that the hardship is due to the property being on a corner lot and the placement of the home.

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

2. Petition No. 6948 -WAYNE C. BONADIE, requests dimensional variances to retain a second driveway, referenced improvement resulting in exceeding the maximum impervious lot coverage and quantity of front yard setback dedicated to off-street parking, in addition to failing to meet the minimum off-street parking stall dimensions, for property located at **52 WHITE AVENUE, being MAP 313, BLOCK 6, PARCEL 16, in a RESIDENTIAL 4 DISTRICT.**

Attorney Christine Engustian is representing the petitioner.

Zoning Officer Pimentel explains that he has received correspondence today to pass out to the board in addition to the ones already in the board members' packets.

Attorney Engustian explains to the board that the property is a single family dwelling and it is where the applicant resides. White Avenue is a narrow one-way street with numerous houses that have gone through many adjustments and remodels, some of those changes include additional driveways or widening of the driveway. This is due to the fact that there are currently issues with on-street parking on White Avenue. The applicant suffered damages to his vehicle while parked on White Avenue so the applicant installed cobblestones in front of the parcel. The applicant was unaware that cobblestone is an impervious coverage. Facing the property on White Avenue there is a pre-existing driveway that can fit only 1 car. Having a 2nd driveway on White Avenue is a reasonable situation and would be more than a mere inconvenience for the risk of himself and his vehicle.

Wayne Bonadie of 52 White Avenue is properly sworn in.

Mr. Bonadie explains to the board that he is present today to ask the board to be able to keep the cobblestone driveway on his property.

Attorney Engustian explains that she has 1 photo to submit into evidence, this photo shows both driveways and both holding 1 vehicle each.

Motion by Mr. Braga to enter in **the photo of the two driveways as Applicant's Exhibit 1**, the motion is **Seconded** by **Vice Chairman Beauparlant** and **Unanimously** approved.

Mr. Bonadie explains to the board that having the 2nd driveway has been helpful since parking on White Avenue is dangerous and having this 2nd driveway is keeping his car from being hit. His car was hit once by an East Providence fire engine and the firefighters had to spend time trying to figure out how the car belonged to. Typically large vehicles, like Amazon, need to go on the sidewalk to pass. **Mr. Bonadie** does have the accident report present with him this evening as well. **Mr. Bonadie** adds that during parking pans he would have to park on his neighbor's grass. **Mr. Bonadie** also has a disability so having the convenience of the parking has been helpful. This has also helped his neighbors by just taking his car off the street. Overall, it's just a problem to have a car parked on White Avenue. **Mr. Bonadie** adds that he has two sheets with photos on them. The first sheet has photos of an accident that occurred on White Avenue on 29 July 2023 at about 1:30pm. The new neighbor's car was also hit by a fire truck on that day. This neighbor had parked his car where **Mr. Bonadie** used to park his car on the street. The 2nd page shows the overall congestion on White Avenue.

Motion by Mr. Braga to enter in **the two sheets of photos, sheet one showing the accident from 29 July 2023 and the 2nd sheet showing the congestion and narrow width of White Avenue as Applicant's Exhibit 2**, the motion is **Seconded** by **Mr. Croke** and **Unanimously** approved.

Attorney Engustian inquires if **Mr. Bonadie** has spoken with his neighbors about the need for relief to keep his cobblestone driveway.

Mr. Bonadie answers yes, and he even obtained signatures from going to abutters' homes and 24 abutters signed the petition in favor of the driveway. **Mr. Bonadie** explains he didn't meet with the additional 3 abutters since 31 White Avenue is a rental property and the owner doesn't live there, 640 Bullocks Pt. Ave is open space and city property and lastly 680 Bullocks Pt. Ave never answered the door. **Mr. Bonadie** hands the petition to the board to show them the signatures.

Motion by Mr. Braga to enter in **the signed petition from abutters as Applicant's Exhibit 3**, the motion is **Seconded** by **Vice Chairman Beauparlant** and **Unanimously** approved.

Attorney Engustian also provides a copy of a highlighted radius map to show the board who **Mr. Bonadie** had spoken with.

Motion by Mr. Braga to enter in **the copy of the highlighted radius map as Applicant's Exhibit 4**, the motion is **Seconded** by **Vice Chairman Beauparlant** and **Unanimously** approved.

Attorney Engustian explains that there were 7 emails sent to the zoning officer and would like them read into the record.

Zoning Officer Pimentel explains that he will read the names and address of those who sent emails. The first being **Paul Movsesian of 53 White Avenue, Joseph Piccinini of 45 White Avenue, Trent Theroux of 47 White Avenue, Margaret Farley of 57 White Avenue, Tabitha Glavin of 61 White Avenue, the Swansons of 1 Clark Avenue and the Martels of 55 White Avenue.**

Attorney Engustian adds that the owner of 45 White Avenue was the one whose car was hit by the fire truck on 29 July 2023.

Motion by Mr. Braga to enter in **the emails mentioned previously into the record as Applicant's Exhibit 5**, the motion is **Seconded** by **Mr. Croke** and **Unanimously** approved.

Mr. Braga understands why any neighbor would be in favor of removing at least 1 car off the street. However, there are other concerns about putting a car that close to the front of the house and this isn't a small amount of impervious coverage. Mr. Braga isn't completely against this petition but has safety concerns. This parcel has been before

the board before and the applicant is aware of zoning and building permits so it's surprising to see petitioner with work already completed.

Mr. Robinson notes that he is familiar with the neighborhood working in that area and it is difficult to drive down that street. **Mr. Robinson** believes this petition should be approved since it is in character in the area and the cobblestone look beautiful and not just asphalt that's across the 3 properties across the street.

Vice Chairman Beuparlant agrees with both **Mr. Braga** and **Mr. Robinson**, there isn't much concern over the parking spot itself but there is 78% of impervious coverage on the property.

Mr. Pascoa has no concerns.

Mr. Croke notes that the hardship with the area was plotted pre-zoning and the fact that White Avenue is only 17ft. wide which is about half of the average size.

Chairman Saveory notes that he has no concerns with the driveway but does have concerns over the impervious coverage but these were summer homes back in the day. Having one car off that street does make a difference.

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

Casey Lake of 577 Bullocks Pt. Avenue Riverside, RI is properly sworn in

Mr. Lake explains to the board that he is in favor of this petition for safety reasons. **Mr. Lake** provides a photo from 2021 when there was a small snowstorm and East Providence DPW plowed into his fence since White Avenue is so narrow.

Motion by Vice Chairman Beuparlant to enter in the photo of **Mr. Lake's fence** into record as **Lake Exhibit A**, the motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

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. Bonadie** 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. Bonadie** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Mr. Croke

Roll Call Vote

Mr. Braga – Aye

The board recognizes that the hardship is due

Mr. Croke – Aye

to the property pre-dating zoning and the size

Mr. Pascoa – Aye

of the road at White Avenue.

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

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

Chairman Saveory requests a recess at 7:49pm and the board reconvenes at 8:14pm

3. Petition No. 6949 -JON CERAMI, requests a dimensional variance to retain existing decking, stated decking failing to comply with the requisite side-yard setback, for property located at 219 MAURAN AVENUE, being MAP 106, BLOCK 33, PARCEL 19, in a RESIDENTIAL 6 DISTRICT.

Attorney Greg Dias is representing the petitioner.

Attorney Dias explains to the board that they are present tonight for a dimensional variance for a deck that the owner constructed. The owner hired a licensed contractor and it was expected that the contractor would obtain all permits, but that did not happen. The owner stopped all the work once he received the letter from the city and had a survey done. The survey will show that the owner is just less than 1ft. from meeting setbacks, the requirement is 8ft. but is currently at 7.3ft. There is a fence on the property and the deck is closer to the fence but the fence isn't on the boundary line. The abutter is present tonight with their own council and their survey is slightly different. The property is located on a corner lot and the area is full of non-conforming lots. The abutter's home is only 4-5ft. from the boundary line which would have never happened in today's time. The owner was originally willing to install arborvitae to screen the deck but instead the abutter would like a 6ftx16ft lattice with artificial hedging attached to the outside of the deck for privacy for everyone.

Jon Cerami of 219 Mauran Avenue is properly sworn in.

Mr. Cerami explains that he has lived at the home for the last year and a half and contacted a contractor who was licensed and insured to build a deck. **Mr. Cerami** expected that the contractor would apply for permits and get approval for the deck. Once he received a violation notice in the mail he immediately tried to file for a permit and obtains plans, surveys, etc. and stopped work on the deck. The city official that came out did mention there could be setback and coverage issues. **Mr. Cerami** notes that he understands he will need proper permits if the petition is granted tonight and is short on the 8ft. requirement. **Mr. Cerami** would like to keep the deck where it is and understands there will be conditions of approval and agreeing with the conditions from the abutter to provide screening. **Mr. Croke** believes this is imposing on the neighbor.

Attorney Dias notes that there was proposed 8ft. arborvitae but the abutter would like the lattice with the artificial hedges instead. Additionally, the owner can only have a 6ft. fence due to city regulations.

Mr. Croke believes it should be the responsibility of the owner for obtaining permits not the builders.

Mr. Cerami admits he didn't know.

Attorney Dias notes it's his opinion that it should be the builder's obligation since they are the professional and they know better.

Mr. Braga inquires where the lattice is going to begin.

Attorney Dias responds from the floor of the deck.

Mr. Braga notes there is a privacy concern since the deck is higher up and appreciates the fact that the petitioner is willingly trying to shield the abutters.

Mr. Cerami notes that the deck is just 29 inches from the foundation.

Mr. Robinson inquires how did **Mr. Cerami** find this contractor and is there a civil suit against the contractor now?

Mr. Cerami answers that he found the contractor from word of mouth by a friend.

Attorney Dias explains that there is not civil suit yet since they are sure what the financial damages are until this is completed.

Mr. Robinson inquires how many inches exactly being sought.

Mr. Cerami answers 8.4 inches.

Mr. Robinson inquires what the abutter's survey states.

Attorney Dias admits he is not sure and would have to ask the abutter's council.

Solicitor Marcello explains that the relief should not exceed 2ft. and that it is not up to this board to start comparing surveys.

Vice Chairman Beauparlant inquires if the work hasn't been completed, what is left?

Mr. Cerami answers the railings.

Vice Chairman Beauparlant notes a photo from the abutter's bathroom and there is exterior lighting coming in and inquires where that light is located.

Mr. Cerami answers without looking at the photo it could be the garage.

Vice Chairman Beauparlant inquires if there are any LED lights or is it only the string lights?

Mr. Cerami answers only the string lights and there is no LED lights.

Attorney Dias adds that the light were there prior to the deck being built and will be subject to all city regulations.

Vice Chairman Beauparlant wants to try and find middle ground with the neighbor and if they are okay with the proposed shielding and no additional lighting, then there are no concerns.

Mr. Pascoa has no questions.

Chairman Saveory inquires what room the deck is off of.

Mr. Cerami answers the dining room.

Chairman Saveory inquires if the deck is level with the door or do you have to step up or down.

Mr. Cerami answers you have to step down.

Chairman Saveory notes that there are no ordinances against lights between residential properties.

Attorney Kristin Pettey is representing the abutter, Marybeth Brown.

Attorney Pettey explains that her client resides at 215 Mauran Avenue and an agreement has been reached between the petitioner and her client. Both properties have the less than required setbacks and are just here for privacy as a condition of approval.

Marybeth Brown, occupant of 215 Mauran Avenue is properly sworn in.

Ms. Brown explains to the board that 215 Mauran Avenue is owned by her brother and understands that the board isn't here to compare surveys. **Ms. Brown** just has concerns with her privacy since her bedroom and bathroom windows face the deck.

Attorney Pettey adds that she has colored copies of pictures inside 215 Mauran Avenue in regards to the privacy concerns to show the board.

Motion by Mr. Croke to enter in the colored photos into the record as **Opposition's Exhibit 1**, the motion is

Seconded by Mr. Braga and **Unanimously** approved.

Ms. Brown continues to express concerns about the deck and privacy and would be more comfortable with a privacy screening that starts at the foot of the deck.

Mr. Croke inquires if **Mr. Cerami** spoke with **Ms. Brown** before building the deck.

Attorney Dias answers no, and notes that if the deck was moved over a few inches they wouldn't be before the board this evening. The petitioner is just trying to enjoy his property and it is a close area that pre-dates zoning.

Attorney Dias believes this is the least relief necessary and it is a minor deviation and would like to modify to remove the part of petition that mentions the arbor vitae.

Chairman Saveory questions whether or not a new plan is needed.

Solicitor Marcello answers no.

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

Chairman Saveory queries the Board for a motion.

Motion by Mr. Croke,

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

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

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. Croke 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. There will be a 6ft. high barrier on the side of the deck facing 215 Mauran Avenue that extends for the entire length of the deck.
4. If the difference in surveys appears before a court, the relief required is not to exceed up to 2ft.

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

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Braga – Aye	The board recognizes that the hardship is due to the property being located on a corner lot. Mr. Croke believes the lattice will not solve the privacy issue.
Mr. Croke – Nay	
Mr. Pascoa – Aye	
Vice Chairman Beauparlant – Aye	
Chairman Saveory – Aye	

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

Chairman Saveory requests a recess and the board reconvenes at 9:35pm

4. Petition No. 6950 -NEWPORT HOLDINGS, LLC, and TIGER LILY MONTESSORI SCHOOL, INC., requests a dimensional variance to introduce a child daycare center, without complying with the requisite setbacks, for property

located at **331 NEWPORT AVENUE, being MAP 402, BLOCK10, PARCEL 24, in a COMMERCIAL 2 DISTRICT.** **Zoning Officer Pimentel** explains to the board that this petitioner had delays obtaining their survey and would like to have a formal continuance to the next meeting.

Motion by Vice Chairman Beauparlant to continue this petition from 2 August 2023 to 6 September 2023, the motion is **Seconded** in Mr. Croke, and **Unanimously approved.**

5A. Petition No. 6951- OLNEYVILLE HOUSING CORPORATION D/B/A ONE NEIGHBORHOOD BUILDERS, requests a special use permit to introduce a multi-facility, multi-unit residential apartment complex in conjunction with a child daycare center, necessitating a special use permit because the proposed unit density is based on a density of one-unit per each 0.75 off-street parking spaces, resulting in a proposed total provision of 160-units and provision of 120 off-street parking spaces, for property located at **330, 350, and 354 TAUNTON AVENUE, being MAP 306, BLOCK 1, PARCEL(S) 12.1, 13, and 14, in the MAIN STREET and NEIGHBORHOOD CENTER OVERLAY DISTRICT –TAUNTON AVENUE OVERLAY DISTRICT.**

Attorney Ken McGunagle is representing the petitioner.

Attorney McGunagle explains to the board that they are here tonight for a proposed 160 apartments with a community space and child daycare, this will be a campus-like mixed use property. The primary focus of the project will be to increase the amount of affordable housing, this plan was approved by the Planning Board in July 2023.

Jennifer Hawkins, CEO of One Neighborhood Builders, is properly sworn in.

Ms. Hawkins explains to the board that they are currently doing two projects in East Providence and is eager to do more work in East Providence. This will be a multi-use property as well as a multi-income property. 95 apartments will be for low to moderate income from 45k-95k. 65 of the other apartments will be significantly low income. All tenants will be signing a minimum of 1 year leases. There will also be on site financial literacy training, job prep, case management, etc. free for the residents. **Ms. Hawkins** adds that they want to be transparent with this project.

Michelle Bleau, manager of the project, is properly sworn in.

Ms. Bleau explains to the board that they arrived to this number of units based on financial feasibility, design and demand. There is a need for affordable housing and this parcel is perfect for mixed use and is located on public transit. The site will have adequate parking since only 50% of the extremely low income families will have vehicles. There will be overnight and daytime parking and will be enforcing parking by having tenants sign parking agreements along with their leases. They are not looking for profit and just want to work with the community.

Attorney McGunagle inquires if the proposed units will be 100% deed restricted to be affordable.

Ms. Bleau responds that all units will have some sort of deed restriction.

Attorney McGunagle requests that their architect, **Joseph Haskett**, be considered an expert witness, all the potential experts have their resumes already in the board's packets.

Motion by Vice Chairman Beauparlant to accept **Joseph Haskett as an expert in architecture**, the motion is **Seconded** by Mr. Braga and **Unanimously approved.**

Motion by Vice Chairman Beauparlant to enter in the packet of resumes as **Applicant's Exhibit 1**, the motion is **Seconded** by Mr. Braga and **Unanimously approved.**

Joseph Haskett, architect for the project, is properly sworn in.

Mr. Haskett explains to the board that there is currently an existing 4 story building that was built in 1991 that used to be a dormitory for Johnson and Wales University. **Mr. Haskett** explains that the proposal will be to combine the three lots and create two new buildings that will be 4 stories in height as well. They will match the street frontage with the existing building and maintain the existing curb cuts. Parking will be located in the rear with green space around the edges but need as much parking as possible for tenants. 330 Taunton Avenue will have 31 units, 350 Taunton Avenue will have 54 units and 354 Taunton Ave will have 75 units and the daycare. They will be changing the façade of the existing building by adding more windows and changing the roof line. They need relief for the height since the existing building is 47' and the current zone allows only 40' but are proposing 53; in height due to wood trusses and HVAC distribution.

Attorney McGunagle inquires if changing the height will alter the area.

Mr. Haskett answers no, since 350 Taunton Avenue is already an existing 4 story property.

Attorney McGunagle requests that their engineer, **Timothy Behan**, be considered an expert witness.

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

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

Mr. Behan explains to the board that there has been some flooding at the low spot in front of existing building. **Mr. Behan** is currently working with city engineer and get debrief from the city about what to cause of the flooding could be and is ready to work with the city to fix it. There are no wetlands on the site and there are four existing curb cuts on Taunton Avenue and four curb cuts on Edmund Street. The plan is to reduce this number to 3 curb cuts on Taunton Avenue and one on Edmund Street. Parking for 160 units would require 120 parking spaces so they meet the residential parking demands but not for the daycare. They would need an additional 9 spaces which they are asking relief for. They are also under the belief that most of the children attending the daycare will be residents at the apartments. The existing impervious coverage is at 84% and it will be lowered to around 83% but the max is 80% according to ordinances. They will also be reducing water run off than what the existing conditions are.

Attorney McGunagle inquires if **Mr. Behan** is comfortable saying that he intends to work with DOT for traffic calming measures.

Mr. Behan answers yes, they need DOT's permission and heard comments from the public wanting a cross walk in the area. There will also be a construction management traffic plan to be submitted later on in the pre-construction phase if approved tonight. The reason for the two dimensional variances is to the requirements and the location of the existing building which is a hardship since they need to design around the existing building. This is not due to any prior action of the applicant and the parking is based off the needs of the tenants while providing the proper drainage and address the storm water concerns.

Attorney McGunagle requests that their planner, **Nancy Ledender**, be considered an expert witness.

Motion by Vice Chairman Beauparlant to accept Nancy Ledender as an expert in planning, the motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

Ms. Ledender explains that she is familiar with the Taunton Avenue overlay area and believes this development is consistent with the regulations of the overlay district. The provisions in 19-322G specifically mention dimensional variances should be given flexibility and the purpose of the area is to promote flexibility and allow a mixture of complementary uses. The height will fit in naturally on Taunton Avenue and in the city. This development is trying to balance and be flexible and there will be no adverse effects of the project and the flooding will be addressed.

Zoning Officer Pimentel suggests perhaps a special meeting to finish up this petition due to the late hour.

Motion by Vice Chairman Beauparlant to continue this petition to a special meeting date of 9 August 2023 at 6pm in city council chambers, the motion is **Seconded** in **Mr. Braga** and **Unanimously** approved.

5B. Petition No. 6952 - OLNEYVILLE HOUSING CORPORATION D/B/A ONE NEIGHBORHOOD BUILDERS, requests dimensional variances to introduce a multi-facility, multi-unit residential apartment complex in conjunction with a child daycare center, without complying with the minimum off-street parking, exceeding the maximum height and number of stories requirement, and exceeding the maximum impervious lot coverage requirement, for property located at **330, 350, and 354 TAUNTON AVENUE, being MAP 306, BLOCK 1, PARCEL(S) 12.1, 13, and 14, in the MAIN STREET and NEIGHBORHOOD CENTER OVERLAY DISTRICT – TAUNTON AVENUE OVERLAY DISTRICT.**

Motion by Vice Chairman Beauparlant to continue this petition to a special meeting date of 9 August 2023 at 6pm in city council chambers, the motion is **Seconded** in **Mr. Braga** and **Unanimously** approved.

X. PROCEDURES

- a. Discussion on Motion Forms.
- b. Discussion on the Zoning Application Instructional Package.
- c. Discussion on Rules and Procedures.

Procedures has been automatically continued dueto the late hour.

XI. ANNOUNCEMENTS

A special meeting of the Zoning Board of Review is scheduled for **Wednesday, 9 August 2023, at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

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

XII. ADJOURNMENT

Motiontoadjourn by **Mr. Braga**. The motion is **Seconded**by **Vice Chairman Beauparlant** and**Unanimously** voted to adjourn. **Meetingis adjourned**.

EdwardPimentel, AICP

ZoningOfficer / Clerk

Secretary