

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 October 2024**, 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.

Gary Pascoa

Ashley Rozes – 1st Alternate

Jonathan Jacobs – 2nd Alternate

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor - **ABSENT**

Meg Bellamy – Assistant City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

A. Swearing in of the Zoning Officer

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory explains to the public that **Mr. Braga** is absent this evening so **Ms. Rozes** will be a participating and voting member this evening. **Mr. Jacobs** will be participating but not voting.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **24 July 2024** Zoning Board of Review Minutes **Motion** by **Vice Chairman Beauparlant** to approve the **24 July 2024** Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Croke** and **Unanimously** approved.

Chairman Saveory asks for approval of the **4 September 2024** Zoning Board of Review Minutes **Motion** by **Vice Chairman Beauparlant** to approve the **4 September 2024** Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Croke** and **Unanimously** approved.

IV. ZONING OFFICER'S REPORT

V. CORRESPONDENCE/ DISCUSSION

SFD Holdings, 1002 Pawtucket Avenue, Map 502, Block 10, Parcel 001.00, Approved 7 February 2024, Petition No. 6972. Requesting six-month extension.

Attorney Mark Hartmann is representing the petitioner.

Attorney Hartmann explains that they came before the board in February 2024. They are requesting a six-month continuance since they need to hire experts to work on the building and fire code components.

Motion by **Vice Chairman Beauparlant** to grant a six-month extension, **the motion is Seconded** in **Mr. Croke**.

Roll Call Vote

Ms. Rozes – Aye

Mr. Croke – Aye

Mr. Pascoa – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

VI. STAFF REPORTS

1. Planning Department Staff Report -

Previously Submitted

2. Zoning Complaint List – September 2024– Previously Submitted

VII. DOCKET ITEM ORGANIZATION

Zoning Officer Pimentel suggests hearing Petition No. 6994 first since it is for a waiver and leaving the rest of the docket how it is.

VIII. CONTINUED BUSINESS

1. PATRICIO VALLY PINTO, seeks permission to introduce a storage (automotive warehousing) facility in a residential district, otherwise defined as a prohibited land use, for property located at **0 COLWELL STREET, being MAP 307, BLOCK 36, PARCEL 16, in a RESIDENTIAL 6 DISTRICT. (Use Variance - Petition No. 6987)**

[Continued from 5 June 2024. No testimony taken.]

Zoning Officer Pimentel explains to the board that the petitioner's attorney has requested a continuance. They are currently submitting paperwork regarding the drainage on the property to the planning department for them to issue a recommendation. If the board sees fit to grant the continuance, then Zoning Officer Pimentel suggests re-noticing and re-advertising since it has been two months.

Motion by Mr. Croke to continue this petition from **2 October 2024 to 6 November 2024**, the motion is **Seconded** in **Vice Chairman Beauparlant** and **Unanimously approved**.

Roll Call Vote

Ms. Rozes – Aye

Mr. Croke – Aye

Mr. Pascoa – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

2. LAUREN BERIONT and KATHRYN HARRIS, seek permission to construct a covered porch onto a single family residence without complying with the minimum front-yard setback requirement, for property located at **130 LINDY AVENUE, being MAP 513, BLOCK 1, PARCEL 47, in a RESIDENTIAL 3 DISTRICT. (Dimensional Variance - Petition No. 6991)**

[Continued from 4 September 2024. No testimony taken.]

Kate Harris and Lauren Beriont of 130 Lindy Avenue are properly sworn in.

Ms. Rozes explains that she has no objections.

Mr. Jacobs confirms that they are seeking 6ft. of relief.

Ms. Harris answers yes, that it is at an angle.

Mr. Jacobs inquires if they have a good relationship with their neighbors.

Ms. Harris answers yes, they do have a good relationship with their neighbors. One even wrote a letter of support.

Vice Chairman Beauparlant notes the letter from the neighbor and inquires **to Zoning Officer Pimentel** that the application shows 5ft.

Zoning Officer Pimentel explains that they also give the greatest relief and that it is on an angle so maybe 6ft at some points as well as 5ft.

Mr. Pascoa has no concerns.

Mr. Croke has no concerns and doesn't see how the porch would negatively impact the neighbors.

Chairman Saveory has no concerns.

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 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 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. Such hardship is not the result of any prior action of the applicant.
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 comprehensive plan upon which this chapter is based.

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, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

Chairman Saveory asks **Ms. Harris** if she 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. **Ms. Harris** responds that she fully understands and accepts the conditions just stipulated.

Motion is Seconded by Mr. Croke,

Roll Call Vote

Ms. Rozes – Aye

Mr. Pascoa – Aye

Mr. Croke – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

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

3A. COLBEA ENTERPRISES, LLC (c/o MICHAEL GAZDACKO), seeks permission to add a mechanical room onto an existing car wash for purposes of modernizing the operation, deemed a modification of a previously approved use variance, for property located at **2200 PAWTUCKET AVENUE and 645 WATERMAN AVENUE, being MAP 406, BLOCK 7, PARCEL(S) 8 and 9, in an INDUSTRIAL 1 DISTRICT and COMMERCIAL 5 DISTRICT. (Modification to an Approved Use Variance - Petition No. 6992)**

[Continued from 4 September 2024. No testimony taken.]

Zoning Officer Pimentel explains to the board that the modification to approved use variance was put there out of an abundance of caution since there was a previous variance.

Attorney James Hall is representing the petitioner.

Attorney Hall explains to the board that they would like to update the car wash system at the property. The car wash has been there for almost 20 years, and this is technology that didn't exist before such as recycling the water. There will be an addition to the back of the car wash, they looked for other locations to put the mechanical room, but they just weren't feasible. Other relief being sought is the fact that the impervious coverage will be increased by 1% and the addition will be in the setback zone at 10.5ft when 20ft is required. There isn't additional traffic to be expected since people are pumping gas when purchasing the car wash. There will be no use changes on site and will be less intense with less power and less water and sewer usage. They did this for the car wash located in Newport.

Mr. Croke inquires if this will lower their prices.

Attorney Hall answers no.

Ms. Rozes has no concerns, recycling the water will be a positive and no issues with traffic.

Mr. Jacobs inquires how much water will be conserved

Attorney Hall explains it depends on the wash level the customer chooses but they are seeing closer to 60%.

Vice Chairman Beauparlant inquires about the purpose of the concrete pad in the front.

Attorney Hall explains it is for employees' safety and access.

Mr. Pascoa has no concerns.

Chairman Saveory believes that this is a necessity with the environment.

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 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. Such hardship is not the result of any prior action of the applicant.

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 comprehensive plan upon which this chapter is based.

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 use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance

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

Motion is Seconded by Vice Chairman Beauparlant,

Roll Call Vote

Ms. Rozes – Aye

Mr. Pascoa – Aye

Mr. Croke – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory - Aye

The board believes there is an argument for hardship and this will be updating the business.

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

3B. COLBEA ENTERPRISES, LLC, (c/o MICHAEL GAZDACKO), seek permission to add a mechanical room onto an existing car wash for purposes of modernizing the operation, without complying with the requisite side-yard setback and exceeding the maximum impervious lot coverage, for property located at **2200 PAW TUCKET AVENUE and 645 WATERMAN AVENUE, being MAP 406, BLOCK 7, PARCEL(S) 8 and 9, in an INDUSTRIAL 1 DISTRICT and COMMERCIAL 5 DISTRICT. (Dimensional Variance(s) -Petition No. 6993)**

[Continued from 4 September 2024. No testimony taken.]

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 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. Such hardship is not the result of any prior action of the applicant.
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 comprehensive plan upon which this chapter is based.

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, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

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

Motion is Seconded by Vice Chairman Beauparlant,

Roll Call Vote

The board believes the reuse of water

Ms. Rozes – Aye

will be helpful to the area.

Mr. Pascoa – Aye

Mr. Croke – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory - Aye

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

IX. NEW BUSINESS

1A. JONATHAN PANGBORN, seeks a 'Waiver' of the mandatory Class I Survey submission, for the purpose of constructing a second-floor addition over the present breezeway and attached accessory garage, for property located at **38 MANNING DRIVE, being MAP 409, BLOCK 8, PARCEL 12, in a RESIDENTIAL 3 DISTRICT. (Waiver - Petition No. 6994)**

Susan and Jonathan Pangborn of 38 Manning Drive are properly sworn in.

Mr. Pascoa has no questions.

Mr. Croke notes that the class 1 survey is meant to protect the applicants and the neighbors and doesn't believe it should be waived.

Ms. Rozes is okay with the waiver.

Mr. Jacobs has no comments.

Vice Chairman Beauparlant agrees with **Mr. Croke** although it doesn't appear that there would be other variances.

Chairman Saveory notes that those ordinances were put in place for several reasons and the survey eliminates any problems.

Motion by Mr. Pascoa to grant the Waiver of the Class 1 survey, **the motion is Seconded in Vice Chairman Beauparlant.**

Roll Call Vote

Ms. Rozes – Nay

Mr. Croke – Nay

Mr. Pascoa- Nay

Vice Chairman Beauparlant – Nay

Chairman Saveory – Nay

Waiver of the Class 1 Survey Fails 5-0.

1B. JONATHAN PANGBORN, seeks permission to construct a second-floor addition over the present breezeway and attached accessory garage, without complying with the minimum side-yard setback requirement, for property located at **38 MANNING DRIVE**, being **MAP 409, BLOCK 8, PARCEL 12**, in a **RESIDENTIAL 3 DISTRICT**.

(Dimensional Variance - Petition No. 6994)

Motion by Mr. Pascoa to continue this petition from **2 October 2024 to 6 November 2024**, the motion is **Seconded in Vice Chairman Beauparlant and Unanimously approved.**

Roll Call Vote

Ms. Rozes – Aye

Mr. Croke – Aye

Mr. Pascoa- Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

Chairman Saveory calls for a recess at 7:07pm and the board reconvenes at 7:17pm.

2. IGUS BEARINGS, INC. (LANDLORD) and LATITUDE BEVERAGES COMPANY (TENANT), seek permission to introduce four (4) exterior ethanol storage tanks, otherwise defined as 'Open Storage' necessitating a special use permit, in conjunction with a permissible microbrewery/ distillery, for property located at **275 FERRIS AVENUE**, being **MAP 502, BLOCK 5, PARCEL 3**, in an **INDUSTRIAL 2 DISTRICT**. **(Special Use Permit -Petition No. 6995)**

Attorney Rachel Ricci representing Latitude Beverage Co.

Bradford Travers, of Waterman engineering, is properly sworn in.

Kevin Mehra, president of Latitude, is properly sworn in.

Stephen Corrigan, of Latitude, is properly sworn in.

Timothy Wensus, fire protection engineer, is properly sworn in.

Attorney Ricci passes out a photo to the board, the photo is the current ethanol tanks at the site. These tanks are portable, and the applicants are looking for more permanent in the ground tanks.

Mr. Mehra explains that the company started in 2007 and currently have grown to have 17 full time employees. Since business has grown nicely, they would like to install regular tanks into the ground.

Mr. Travers explains to the board that he is a land surveyor that prepared the plans in the board's packets. The tanks will range between 16-20ft in height but are well within the zoning height requirements and will secure the area with the chain link fence and help improve the business.

Attorney Ricci adds that this will be safer and more secure than the portable tanks that are existing now. There will be no dust, odors or any changes in what they currently do.

Mr. Wensus explains that he worked on the advising on the design of the proposed storage tank, additional safety setbacks beyond the zoning code and this increases the safety with the portable tanks.

Vice Chairman Beauparlant inquires since the tanks will be larger will that increase the number of deliveries and what are the delivery times.

Mr. Corrigan answers about twice a month during standard working hours of 8am-4pm. They are not expecting more deliveries and currently it takes 2.5 hours to unload but with the new tanks it will only take 45 minutes.

Vice Chairman Beauparlant inquires if there is a retail component.

Mr. Corrigan answers no.

Mr. Pascoa has no concerns.

Mr. Croke inquires how many gallons of ethanol the new tanks will hold

Mr. Corrigan answers 15,000-16,000 gallons.

Mr. Croke inquires what forms of security are at the property.

Mr. Mehra explains that there are cameras, fencing and the perimeter of IGUS is fenced.

Mr. Wensus adds that this is a large improvement over what is existing.

Mr. Mehra explains they take safety very seriously and this is a safer way to store the ethanol.

Ms. Rozes inquires if there are any detections in case of a fire.

Mr. Wensus explains that there are detections inside but are not required to have them for the exterior.

Mr. Jacobs inquires the current capacity of the tanks.

Mr. Corrigan answers about 6,500 gallons.

Mr. Jacobs expresses concerns over the ethanol being so close to a school, playground and the bike path.

Mr. Travers explains they are about 500-1,000 ft. from all those places depending on where you're measuring from.

Chairman Saveory notes that the threat is less with these size tanks.

Mr. Wensus answers yes, that is correct.

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.

Alberto Pacheco of 29 Bellevue Blvd is properly sworn in.

Mr. Pacheco explains to the board that he has lived in the neighborhood for over 30 years and has concerns over the tanks and the ethanol.

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 Ricci** if she 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 Ricci** responds that she fully understands and accepts the conditions just stipulated.

Motion is Seconded by Mr. Pascoa

Roll Call Vote

The majority of the board feels that this

Ms. Rozes – Aye

meets the burdens of a special use permit.

Mr. Croke – Nay

Mr. Croke believes that there should be

Mr. Pascoa – Aye

more security at the location.

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

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

3. LUCKYS REALTY, LLC and MURRAY MARKETING INC., seek permission to convert a pre-existing legal nonconforming static billboard to LED, for property located at **1175 WARREN AVENUE, being MAP 607, BLOCK 16, PARCEL 1, in a COMMERCIAL 5 DISTRICT. (Special Use Permit - Petition No. 6996)**

Attorney Stephen Syppoleis representing the petitioner.

Attorney Syppoleis explains to the board that the sign was permitted back in 2007, and it can be difficult to see unless

you're on the highway. The petitioner is looking to replace the screen with an LED screen. Everything else will remain the same and there will not be animated ads and will change every 10 seconds per the ordinance.

Darren Hayes and Joseph Murray are properly sworn in.

Mr. Pascoa inquires if the 10 seconds is in the city's ordinance.

Attorney Sypole answers yes.

Mr. Croke wants to confirm which sign, the larger one or smaller one.

Mr. Murray answers the larger sign next to the highway.

Mr. Croke believes that this is a distraction to drivers and is already an eyesore.

Ms. Rozes questions have already been answered thanks to the packet provided.

Mr. Jacobs inquires about how many ads will be rotated through.

Mr. Murray answers seven ads.

Vice Chairman Beauparlant confirms that they will comply with the planning board's recommendations.

Mr. Murray adds that they are also part of the amber alert system.

Chairman Saveory believes this is better than what is existing and inquires if the structure will be changed.

Mr. Murray answers no.

Mr. Pascoa inquires what is heavier the vinyl or the LED.

Mr. Hayes answers the LED is heavier.

Ms. Rozes inquires if there will be multiple screens.

Mr. Hayes answers one screen on either side and it is considered to be 1 unit.

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

Motion is Seconded by Mr. Pascoa

Roll Call Vote

The majority of the board feels that this

Ms. Rozes – Aye

meets the burdens of a special use and

Mr. Croke – Nay

will ultimately lower glare factors.

Mr. Pascoa – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

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

X. PROCEDURES

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

XI. ANNOUNCEMENTS

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday, 6 November 2024, at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XII. ADJOURNMENT

Motiontoadjourn by **Vice Chairman Beauparlant**.The motion is **Seconded** by **Mr.Pascoa** and **Unanimously** voted toadjourn. **Meeting is adjourned at 8:41pm.**

EdwardPimentel, AICP
ZoningOfficer / Clerk

Secretary