

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, **13 December 2023**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Vice Chairman

John Braga – **ABSENT**

Richard Croke, Sr. – **ABSENT**

Gary Pascoa

Matthew Robinson – 1st Alternate

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor - **ABSENT**

Dylan Conley – Assistant City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

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

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

A. Swearing in of the Zoning Officer

Chairman Saveory asks **Assistant Solicitor Conley** to swear in the **Zoning Officer, Mr. Pimentel**.

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory explains to the public that **Mr. Braga** and **Mr. Croke** are both absent this evening, so

Mr. Robinson will be a participating and voting member this evening.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **1 November 2023**, Zoning Board of Review Minutes.

Motion by **Mr. Robinson** to continue the **1 November 2023** Zoning Board of Review Minutes due to a possible discrepancy. The motion is **Seconded** by **Vice Chairman Beauparlant** and **Unanimously** approved.

III. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is none this month.

V. CORRESPONDENCE/ DISCUSSION

A. Approval of Annual Zoning Board of Review Hearing Calendar

Zoning Officer Pimentel explains to the board that there will be no January 2024 meeting but needs the annual calendar approved by the board.

Motion by **Vice Chairman Beauparlant** to approve the annual hearing calendar, the motion is **Seconded** by **Mr.**

Robinson and unanimously approved.

B. Schedule a special meeting date to solely hear the petition of Safe Harbor Properties, LLC, 48 Lincoln Avenue.

Attorney Bruce Cox is representing the petitioner.

Zoning Officer Pimentel explains that it seems like this petition will be controversial and should have its own meeting date sometime in February. **Zoning Officer Pimentel** notes that he knows that Wednesdays work best for **Mr. Braga**. **Attorney Cox** notes that Wednesday 21 February 2024 is a preferred date.

Motion by Mr. Robinson to continue this petition to a special meeting date of 21 February 2024 at 6pm in city council chambers, the motion is **Seconded by Vice Chairman Beauparlant and Unanimously approved.**

Chairman Saveory also explains that **Andrew Cotton, 2nd alternate member** for the board has resigned and a new alternate named **Jonathan Jacobs** will be joining the board after the new year.

VI. STAFF REPORTS

1. Planning Department Staff Report - Previously Submitted

2. Zoning Complaint List – November 2023 – Previously Submitted

VII. DOCKET ITEM ORGANIZATION

Chairman Saveory explains to the public that the docket will remain as is.

VIII. CONTINUED BUSINESS

1. EXXONMOBIL OIL CORPORATION and 2/3 REALTY LLC, ATTN: DAVID B. MURPHY, JR., seek permission to subdivide a parcel into two (2) distinct and separate parcels via a Minor Subdivision, resulting in designated Parcel 'B' failing to comply with the minimum lot width requirement, for property located at **0 PAWTUCKET AVENUE, being MAP 310, BLOCK 5, PARCEL 10, in a multi-zoned INDUSTRIAL 1 DISTRICT, INDUSTRIAL 2 DISTRICT, and INDUSTRIAL 3 DISTRICT. (Dimensional Variance -Petition No. 6967)**

[Continued from 1 November 2023. No testimony taken.]

Attorney Bruce Cox is representing the petitioner.

Attorney Cox explains to the board that this petition is for a minor subdivision and that the only zoning issue is that one proposed lot would have 70ft. instead of the required 150ft. It should so be noted that this property would need DPR reviews since it is a commercial lot in a commercial zone.

Mr. Pascoa has no questions.

Mr. Robinson has no questions.

Vice Chairman Beauparlant has no questions.

Chairman Saveory sees no issues with this petition.

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. Pascoa,

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. Pascoa 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 accept the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant,

Roll Call Vote	The board recognizes that the lot shape is irregular
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Mr. Pascoa– Aye **hencethe impact to the frontage. The board notes**

Mr.Robinson – Aye **that this is the least relief necessary.**

ViceChairman Beauparlant – Aye

Chairman Saveory – Aye

Dimensional variance is granted 4-0, subject to the aforementioned condition(s).

IX. NEW BUSINESS

1. GANSETT LIMITED PARTNERSHIP, seeks permission to introduce an off-premises sign, meaning that there will be a business advertised on the proposed free-standing sign that is not physically located on the same parcel as said proposed free-standing sign, for property located at **50 – 60 NEWPORT AVENUE, being MAP 501, BLOCK 1, PARCEL 2, in a COMMERCIAL 3 DISTRICT. (Use Variance - Petition No. 6968)**

Attorney Bruce Cox is representing the petitioner.

Attorney Cox explains to the board that this petition is for an off-premises sign on a series of lots. The sign will be removed from the curb about 10ft. back and the sign will be 40 sq. ft. less than the existing sign. **Attorney Cox** believes that this will be a great improvement and has a representative from the sign company with him this evening.

Stephanie Moran, representative of the sign company, is properly sworn in.

Ms. Moran explains to the board that there is one sign that was installed for the plaza and they are present tonight to install the 2nd sign, which will look exactly like the newly installed sign. They currently have a permit for the proposed sign but they are present tonight to have Aldi's graphics on the proposed sign.

ViceChairman Beauparlant likes that the sign will be similar and smaller than what was there previously.

Mr.Pascoa has no concerns.

Mr. Robinson inquires about if the sign will be lit and if there will be any flashing or digital components.

Ms. Moran answers that the sign will be LED just like the other sign and no flashing or digital signs.

Chairman Saveory has no concerns and believes this is a nice update to the plaza.

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

subjectpetition. Hearing and seeing none, **ChairmanSaveory** queries the Board for a motion.

Motion by ViceChairman Beauparlant,

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- 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.

Vice Chairman Beauparlant moves that the use variance be **Granted**subject to the petitioner fulfilling the following conditions:

- 1.In granting a use variance the subject land or structure cannotyield any beneficial use if it is required to conform to the provisions of thischapter. Nonconforming use of neighboring land or structures in the samedistrict and permitted use of land or structures in an adjacent district shallnot be considered in granting a use variance.

ChairmanSaveory asks**Attorney Cox** if he accepts the conditions ofapproval just stipulated, understanding that strict compliance means that anydeviation will necessitate revisiting the Zoning Board of Review; said revisitmay be requested by either the Zoning Officer or any member of the Zoning Boardof Review. **AttorneyCox** responds that he fullyunderstands and accept the conditions just stipulated.

Motionis Seconded byMr. Robinson

RollCall Vote

Mr. Pascoa - Aye

Mr.Robinson – Aye

ViceChairman Beauparlant - Aye

Chairman Saveory – Aye

The board can see hardship due to thelocations

of the businesses throughout theplaza and that

the relief isminimal.

Use variance is unanimously granted 4-0, subject to theaforementioned condition(s)

2.GANSETTLIMITED PARTNERSHIP C/o QUINCY & CO., INC., seeks permission to introducea Town Fair Tire establishment, which engages in the retails sales andinstallation of tires and wheels, to include wheel balancing and wheelalignment, in addition to the repair and installation of automotive brakes, forproperty located at **80 NEWPORT AVENUE, being MAP 501, BLOCK 1, PARCEL 5, in aCOMMERCIAL 3 DISTRICT. (Use Variance -Petition No. 6969)**

Attorney John Revens isrepresenting the petitioner.

ZoningOfficer Pimentel explainsthat this petitioner is willing to do whatever the community wants and hasoffered to install landscaping and help with the drainage situation in thatplaza.

AttorneyRevens explainsto the board that the petitioner would like to have a Town Fair Tire at thisproperty. Retail is allowed in this zone but auto repairs are not however, thisis not a repair facility. They would just be installing tires and would like toinstall brakes. There will be no overnight parking of vehicles, this would justbe a retail store with tire installation.

Matt Ashley, engineerfor the project, is properly sworn in.

Mr.Ashley notesthat the building is outdated and the petitioner would like to update theexterior cosmetically as well as create bays for the tire installation. Thereis currently no landscaping, so the plan is to reduce some of the parking andintroduce landscaped islands to help with drainage and will also installdesires to assist with any additionally storm water overflow. There will be atire cage on the right hand side of the building, the cage will be enclosed andcovered

as well as the dumpster. The tire enclosure will have the tires collected two to three times a week. There will be no other storage of tires other than what will be in the enclosure.

John Wypychoski, employee of Town Fair Tire, is properly sworn in.

Mr. Wypychoski explains that he regularly meets with city and town officials on behalf of Town Fair Tire to explain their day-to-day operations. The retail component will have displays for tires for customers to pick from. Typically, there are over 200 different types of tires and 30 types of wheel displays. The customers then pay for the tires and wheels and can have them installed by Town Fair Tire or install them themselves off-site. This proposed store would like to replace brakes but do not do any front-end repairs. Typical hours of operation will be Monday-Friday 8am-6pm, Saturdays 8am-4pm and are closed on Sundays.

Vice Chairman Beauparlant inquires the type of fencing for the tire storage, and if it will be just metal fencing.

Mr. Wypychoski answers yes, they will do chain link fencing or stockade fencing at about 6ft-7ft in height and will be locked.

Vice Chairman Beauparlant confirms that the only signage will be what's proposed on the building.

Mr. Wypychoski answers yes, and a spot on the pillar sign if there is room for them.

Mr. Robinson inquires about where the brake fluid will be stored.

Mr. Wypychoski answers that there will be an interior oil tank that can hold about 200 gallons and it will be drained once full but that can take a while for the tank to be full.

Mr. Robinson inquires where the used brakes will be disposed of.

Mr. Wypychoski explains that there are methods of disposing of the brakes without using the dumpster.

Chairman Saveory confirms that there will be no auto body work, major repairs or any muffler/exhaust work done onsite.

Mr. Wypychoski answers no, they will just install tires and brakes.

Vice Chairman Beauparlant confirms that cars will not be left out overnight.

Mr. Wypychoski answers no, everything will be done the same day.

Chairman Saveory inquires if all work will be done inside the building.

Attorney Revens answers that no work will be conducted exteriorly.

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.

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Secretary