

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, **16 July 2025**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Vice Chairman

Gary Pascoa – **ABSENT**

John Braga

Matthew Gunnip

Jonathan Jacobs – 1ST Alternate

Ashley Rozes – 2ND Alternate **-ABSENT**

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor – **ABSENT**

Joel Votolato – 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 there is no seating of alternate members.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **4 June 2025** Zoning Board of Review Minutes **Motion** by **Vice Chairman Beauparlant** to approve the **4 June 2025** Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

IV. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is nothing to report.

V. CORRESPONDENCE/ DISCUSSION

Zoning Officer Pimentel explains that there is nothing to report.

VI. STAFF REPORTS

1. Planning Department Staff Report - Previously Submitted

VII. DOCKET ITEM ORGANIZATION

Zoning Officer Pimentel suggests to the board to potentially moving the petition regarding 21 Seaview Avenue to last since the petitioners and an abutter has an attorney.

Chairman Saveory explains to the public that 10 Roseland Court will be heard second and 21 Seaview Avenue will be heard last this evening.

VIII. CONTINUED BUSINESS

Chairman Saveory explains to the public that there is no continued business.

IX. NEW BUSINESS

1. RFM CR WATERMAN AVENUE LLC and LAMAR ADVERTISING COMPANY, seek permission to convert a static billboard to LED, for property located at **855 – 865 WATERMAN AVENUE**, being **MAP 507, BLOCK 1, PARCEL 4**, in an **INDUSTRIAL 1 DISTRICT**. (Use Variance - Petition No. 7012)

Attorney Nicholas Heiman is representing the petitioner.

Matt Renninger, applicant, is properly sworn in.

Attorney Heiman explains to the board that the petitioner is looking to change an existing static billboard to LED. This is an already pre-existing non-conforming use in an industrial zone. The billboard will remain the same dimensions and only the west side of the sign will be updated.

Mr. Renninger adds that the sign will have individual modules and if it were to lose power the sign would just go black. The sign will have the technology to adjust daytime brightness and advertisements will change every 10 seconds. There will be no graphics.

Attorney Heiman explains that the billboard is a way to subsidize income since the property is also being rented out by a school and church that receive lower rents. The property also received a use variance back in 2004.

Mr. Braga inquires if they have seen the planning report and agree with the planning board's bullet points.

Attorney Heiman notes that state law says they can only change the advertisement once every 10 seconds and the planning report states 10 minutes. He believes this could be a typo but was unable to reach the planning board to confirm.

Mr. Jacobs has no questions.

Mr. Gunnip has no questions.

Vice Chairman Beauparlant inquires how often the current sign gets changed.

Mr. Renninger notes that they typically have 4-6 week contracts, sometimes the sign will remain for months at a time.

Chairman Saveory confirms that the east sign won't become LED.

Attorney Heiman answers yes that is correct.

Mr. Braga inquires why only one side of the sign will be changed to LED.

Attorney Heiman explains that it is a business decision and it wouldn't make sense since there is another LED sign nearby.

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.
4. The advertisements are only allowed to change every 10 seconds.
5. No flashing or bursts of light.
6. No animation or fading of images.

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

Motion is Seconded by Vice Chairman Beauparlant,

Roll Call Vote

Mr. Gunnip – Aye

Mr. Braga – Aye

Mr. Jacobs – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

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

2. JASON RAFFERTY, seeks permission to construct several second-floor improvements onto a present single-family residence, said improvements consisting of a second-floor balcony and decking, without complying with both minimum (proportionately reduced) side-yard setback requirements, for property located at **21 SEAVIEW AVENUE, being MAP 415, BLOCK 7, PARCEL 9, in a RESIDENTIAL 3 DISTRICT. (Dimensional Variance - Petition No. 7013)**

Mr. Gunnip is no longer a voting or participating member due to a conflict of interest.

Attorney Matthew Landry is representing the petitioner.

Jason Rafferty, petitioner and owner of the subject property, is properly sworn in.

Attorney Landry explains to the board that he has printed out already submitted plans in a larger format so it's easier for board members to read. For the record, this is a legal non-conforming lot and will not be increasing any non-conformity. We will not be increasing the setbacks or impervious coverage. With this proposed project they will be building up. The existing house is 3 bedrooms and post construction will still be only 3 bedrooms. **Attorney Landry** notes that the neighbor to the west has no objection to the project when the neighbor to the east has objections. They just found out about this objection a few hours ago and this project has been in the works for months. **Attorney Landry** explains that they are roughly 2ft from compliance and that this is the second smallest lot in the area. This is an inherited hardship and 5 out of 8 properties on Seaview Avenue have 2nd floor decks. **Attorney Landry** believes this is a modest proposal.

Mr. Jason Rafferty explains that he moved into the property in 2023. There are no plans to expand the number of bedrooms. **Mr. Jason Rafferty** explains that he is a doctor but does not see patients in the house. Spoke with both abutters and there are some limitations with the building given the area.

Mr. Scott Rafferty explains that he runs a construction company and has licenses in New Hampshire and Maine. The property is in CRMC jurisdiction and in a FEMA flood zone which creates hardship.

Chairman Saveory calls for a recess at 7:12pm and the board reconvenes at 7:23pm.

Mr. Braga confirms that they are not seeking a height variance and all the variances being sought already exist.

Attorney Landry answers yes, that is correct.

Mr. Jacobs confirms that they will not be increasing the number of bedrooms, the footprint and not extending to the maximum allowable height.

Attorney Landry answers yes, that is correct.

Chairman Saveory believes that this will fit in with the area.

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

Ann Rafferty of New Hampshire is properly sworn in.

Ms. Rafferty explains to the board that she frequents visits the property and would like to see Jason have enough room.

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

Attorney Mark Hartmann is representing the opposing abutter, Richard Reuter.

Attorney Hartmann explains that a 5.8ft setback in a 13ft setback is a significant amount of relief to be sought.

Attorney Hartmann further explains that this project would impact the privacy for the Reuters since the proposed deck will be able to look down at them in their yard. This will clash with the surrounding area and notes that it is a 2nd floor going onto the property and it's what is going into the 2nd floor that is particularly evasive. **Attorney Hartmann** adds that he has submitted a letter to Zoning Officer Pimentel that has 18 abutters objecting the project.

Motion by Mr. Braga to accept the petition signed by 18 abutters as Opposition's Exhibit A, the motion is Seconded by Vice Chairman Beauparlant.

Richard Reuter of 25 Seaview Avenue is properly sworn in.

Mr. Reuter explains he has lived on Seaview Avenue for 14 years and has concerns about his privacy being destroyed. He believes this will alter the surrounding area and the proposal is not in line with the area.

Michael Akkaoui of 1169 Bullocks Pt. Avenue is properly sworn in.

Mr. Akkaoui explains he would like this to be a good and friendly process but it is a serious matter. **Mr. Akkaoui** notes that there are five balconies on the plans and inquires why there are so many. He also questions about the proposed office and whether or not it is bedroom.

Rebecca Pelottiner of 333 Seaview Avenue is properly sworn in.

Ms. Pelottiner notes that she also has a garage with nothing above and has concerns about wind/wind tunnels in the area.

Rhonda Reuter of 25 Seaview Avenue is properly sworn in.

Mrs. Reuter notes the wind concerns and the creation of wind tunnels. Mrs. Reuter believes that there may be miscommunication on what is being discussed this evening.

David Ashton of 330 Seaview Avenue is properly sworn in.

Mr. Ashton notes that he has seen a change in the area over the decades and believes this is building up the area.

Attorney Landry explains to the board that he has 3 exhibits to submit to support their claim.

Motion by Mr. Braga to accept the tax cards of abutters that signed the previously mentioned petition, who have larger homes with decks as Applicant's Exhibit A, the motion is Seconded by Vice Chairman Beauparlant.

Motion by Mr. Braga to accept the Google street view to show size and scale as Applicant's Exhibit B, the motion is Seconded by Vice Chairman Beauparlant.

Motion by Mr. Braga to accept the Google aerial view of area as Applicant's Exhibit C, the motion is Seconded by Vice Chairman Beauparlant.

Vice Chairman Beauparlant inquires when the house was built.

Attorney Landry answers 1946.

Mr. Braga inquires to **Zoning Officer Pimentel** that the application says 13ft. but the applicant's attorney says it's less than 13ft. What is the actual amount?

Zoning Officer Pimentel explains that it is the 8ft. setback since it supersedes.

Attorney Hartmann notes that as far as windows go, the proposed Rafferty windows will be 5ft. from the property line and believes the application must be modified since it is listed incorrectly. **Attorney Hartmann** adds that his client would be willing to withdraw complaint if the proposed office deck is removed.

Attorney Landry explains that he would like a moment to speak with his client.

Chairman Saveory calls for a recess at 8:28pm and the board reconvenes at 8:32pm.

Attorney Landry notes that this project has been in the works for months and that this is a reasonable request and respectfully request to proceed.

Attorney Hartmann adds that his clients feel blindsided by the plans.

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, 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 Landry** 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 Landry** 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. Jacobs – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

The board based their decision on

consistency. The board sympathizes with

a butters but the undersized lot, location of

house and the property predating zoning are

hardships. The board believes that this is a

minimal variance being sought and that

consideration by petitioner was taken.

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

3. JARED ARONSON, seeks permission to construct several additions onto a single-family residence, for the express purpose of expanding much-needed living space and realizing an 'Accessory Family Dwelling Unit' to be used solely for family purposes, referenced additions failing to comply with the minimum side and rear yard setback requirements, for property located at **10 ROSELAND COURT, being MAP 512, BLOCK 22, PARCEL 106, in a RESIDENTIAL 3 DISTRICT. (Dimensional Variance(s)- Petition No. 7014)**

Samantha Hernandez of 10 Roseland Ct is properly sworn in

Jared Aronson of 10 Roseland Ct is properly sworn in

Mr. Aronson explains to the board that he is starting the project for an ADU for his mother since she is turning 82 this year.

Mr. Braga confirms that they only are here for the rear-yard setback.

Mr. Aronson answers yes.

Mr. Jacobs confirms that they are here to create an ADU.

Mr. Aronson answers yes.

Vice Chairman Beauparlant inquires if they will be extending the structure along the garage.

Mr. Aronson answers yes.

Mr. Gunnip has no questions.

Chairman Saveory notes that the garage will be connected to the house and be made part of the living space.

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

Kathleen Holahan of 9 Florence Street is properly sworn in.

Mrs. Holahan explains to the board that the petitioners are good neighbors and excited for them to start this project.

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

Motion is Seconded by Vice Chairman Beauparlant,

Roll Call Vote

Mr. Gunnip – Aye

Mr. Braga – Aye

Mr. Jacobs – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

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

X. PROCEDURES

a. Discussion on Motion Forms.

b. Discussion on the Zoning Application Instructional Package.

c. Discussion on Rules and Procedures.

XI. ANNOUNCEMENTS

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday, 10 September 2025 at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XII. ADJOURNMENT

Motion to adjourn by Vice Chairman Beauparlant. The motion is **Seconded by Mr. Braga** and **Unanimously** voted

to adjourn. **Meeting is adjourned at 8:47pm**

Edward Pimentel, AICP
Zoning Officer / Clerk

Secr