

STATE OF RHODE ISLAND CITY OF EAST PROVIDENCE

COUNTY OF PROVIDENCE

ZONING BOARD OF REVIEW

SPECIAL MEETING MINUTES

A special meeting of the East Providence Zoning Board of Review was held at 6:00 P.M., on Monday, **9 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 this evening.

III. APPROVAL OF ZONING BOARD MINUTES

Zoning Officer Pimentel explains that there is none.

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 for the 2 August 2023 meeting.

VII. DOCKET ITEM ORGANIZATION

There is only one item on this evening's docket.

VIII. CONTINUED BUSINESS

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 there are four areas of relief being sought this evening. These apartments would serve families of all different incomes and the overnight parking will not be an issue since One Neighborhood Builder's management will be keeping an eye on the parking situation. They will also be working with DOT for all traffic concerns and will continue to work with city engineers regarding the flooding on Taunton Avenue in front of the site. The reasons why they've shortened the 9 spaces is to make sure there is enough room for proper storm water drainage. Planning believes that this plan that will fit in the area and fits into the city's comprehensive plan. This project also meets a lot of the requirements of the city's comprehensive plan. They are expecting 30 children to attend the daycare and there will be a 99-year deed restriction to keep the property low income. There is no financial gain since this petitioner is a non-profit organization, it is also important to note that the overlay district is an important factor. The goal is to get a preliminary plan to the city by December 2023 so they can be able to apply for low income tax credits for this project. There is also a new update on the height of the proposed buildings.

Joseph Haskett, architect for the project, was already properly sworn in on 2 August 2023 and is still under oath.

Mr. Haskett explains that he has new information regarding the height of the proposed buildings, the existing building is 47' tall and the max height for the proposed buildings was 53'. But since they are early in the design process they were able to adjust the proposed buildings to 47' and 3 inches.

Motion by Vice Chairman Beauparlant to enter in the letter from a butler, Mr. Sisson has Opposition's Exhibit A, the motion is **Seconded by Mr. Croke and Unanimously** approved.

Vice Chairman Beauparlant inquires how many staff will be working on the site.

Michelle Bleau, manager of the project, was already properly sworn in on 2 August 2023 and is still under oath.

Ms. Bleau explains that at this point 1-2 full time staff members for property management and they would be working Monday-Friday. There would be 1 full time case manager also Monday-Friday and there will be security about 7 days a week but not sure if there will be security 24/7.

Vice Chairman Beauparlant inquires more about the security and what is typical for other apartments.

Ms. Bleau answers that their other properties have cameras and locks but no actual security. This will be the first site to have on-site security. There will probably be 2 security guards hired and there will also be cameras and lighting. The daycare will have about 6 staff members and sometimes a nurse that will pop in from time to time.

Vice Chairman Beauparlant inquires about the potential recreation area and when will it be decided if it will just be concrete.

Ms. Bleau explains that is still up in the air, she would like to see a garden or maybe some picnic tables. But they are still open on what that space could be.

Vice Chairman Beauparlant inquires about the parking for the daycare and will there be a few spots open for that.

Ms. Bleau explains there will be 3 spots for drop off and pick up but if more is needed they could use the overnight parking. **Ms. Bleau** notes that they are building parking to meet demand and anything they build will be One Neighborhood's issue, they will not be dumping this property off to someone else.

Vice Chairman Beauparlant inquires if One Neighborhood has any other large developments with similar parking situations.

Ms. Bleau answers that not here in East Providence but she is aware of one in Providence and in Boston with similar parking. Those buildings are at market value and they have no issues, here a lot of residents will be on a fixed income or low income and it is possible that only 50% of those tenants won't have a vehicle.

Vice Chairman Beauparlant inquires if a 1 year lease will be a requirement.

Ms. Bleau answers yes and if that resident has a vehicle they will have a separate lease and parking agreements.

Vice Chairman Beauparlant inquires about the different income since there is a large range from 30k-90k.

Ms. Bleau answers that about 40% of the 160 units will be for low income, for example a household of two that make 25k or less. Only 13 units will be for the higher end incomes, they wanted to create a true mixed income environment and they need the rents to make the property sustainable and be able to cover expenses.

Vice Chairman Beauparlant notes that in **Mr. Sisson's** letter, he brought up the size of the daycare enabling more than 30 children. This would mean more needed parking, more teachers, etc.

Ms. Bleau explains she is not sure where that number came from. They have a daycare interested already and they only want 4 classrooms.

Vice Chairman Beauparlant inquires if a cross walk will be installed, will a light be installed as well.

Timothy Behan, engineer for the project, was already properly sworn in on 2 August 2023 and is still under oath.

Mr. Meehan explains that they have just started the design phase, but will coordinate with DOT and they do have a traffic engineer on their team.

Vice Chairman Beauparlant inquires if a traffic study has been completed yet.

Mr. Meehan answers yes there was one done, but he doesn't have the results of those available.

Mr. Pascoa inquires if the low income tax credits are the only financial source for this project.

Ms. Bleau answers no, the plan is to submit and if they were awarded it would only cover about 40% of the entire costs. The rest would be from soft funds and grants.

Mr. Pascoa inquires what would be the hours of operation for the daycare.

Ms. Bleau responds that she cannot answer that question confidently.

Mr. Croke inquires about the existing buildings above ground basement, is it being converted into anything.

Ms. Bleau explains that the basement is 8,600 sq. ft. there will be storage lockers, bike storage, and a maintenance room. The new buildings will not have basements.

Mr. Haskett answers that the existing buildings first floor will be meant for amenities for example, a community room, some offices for the support services, a small library, bathrooms, and a mailroom but no apartments. There are also some code required things for the 1st floor.

Mr. Croke doesn't like how close the proposed daycare is to the sidewalk and believes the daycare should be placed further back from Taunton Avenue. There are also concerns with overflow of parking ending up on Edmund Street. There is also a previous zoning history with this property.

Mr. Haskett responds that the entrance to the daycare is around the side of the building with secure entry.

Mr. Croke inquires where the children would have recess.

Mr. Haskett answers that it would be an adjacent area that is fenced in.

Attorney McGunagle adds that they would need approval from other bodies, but they do hear the board's concerns.

Mr. Braga inquires the number of 1 bedroom, 2 bedroom, and 3 bedroom apartments.

Mr. Haskett answers that there will be 35 one bedroom, 61 two bedroom, 38 three bedroom and 16 studio apartments proposed.

Mr. Braga has concerns about the density of the project along with the parking. How many parking spots are required?

Attorney McGunagle answers 169 parking spots would be required.

Mr. Braga notes that there are only 120 spots proposed, with a minimum of 10 employees and with a max of 14 employees on site at a time. Will there be parking offered for employees?

Ms. Bleau answers that the spots will be labeled in a certain fashion.

Mr. Braga notes that they are short 49 spaces, and questions the 99 year deed restriction, are there other properties will similar deed restrictions.

Attorney McGunagle notes that wouldn't be recorded until they are allowed to build and yes there are about 7 properties will similar deed restrictions.

Ms. Bleau adds that the project in Riverside Square has a 99 year deed restriction.

Mr. Braga doesn't understand how 40% of the tenants won't have vehicles.

Ms. Bleau explains that based on her experience those individuals who are in the 30% AMI don't typically have vehicles as well as some of the individuals they are gearing towards like children aging out of foster care and those who are homeless. There is such an issue with the storm water management in the area they had to cut back on the parking.

Mr. Braga notes this project gives an urban environment feel and this is not an urban area.

Ms. Bleau argues that this site is in a more urban area.

Mr. Braga does acknowledge the impervious coverage being reduced and the height isn't an issue but the main concerns are the neighbors and the insufficient parking. There is no employee or daycare parking and believes this is not compatible with the neighboring land use.

Mr. Robinson notes that the crosswalk would be in front of the existing building, this could be a poor idea due to Cora Street. **Mr. Robinson** notes there are only two small dumpsters listed on the plans.

Mr. Haskett explains that the buildings will have trash rooms inside, those dumpsters are for just the exterior.

Mr. Robinson inquires about room for snow removal, on the plan sheet #6, there is no snow removal area listed.

Mr. Meehan notes there is no designated area, perhaps they would use the islands and around the perimeter, this is standard practice.

Mr. Robinson notes he was previously on the planning board and would see designated areas for snow. There won't be room for the cars to move.

Mr. Meehan notes that about 90% of the parking areas don't have designated snow removal area and the board is assuming that the parking lot will be full.

Mr. Robinson inquires where will the mail and packages go and where would delivery drivers park.

Mr. Meehan notes that the Amazon drivers park closest to the door and leave, they won't be spending time running up to the different floors.

Ms. Bleau adds that there will be a centralized package and mail room at the existing building at 350 Taunton Avenue as indicated in plan listed under "A001". The security desk will be there as well and the drive aisles will be wide so the delivery truck can pull over to the side.

Mr. Robinson notes that there are parking spaces on the side where **Ms. Bleau** just indicated. **Mr. Robinson** believes there will be an overflow of parking on Edmund Street and this will cause a nuisance since there are too many units.

Chairman Saveory requests a recess at 7:21pm and the board reconvenes at 7:35pm

Mr. Robinson inquires how much taxes will be paid to the city.

Ms. Bleau answers that they have had conversations with the city and there are plans for a 10 year stabilization, which means the tax amount will be increased over that 10 year period.

Solicitor Marcello notes that taxes are irrelevant to this board and cannot be considered when making a decision.

Mr. Croke inquires where these tenants will be coming from.

Ms. Bleau answers from Rhode Island but mainly Providence.

Mr. Croke notes he doesn't want to see this building destroyed over time.

Attorney McGunagle adds that there is tremendous oversight by Rhode Island Housing and will make sure that all tenants will have jobs. If the tenants make too much money they will be asked to leave once their lease is up.

Attorney McGunagle assures the board that this will improve the area and make it safer and they will manage the parking contractually. One could live there without a car since it is on a bus route.

Mr. Croke notes it is on a main road with a popular restaurant next door, there are a lot of things to consider.

Attorney McGunagle adds that if approved, this will be transformative in a good way by providing safe and affordable housing for people. Which is more important than parking.

Chairman Saveory notes that about 390-400 people will occupy the site, the issue with the parking is too excess for that area. This board is geared to look at the impact of the neighborhood and look to the future as well. There are only 6 handicap parking spaces proposed when it is assumed a number of these tenants will be disabled. **Chairman Saveory** believes this will alter the character of the neighborhood and is too overwhelming for that area.

Chairman Saveory also believes that this could hinder further development in the city and Taunton Avenue is one of the busiest roads in the city, he understands the cause but this will hinder the area and adds that RIPTA is not dependable.

Attorney McGunagle believes RIPTA will improve and there are 17 items in the comprehensive plan that this project can fulfill. Those tenants will be supporting businesses.

Chairman Saveory notes there is a place and a rationale for everything.

Ms. Bleau adds that by not approving this project will actually cause hindrance, this can benefit RIPTA and will give them a reason to fix their issues. New businesses will come and some existing businesses are looking forward to this project. This will be a mixed income community and they would not risk their reputation, all they want is to further the economic growth in the area.

Mr. Meehan adds that they are actively working with the city in regards to the flooding to improve the situation. They reduced the number of curb cuts to Edmund St. to one and are willing to work with the planning board and they need to go back for their approval. They want to work with the city and note that sewer system looks great, they just need to tie in. The water department noted that 400ft. of pipe needs to be replaced, but they will be replacing it and taking on that expense.

Attorney McGunagle adds that Rhode Island Housing won't allow them to house tenants somewhere that keeps flooding.

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

Michael Collins of 190 Anthony Street E. Providence, RI is properly sworn in.

Mr. Collins explains to the board that he supports the project as a whole and believes it is a good opportunity for the area. The height they are asking for fits in with the area and the parking will be okay with the calculation the petitioners have used.

Mr. Fiske, owns several properties on Edmund Street, is properly sworn in.

Mr. Fiske explains to the board that he owns 7 buildings and 1 vacant lot on Edmund Street and he improved Edmund Street. **Mr. Fiske** has concerns about the parking and the impact it could have on Edmund Street. There was a planning board meeting and he was told there will be no impact on Edmund Street. **Mr. Fiske** isn't against the project but doesn't want impact on the neighbors and wonders how the parking will be managed. **Mr. Fiske** inquires if there will be fencing and visitor parking. **Mr. Fiske** also inquires why the need for security at this site if they don't have security at their other locations. Where will everyone park during construction and there were no specifics offered on how they would fix the flooding.

Attorney McGunagle explains that the construction management parking has to be approved by the planning board if the petition is approved tonight.

Mr. Meehan notes that they have to improve the storm water issue per the state code. They will be sitting down with the city to figure out the cause of the flooding, they have to understand the problem before coming up with a solution. But they will not make the problem worse.

Attorney McGunagle notes that the on-site management will be responsive to the neighbors during business hours and since this is a larger development they can afford to have security.

Ms. Bleau adds that with apartments with over 100 units have different needs and they will continue to have an on-site presence at the site. Since there would be a mix of populations they just want to make sure everything is under control. There will be only one curb cut to Edmund Street but they are open to closing it off, but would need to talk with the fire

department.

Attorney McGunagle notes that they will take the board's comments into consideration if they go to the next phase.

Mr. Robinson believes this is an ambitious, over intensified use of the property. **Mr. Robinson** is in opposition to all the variances requested since this project will cause a nuisance and doesn't see a hardship. **Mr. Robinson** also believes this project can be scaled down which makes this not the least relief necessary.

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

Chairman Saveory queries the Board for a motion.

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

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

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

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

Motion is Seconded by Mr. Pascoa

Roll Call Vote

Mr. Croke – Nay

Mr. Braga – Nay

Mr. Pascoa – Aye

Vice Chairman Beauparlant - Nay

Chairman Saveory – Nay

The board believes this is not compatible with

the land use and there is insufficient parking.

The board believes this will cause a nuisance

to the area. This is an over intensification

of the area.

The request for a Special Use Permit has been denied 4-1

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.**

Chairman Saveory queries the Board for a motion in regards to the Building Height.

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 ofthe surrounding area or impair the intent or purpose of this chapter or thecity’s comprehensive plan upon which this chapter is based.

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

TheZoning Board of Review hereby further finds pursuant to Section 19-45(b) of theCity of East Providence Zoning Ordinance

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

Vice ChairmanBeauparlant moves that thedimensional variances be **Granted**subject to the petitioner fulfilling the following conditions:

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

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

3.There will be a max of 30 students in attendance at the daycare center.

ChairmanSaveory asks**Attorney McGunagle** if he accepts the conditions of approval just stipulated,understanding that strict compliance means that any deviation will necessitaterevisiting the Zoning Board of Review; said revisit may be requested by eitherthe Zoning Officer or any member of the Zoning Board of Review. **AttorneyMcGunagle** responds that he fully understands and acceptthe conditions just stipulated.

Motionis Seconded by**Mr. Pascoa**,

Roll Call Vote

Mr. Braga – Nay

Some board members believes this will be a

Mr. Croke –Nay

nuisance and will change thecharacter of the

Mr. Pascoa– Aye

area. Othermembers believe it won’t since one

ViceChairman Beauparlant – Aye

of the buildings is already existing.

ChairmanSaveory – Nay

Therequest for a Dimensional Variance in regards to Building Height has been Denied3-2

Chairman Saveory queries the Board for amotion in regards to the Number of Stories.

Motion by ViceChairman Beauparlant,

Basedon all evidence presented to the Zoning Board of Review and personal knowledgeof the members of the Board of the land and area of the City of EastProvidence, the Zoning Board of Review hereby finds pursuant to Section19-45(a) of the City of East Providence Zoning Ordinance:

1.The hardship from which the applicant seeks relief is due to the uniquecharacteristics of the subject land or structure and not due to the generalcharacteristics of the surrounding area, and not due to a physical or economicdisability of the applicant excepting those physical disabilities addressed inRIGL 45-24-30(16).

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

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

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

TheZoning Board of Review hereby further finds pursuant to Section 19-45(b) of theCity of East Providence Zoning Ordinance

1.In granting a dimensional variance, that the hardship that will be suffered bythe owner of the subject property if the dimensional variance is not grantedshall 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.
3. There will be a max of 30 students in attendance at the daycare center.

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

Motion is Seconded by **Mr. Pascoa**,

Roll Call Vote

Mr. Braga – Aye

The board notes that there is an already

Mr. Croke – Aye

existing 4 story building and there is

Mr. Pascoa – Aye

another property nearby with more than 4

Vice Chairman Beauparlant – Aye

stories.

Chairman Saveory – Aye

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

Chairman Saveory queries the Board for a motion in regards to the Off-Street Parking for the Daycare Facility.

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.

3. There will be a max of 30 students in attendance at the daycare center.

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

Motion is Seconded by Mr. Pascoa,

Roll Call Vote

Mr. Braga – Nay

The majority of the board believes that parking

Mr. Croke – Nay

is insufficient and will cause an nuisance. Mr.

Braga notes this is for financial gains since they

Mr. Pascoa – Aye

need this number of units to be “feasible”

Vice Chairman Beauparlant – Nay

Chairman Saveory – Nay

The request for a Dimensional Variance in regards to Off-Street Parking for the Daycare Facility has been denied 4-1.

Zoning Officer Pimentel notes that the max for impervious coverage is 80%, the property is currently over 84% and the petitioners are proposing 83.7%.

Chairman Saveory queries the Board for a motion in regards to the Impervious Coverage.

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.

3. There will be a max of 30 students in attendance at the daycare center.

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

Motion is Seconded by Mr. Pascoa,

Roll Call Vote

Mr. Braga – Aye

Mr. Croke – Nay

Mr. Pascoa – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Nay

Mr. Braga notes the applicant would be

reducing what is already there. Vice Chairman

Beauparlant believes this is minimal relief.

Mr. Croke believes this will be an asphalt jungle.

Chairman Saveory thinks there should be more greenery.

Dimensional variance for Impervious Coverage is granted 3-2, subject to the aforementioned condition(s).

IX. NEW BUSINESS

There is no new business this evening.

X. PROCEDURES

There are no procedures this evening.

XI. ANNOUNCEMENTS

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

Motion to adjourn by Mr. Croke. The motion is **Seconded by Vice Chairman Beauparlant** and **Unanimously** voted to adjourn. Special Meeting is adjourned at 9:10pm.

Edward Pimentel, AICP

Zoning Officer / Clerk

Secretary