

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, **24 July 2024**, 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

Jonathan Jacobs – 1ST Alternate

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor – **ABSENT**

Meg Bellamy – 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 Bellamy** to swear in the **Zoning Officer, Mr. Pimentel**.

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory explains to the public that **Mr. Jacobs** will be participating but not a voting member since there is a full quorum.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **5 June 2024** Zoning Board of Review Minutes **Motion** by **Vice Chairman Beauparlant** to approve the **5 June 2024** Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

Chairman Saveory asks for approval of the **10 June 2024** Special Zoning Board of Review Minutes **Motion** by **Vice Chairman Beauparlant** to approve the **10 June 2024** Special Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

III. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is none this month.

V. CORRESPONDENCE/ DISCUSSION

Zoning Officer Pimentel explains that there is none.

VI. STAFF REPORTS

1. Planning Department Staff Report - Previously Submitted

2. Zoning Complaint List – April 2024 –Previously Submitted

VII. DOCKET ITEM ORGANIZATION

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

VIII. CONTINUED BUSINESS

Chairman Saveory explains that there is none.

IX. NEW BUSINESS

1. ERIC R. BRONNER, seeks permission to convert an accessory garage to principal living space, without complying with the minimum side-yard setback requirement, for property located at **22 GRASSY PLAIN ROAD, being MAP 712, BLOCK 2, PARCEL 2, in a RESIDENTIAL 3 DISTRICT. (Dimensional Variance -Petition No. 6989)**

Eric Bronner of 22 Grassy Plain Rd is properly sworn in.

Mr. Bronner explains to the board that he purchased the property in 2007 and the previous owner had already turned the garage into living space. Currently keeping the space for storage/office space and would like to do things the right way to make it a real usable space and has been taxed on the space as well.

Mr. Braga has no questions or concerns about the project.

Mr. Jacobs inquires about the roof and how much it will be raised.

Brett Wallick, contractor for the project, is properly sworn in.

Mr. Wallick answers that they are making the rear wall match the height of the front wall.

Vice Chairman Beauparlant notes that the abutting neighbor's property is set away from this property so doesn't see a negative impact to those neighbors.

Mr. Pascoa has no questions.

Mr. Croke has no questions.

Chairman Saveory inquires if this will be kept as a living room space and if they will be creating a bathroom.

Mr. Bronner answers yes.

Mr. Wallick answers yes there are plans for a bathroom.

Chairman Saveory inquires if there are any windows on the right side.

Mr. Wallick answers yes there is an existing window.

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

Chairman Saveory queries the Board for a motion.

Motion by Mr. Braga,

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

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not 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 **Mr. Bronner** if he accepts the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. **Mr. Bronner** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant,

Roll Call Vote

Mr. Braga – Aye

Mr. Croke – Aye

Mr. Pascoa – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

The board believes that this is the least relief necessary and notes that the footprint of the property isn't being expanded.

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

2. PERRY MCSTAY FUNERAL HOME, seeks permission to construct an addition onto the present funeral operation facility, resulting in excessive impervious lot coverage, for property located at **2555 PAWTUCKET AVENUE, being MAP 307, BLOCK 23, PARCEL 2, in a COMMERCIAL 1 DISTRICT.** **(Dimensional Variance -Petition No. 6990)**

Zoning Officer Pimentel explains to the board that he has put two documents in front of the board members.

One document is a letter of support that just came in today and the second document is comments from the city engineer to be conditions of approval if the board seeks to approve this petition.

Mr. Croke explains that he will be recusing himself from this petition since he has worked with Perry McStay in the past.

Chairman Saveory explains to the public that **Mr. Jacobs** will be a voting and participating member for this petition.

Attorney William C. Maia is representing the petitioner.

Attorney Maia passes out folder packets to the board members.

Motion by Mr. Pascoa to enter in the **folder packets as Applicant's Exhibit 1**, the motion is **Seconded** by **Vice Chairman Beauparlant** and **Unanimously** approved.

Attorney Maia explains to the board that the funeral home has been around for 39 years, and that Paul Martin has owned the business for 15 years. There are three main reasons for hardship, the first being the growth of the business. The second being the Covid-19 pandemic and the aging population in the city and the state. The petitioners are looking to add less than 500 sq. ft. and the addition will be even with the building so no setback relief is required. The Planning Department's report on page 4 indicates that the department does not object to the project. If the board plans to consider approving there must be measures to accommodate adequate draining for storm water. The engineer for the project was asked to read the report and come up with solutions. The petitioner chose a more expensive option for paving the parking lot a while back, he chose pervious asphalt which allows the water to go through but over time it becomes less effective. The addition will be a more workable area which is critical to the business.

Paul Martin, owner of Perry McStay, is properly sworn in.

Mr. Martin explains to the board that he has owned the business for 15 years and worked there for the last 39 years.

Mr. Martin agrees to the engineer's solutions and would agree to them as stipulation of approval.

Paul Carlson, engineer for the project, is properly sworn in.

Mr. Carlson explains to the board that he has been a licensed Rhode Island engineer for the last 28 years and has testified before municipalities in the past. **Mr. Carlson** was given the planning department's report and came up with some recommendations. The first would be to install an underground infiltration system and the second would be having the pervious asphalt vacuumed twice a year.

Mr. Pascoa has no concerns.

Mr. Braga notes that this is a small variance, and the petitioner is willing to agree to the stipulations.

Mr. Jacobs inquires about the difference between pervious and impervious asphalt.

Mr. Carlson explains the with pervious pavement the storm water can penetrate the ground while impervious pavement has the storm water flow.

Mr. Jacobs inquires about the underground system.

Mr. Carlson answers that the storm water will just go into the ground.

Vice Chairman Beauparlant inquires about the roof downspouts, are they for the whole building or just the addition.

Mr. Carlson answers just for the addition.

Vice Chairman Beauparlant notes it is the perfect spot for an addition.

Chairman Saveory agrees noting it will square off the building. **Chairman Saveory** notes that there is zoning history on this property since they went through a zone change to be able to have the funeral home.

Zoning Officer Pimentel reads into the record a letter in support from an abutter.

David O'Connell of 229 Brightbridge Avenue writes to the board that he hopes they approve the addition since Perry McStay has been a good neighbor and provides excellent service and care for their property.

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 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.

2. Follow the two conditions listed in the Engineering Department's memorandum.

Chairman Saveory asks **Mr. Martin** if he accepts the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. **Mr. Martin** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant,

Roll Call Vote

Mr. Braga – Aye

Mr. Jacobs – Aye

Mr. Pascoa – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

The board recognizes this is the least relief necessary. The coverage is excessive but due to the nature of the business it is required.

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

X. PROCEDURES

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

XI. ANNOUNCEMENTS

Zoning Officer Pimentel explains to the board that there are no petitions scheduled for the **14 August 2024** meeting and suggests that the meeting be cancelled.

Motion by Mr. Croke to cancel the 14 August 2024 meeting due to no petitions, the motion is Seconded by Mr. Jacobs and unanimously approved.

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday, 4 September 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 Vice Chairman Beauparlant** and **Unanimously** voted to adjourn. **Meeting is adjourned at 6:48pm.**

Edward Pimentel, AICP
Zoning Officer / Clerk

Secretary