

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 Wednesday, **21 February 2024**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Vice Chairman – **ABSENT**

John Braga

Richard Croke, Sr.

Gary Pascoa - **ABSENT**

Matthew Robinson – 1st Alternate

Jon Jacobs – 2nd 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 **Vice Chairman Beauparlant and Mr. Pascoa** are both absent this evening, so **Mr. Robinson and Mr. Jacobs** will be participating and voting members this evening.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory explains that there are no minutes to be approved at this time.

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

VII. DOCKET ITEM ORGANIZATION

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

VIII. CONTINUED BUSINESS

There is no continued business this evening.

IX. NEW BUSINESS

1.SAFE HARBOR PROPERTIES, LLC, seeks permission to retain a residential facility that houses 13 unrelated individuals, all of whom are dealing with the disease of alcoholism and addiction using the Social Model of Recovery, for property located at **48 LINCOLN AVENUE, being MAP 312, BLOCK 14, PARCEL 2, in a RESIDENTIAL 6 DISTRICT. (Dimensional Variance - Petition No. 6973)**

Attorney Bruce Cox is representing the petitioner.

Attorney Cox thanks the board for having a special meeting this evening. **Attorney Cox** explains he has several witnesses this evening to discuss how the recovery house works, the demand and the need for this home in the area. The Planning Department's report mentions a prior zoning history, this was from about a decade ago to turn the property into a 5 unit property and has nothing to do with this petition this evening. **Attorney Cox** references the Rhode Island General Law 40.1-1-13, this law specifically mentions housing for behavioral health and has a copy of the law to pass out to the board for their review. **Attorney Cox** also references the National Alliance for Recovery Residences (NARR) Standard, specifically mentioning page 9, section "I" number 27 under 'functionally equivalent family' and passes out copies to the board of the NARR Standard. **Attorney Cox** also passes out copies of the certificate of inspection for 48 Lincoln Avenue and the Brisan Recovery Support Services housing handbook and how the property meets the standards.

Motion by Mr. Braga to enter in the **copy of Rhode Island General Law 40.1-1-13 as Applicant's Exhibit 1**, the motion is **Seconded by Mr. Robinson** and **Unanimously** approved.

Motion by Mr. Braga to enter in the **copy the NARR Standards as Applicant's Exhibit 2**, the motion is **Seconded by Mr. Robinson** and **Unanimously** approved.

Motion by Mr. Braga to enter in the **copy of the certificate of inspection for 48 Lincoln Ave as Applicant's Exhibit 3**, the motion is **Seconded by Mr. Robinson** and **Unanimously** approved.

Motion by Mr. Braga to enter in the **copy of the Brisan Recovery Housing Handbook as Applicant's Exhibit 4**, the motion is **Seconded by Mr. Robinson** and **Unanimously** approved.

Brian Sylvestre, owner of the recovery house, is properly sworn in.

Attorney Cox explains that **Mr. Sylvestre** has years of experience working in recovery services and has a copy of **Mr. Sylvestre's** resume to submit into the record.

Motion by Mr. Braga to enter in the **copy of Mr. Sylvestre's resume as Applicant's Exhibit 5**, the motion is **Seconded by Mr. Robinson** and **Unanimously** approved.

Mr. Sylvestre explains to the board that his parents own the property, and they are the owners of "Safe Harbor". They in turn lease the property to him and he then uses the property as a recovery house. He currently owns five recovery houses including the one in East Providence and one in Pawtucket. They have a good neighbor policy and take this policy very seriously. **Mr. Sylvestre** explains that there are four levels of recovery homes, level 1 homes are run by the residents themselves with no outside company or supervision. Level 1 residents pay their own bills, support themselves and run the house democratically. Level 2 houses are overseen by company that ensures safety and brings stability to the group, they operate the house and ensures that the standards are met. The property in question is a level 2 house, he speaks with residents daily but is not at the property himself daily. Levels 3 and 4 have more structure and are for those who require more supervision. Essentially, the higher the level of house, the more supervision is required.

Mr. Sylvestre further explains that typically residents are 30 days clean upon arrival, but they have to be working, in school, volunteering, or job training once they are in the home within 30 days. There is a house leader that oversees safety in the home, conducts drug testing, making sure residents are in by curfew, do bed checks and collects the rent money. Typically, there is weekly drug testing and if a resident refuses to partake they will be discharged from the home. However, the longer a resident has been in the home there is a less amount of testing. There have been no police visits and no complaints about what is going on inside the home. **Mr. Sylvestre** notes that he is aware of two letters from abusers. They are very quiet with 90% of the patrons working and participating in 12 step programs. There

is no fighting or loud music, it wouldn't be tolerated. The house is very large and perfect for what they are doing there, there is about 9 rooms they are using for bedrooms and 5 bathrooms. There are about 13 residents and newcomers are roomed with someone since loneliness can be a real issue for those in recovery.

Ian Knowles, of RI Cares, is properly sworn in.

Mr. Knowles explains to the board that he has had experience with recovery houses and personally inspected the property in question. **Mr. Knowles** is familiar with the area since his mother lived in Riverside for many years. Sober houses have been around since the mid-1800's and his job is to conduct inspections of state-certified sober houses. **Mr. Knowles** receives and investigates complaints in regards to sober houses and typically the complaints come from inside the house and rarely from the public. The two complaints he received in regard to this property, one was from a resident and the second was from a neighbor, were both unfounded. Certified houses require to have a good neighbor policy in place and the residents must work, go to school or volunteer, and they must attend 12 step meetings. There is a lack of safe and affordable housing and for those to remain in recovery, there needs to be recovery housing and support.

Mr. Knowles wants housing available for as many as possible for those who are actively working on their sobriety. Majority of sober houses hold between 12-17 residents and believes that this is a manageable number. The property in question is actually appropriate for 15 residents but **Mr. Sylvestre** has decided to keep the number of residents at 13. Having this number of residents provides connection and a sense of belonging. With a lack of recovery housing a addict would have to go to a shelter, try to couch surf, or end up on the street where dangerous drugs are and can potentially die.

Attorney Cox explains to the board that he has a copy of **Mr. Knowles'** summarized biography to submit for the record.

Motion by Mr. Braga to enter in the **copy of Mr. Knowles biography as Applicant's Exhibit 6**, the motion is **Seconded by Mr. Robinson** and **Unanimously** approved.

Attorney Cox explains that he has the resume for his next witness, **Lori Dorsey**, and would like her resume submitted for the record.

Motion by Mr. Braga to enter in the **copy of Ms. Dorsey's resume as Applicant's Exhibit 7**, the motion is **Seconded by Mr. Robinson** and **Unanimously** approved.

Lori Dorsey, retired with State of Rhode Island Division of Behavior Health, is properly sworn in.

Ms. Dorsey explains to the board that she too is a previous addict and previously anyone could open a recovery house without certification, and it was like the wild west. She also used to do the inspections for the recovery houses. **Ms. Dorsey** stresses that people in recovery need connection and those in recovery do better in groups.

George O'Toole, recovery support services with East Bay Community Action, is properly sworn in.

Mr. O'Toole explains to the board that he helps recovering addicts with services to better themselves such as obtaining a bus pass or helping them find a primary care physician. There is a real demand for housing in this area and everyday he sees those experiencing homelessness or those with substance abuse issues. **Mr. O'Toole** shares with the board that he is also a former addict and if it were not for the sober house he was in, he may not be where he is today. Those in recovery need to have a support system and people with substance abuse issues tend to isolate themselves. **Mr. O'Toole** explains that they did work at the Rumford Motor Inn for ten months and while he and his staff were overseeing the property there was minimal police presence. The inn doesn't work since there are no coaches, leaders, residents are isolated in their separate rooms and there is no community space, which is why it doesn't work.

Bethanie Rado, with the East Providence Prevention Coalition, is properly sworn in.

Ms. Rado explains to the board that her job is to advocate for healthy lifestyles for the residents of East Providence.

Ms. Rado notes that recovery housing is a necessity for the area and gives a safe space for residents to adapt to their new lifestyle. There are waitlists for housing that are months and months long and not having adequate housing can increase the chances of a recovering addict getting back into their old habits of substance abuse.

James Beaune of 48 Lincoln Avenue East Providence, RI is properly sworn in.

Mr. Beaune explainsto the board that he has been a resident at the property for the last sixmonths. **Mr. Beaune** oversees the house and ensures safety and that therules are being followed. He also conducts the drug testing and makes sure thatthe other residents are doing well. The consequences of not following thehandbook previously mentioned can be anything from a verbal warning todischarge from the home. Having so many residents in the house bringsaccountability, support and helps enforce the idea of respect to everyone. **Mr.Beaune** believes that having less residents could be an issue since it couldlead to isolation.

Assistant Solicitor Conley explainsthat he needs to request a recess since something urgent has come to hisattention.

Motion by Mr. Braga to grant a short recess, the motionis **Seconded by Mr. Robinson** and **Unanimously** approved.

The board break forrecess at 7:08pm

The board reconvenes at 7:23pm

Assistant Solicitor Conley explainsto the board and the public that two of the witnesses that previously testifiedthis evening have a mutual client and one witness is a co-worker of animmediate family member. This is a conflict of interest so **AssistantSolicitor Conley** suggests that **Attorney Cox** finish his presentationbut cannot provide the board with legal representation. He also suggestscontinuing until 6 March 2024 to give time to determine a date certain to get adate when **Solicitor Marcello** and the witnesses can come back.

Attorney Cox notes thatthis is an unfortunate situation, but **Assistant Solicitor Conley** wasbound by ethics to reveal the conflict of interest and would like to finish upthe presentation with his three remaining witnesses.

ChairmanSaveory responds that hewould like to hear from the board members and what they would like to do beforeproceeding.

Mr.Croke believes we shouldbe able to hear the remaining witnesses.

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

Mr.Robinson agrees as well andwould also like a list of those who spoke this evening as well as thetranscripts or minutes.

Mr.Jacobs would like to hearfrom the witnesses since they took time out of their evening to be here.

ChairmanSaveory gives the okay toproceed hearing from the remaining witnesses.

Karl Von Schmidt-Penta of 48 Lincoln Avenue is properly sworn in.

Mr. Von Schmidt-Penta explains that he is a teacher for Providence public schoolsand notes that this is the best sober house that he has been in and is wellstructured. There is a family atmosphere and runs smoothly. **Mr.**

VonSchmidt-Penta believes there is strength in numbers and has helped a lotand gets tested about once to twice a week breathalyzer and urine. **Mr. VonSchmidt-Penta** has been living there for about a month and a half and hasnot seen anyone relapse so far.

Mathew Corrao of 48 Lincoln Avenue is properly sworn in.

Mr. Corrao explainsto the board that this is his first time in a recovery house and originallygoing into this house was hard, but since it has been a welcoming and greatenvironment. The other residents in the house are great people and have helpedhim. The residents are on top of their chores and there are strict rules.

Shawn Lynch of 48 Lincoln Avenue is properly sworn in.

Mr. Lynch explains that he just returned to the areain July and in construction and oversees major projects. **Mr. Lynch**believed that for him personally, being in a recovery house was the best optionsince his has been in recovery for many years. **Mr. Lynch** was impressedby this house and that the majority of the residents work and the house isclean. Mr. Lynch was happy he could stay in the house and the experience wasnothing but enriching and likes to be around likeminded people and help others.This was his last day in the house since his project was finished and he willbe moving on.

Zoning Officer Pimentel suggests that the board allow public comment to be heard and he will re-notice and re-advertise the neighbors at the city's expense and also asks neighbors to reach out to him to find out the date certain.

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

Andrea Penta of 6 Anthony Street is properly sworn in.

Ms. Penta explains that she has no relation to the witness with the same last name. **Ms. Penta** is in recovery herself and understands how important it is to have houses like these. It seems so easy to open a bar or liquor store in the city so it should be just as easy to have a recovery house.

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

Alan Bolduc of Maple Avenue is properly sworn in.

Mr. Bolduc explains that he owns two properties nearby on Maple Avenue and when there was construction going on there were issues. **Mr. Bolduc** has cameras on his property and can see two residents walking around late at night well past any curfew. His wife also had an odd interaction with a resident in the beginning but isn't sure if that resident is around anymore. There has been some crime in the area such as cars being broken into and people looking inside homes but cannot prove it is coming from the recovery house. Understands there are benefits of certified housing but there are concerns about the testing that he heard during testimony this evening. **Mr. Bolduc** questions why all the residents aren't present this evening to advocate for the recovery house and notes that addicts can also enable one another.

Kerri DiQuinzio of Maple Avenue is properly sworn in

Ms. DiQuinzio explains she has several questions and tried to do research on recovery houses to try and educate herself. **Ms. DiQuinzio** is a single parent, so she has some fears about being directly behind a recovery house. One question she has is if there are rules and regulations if residents are felons and notes incidents of people drinking outside of the recovery house. There are also concerns about the fact that there is a bar and liquor store nearby. **Ms. DiQuinzio** also mentions rumors about the previous house manager passing away due to a drug overdose and who is really holding residents accountable. **Ms. DiQuinzio** also has a petition with 188 signatures of people against having the recovery house. **Ms. DiQuinzio** has several questions in regard to property taxes, what the good neighbor policy exactly is, how easy is it for a resident to be discharged from the home and would like more discussion on the matter before a decision is made.

Zoning Officer Pimentel explains that a date certain will be determined on 6 March 2024 and he will re-advertise and re-notice the neighbors no matter what. We need to meet with Solicitor Marcello to check his schedule, have the transcripts prepared and if more exhibits are submitted it gives the neighbors a chance to review them.

Motion by Mr. Braga to continue this petition from 21 February 2024 to 6 March 2024, the motion is Seconded in

Mr. Robinson,

Roll Call Vote

Mr. Jacobs – Aye

Mr. Robinson – Aye

Mr. Croke - Aye

Mr. Braga – Aye

Chairman Saveory – Aye

Request for a continuance has been unanimously granted.

X. PROCEDURES

Zoning Officer Pimentel adds that there will be a workshop held on 29 March 2024 for the Planning and Zoning Boards to review the new state laws and regulations.

XI. ANNOUNCEMENTS

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday 6 March 2024, 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. Braga**. The motion is **Seconded** by **Mr. Robinson** and **Unanimously** voted to adjourn.

Special Meeting is adjourned at 8:04pm.

Edward Pimentel, AICP

Zoning Officer / Clerk

Secretary