

WARREN ZONING BOARD  
September 18, 2013

The regular meeting of the Warren Zoning Board was called to order at 7:00 pm by Chairman M. Gerhardt. Also present S. Calenda, P. Attemann, Vice Chairman A. Harrington, M. Smiley, alternates A. Ellis and M. Emmencker.

**Approval of Minutes:** August 21, 2013 meeting. It was moved by S. Calenda to accept the minutes. Second by M. Smiley. Yea, M. Gerhardt, A. Harrington, S. Calenda, P. Attemann and M. Smiley.

**Special Administrative Item:**

Notification of an appeal of the decision granting a dimensional variance; petition # 13-29; Karl and Linda Senn, 5 Touisset Road. Discussion on the correspondence from Peter Skwirz, Assistant Town Solicitor, dated September 9, 2013.

**Old Business:**

**Application #13-37; A & R ONE, LLC, owner and Traffords, Inc., applicant; 285 Water Street; plat map 4, lot 155;** owner/applicant requests a *Variance* from section 32-115A and 31-113(4) of the Warren Zoning Ordinance to replace the existing free-standing sign with a sign that is larger than what is permitted and to use a material that is not permitted (steel.)

Russell Goyette of Traffords, Inc. was present to give presentation of Application #13-37. The sign will be located where the bushes currently are.

Public Comment – NONE

It was moved by S. Calenda to approve Application 13-37; A & R ONE, LLC, owner and Traffords, Inc., applicant; 285 Water Street the applicant requesting to use stainless steel as a fabrication material 31-113(4), that the sign is within the triangle and all of its components in its display, it is found that after discussion with the applicant it will be conducive to the comprehensive plan, it will be compatible to the neighboring land use, it will not create a nuisance or hazard in the neighborhood. The applicant has indicated that it will not take away any existing parking space, it will also be compatible with the Community & Comprehensive Plan in the existing Water St area and the public convenience and welfare will be served. The dimensions will not exceed the dimensions shown on the plan. The applicant is to also submit the exact size of the sign to the Building Official. Second by A. Harrington. Yea - M. Gerhardt, A. Harrington, S. Calenda, P. Attemann and M. Smiley.

**New Business:**

**Application #13-47; June Gibbs, Trustee, owner and June Gibbs, applicant; 56 Shore Drive; plat map 17, lots 33, 32 & 31;** request for a *Variance* from section 32-4 and 32-88(c) of the Warren Zoning Ordinance to allow an existing accessory structure (garage) to remain without a required principal structure; and to construct an addition to the garage and allow it to remain in the front yard area.

Thomas Wright, Esq. gave representation of Application #13-47; June Gibbs, Trustee, owner and June Gibbs, applicant; 56 Shore Drive; plat map 17, lots 33, 32 & 31, request for a *Variance* from section 32-4 and 32-88(c), to allow an existing accessory structure (garage) to remain without a required principal structure; and to construct an addition to the garage and allow it to remain in the front yard area.

June Gibbs owner testified the existing garage was there in 1950 when she purchased the property.

Public Comment – NONE

It was moved by P. Attemann to approve Application #13-47; June Gibbs, Trustee, owner and June Gibbs, applicant; 56 Shore Drive; plat map 17, lots 33, 32 & 31, request for a *Variance* from section 32-4 and 32-88(c) of the Warren Zoning Ordinance to allow an existing accessory structure (garage) to remain without a required principal structure; and to construct an addition to the garage and allow it to remain in the front yard area. Due to the fact that there were pre-existing conditions, when the applicant bought the property the garage was in the front yard already. Second by S. Calenda. Yea, M. Gerhardt, A. Harrington, S. Calenda, P. Attemann and M. Smiley.

**Application #13-41; Peter King, owner and Sheridan Associates, applicant; 27 Touisset Road; plat map 16, lot 333;** request for a *Variance* from sections 32-77 & 32-89 of the Warren Zoning Ordinance to demolish existing single family dwelling and leave the foundation system, construct a new single family dwelling on existing foundation system, and add several additions that will violate the front and side yard setbacks. Also to install a new OWTS within 150' of a water body.

Peter King, owner and John Sheridan of Sheridan Associates gave presentation of Application #13-41. Mr. Sheridan explained there would be four (4) bedroom, the septic is approved for five (5), the old existing home had three (3) bedrooms. The existing cesspool becomes deactivated, is pumped and back filled.

Public Comment – Eugenie Marks of the Audubon Society questioned what the number of bedrooms would be. She also questioned the fate of the cesspool.

It was moved by A. Harrington to approve Application #13-41; Peter King, owner and Sheridan Associates, applicant; 27 Touisset Road; plat map 16, lot 333, request for a *Variance* from sections 32-77 & 32-89 of the Warren Zoning Ordinance, for relief from the front and side yard setbacks, for the demolish of the existing residence and construction of a 4 bedroom residence or such size residence permitted by the DEM permitting process for the septic system. They have shown that there is more than a mere inconvenience for the granting of the variance, the building will be consistent with the buildings in the surrounding area, they are protected on the sides by vegetation and will be consistent with the other houses in the area. Second by S. Calenda. Yea, M. Gerhardt, A. Harrington, S. Calenda, P. Attemann and M. Smiley.

It was moved by A. Harrington to approve Application #13-41; Peter King, owner and Sheridan Associates, applicant; 27 Touisset Road to install a new OWTS within 150' of a water body. Second by S. Calenda. Yea, M. Gerhardt, A. Harrington, S. Calenda, P. Attemann and M. Smiley.

**Application #13-43; James & Mary Ann Moniz, owners and applicants; 28 Middle Street; plat map 13B, lot 91;** request for a *Special Use Permit* from sections 32-47 and 32-131 of the Warren Zoning Ordinance to construct a 24' x 23'8" one story addition and use as an in-law apartment.

**Application #13-44; James & Mary Ann Moniz, owners and applicants; 28 Middle Street; plat map 13B, lot 91;** request for a *Variance* from section 32-77 of the Warren Zoning Ordinance to construct a 24' x 23'8" one story addition with a rear yard setback 25' where 35' is required, and to have lot coverage of 20.5% where 20% is permitted.

James Moniz was present to give testimony on Applications #13-34 & 13-44. The applicant explained there is a currently adequate existing parking spaces to accommodate this addition. The applicant has also explained that his child and spouse will occupy the in-law addition. At the time his child will decide to have children they will change living spaces.

Public Comment – NONE

It was moved by S. Calenda to approve Applications #13-43 & 13-44, owners and applicants, James & Mary Ann Moniz, 28 Middle Street, ; plat map 13B, lot 91 request for Application 13-43 requesting a *Special Use Permit* from sections 32-47 and 32-131, of the Warren Zoning Ordinance to construct a 24' x 23'8" one story addition and use as an in-law apartment. The applicant has testified that it will be used by a relative once it is constructed, it will be consistent with the surrounding neighborhood, and it is compatible with the use of the neighborhood and will not create a hazard or nuisance. He has also testified that he has plenty of parking.

S. Calenda also moved to approve Application 13-44, owners and applicants, James & Mary Ann Moniz, 28 Middle Street, plat map 13B, lot 91, request for a *Variance* from section 32-77 of the Warren Zoning Ordinance to construct a 24' x 23'8" one story addition with a rear yard setback 25' where 35' is required, and to have lot coverage of 20.5% where 20% is permitted. The applicant has that it will be conducive with the neighborhood, it fits the comprehensive plan, will not create a nuisance or cause a violation within the neighborhood. The new addition is to be in alignment with the existing foundation and building.

S. Calenda requested the withdrawal of his motion on Applications #13-43 & 13-44.

S Calenda moved to approve Application #13-43; James & Mary Ann Moniz, owners and applicants; 28 Middle Street; plat map 13B, lot 91, request for a *Special Use Permit* from sections 32-47 and 32-131 of the Warren Zoning Ordinance to construct a 24' x 23'8" one story addition and use as an in-law apartment. The applicant has indicated and stated that it will stay within the original footprint of the property, it will not create a nuisance, it will be compliant with the comprehensive plan. The applicant has also indicated that he will meet all requirements that will be indicated by the Building Official. His site plan must also be approved by the Building Official and he will conform to the site plans as submitted. Second by A. Harrington. Yea, M. Gerhardt, A. Harrington, S. Calenda, P. Attemann and M. Smiley.

**Application #13-45; Gabriel & Odete Alves, owners and Simone Co., LLC, applicant; 275 Child Street; plat map 10, lot 180;** request for a *Special Use Permit* from section 37-74 of the Warren Zoning Ordinance to construct several additions to existing restaurant, thereby expanding a legal non-conforming use.

Public Comment – NONE

**Application #13-46; Gabriel & Odete Alves, owners and Simone Co., LLC, applicant; 275 Child Street; plat map 10, lot 180;** request for a *Variance* from section 32-78 of the Warren Zoning Ordinance to construct several additions to an existing restaurant that will violate the front and west side yard setbacks.

John & Joe Simone owner and applicants of Applications #13-45 & #13-46 were present to give testimony for their applications.

John and Joseph Simone two principles of Simone Co., LLC, d/b/a Club 275 LLC, were present to give testimony. John Simone Esq. made note that after the agenda was posted Simone Co., LLC closed on the purchase of property located at 275 Child Street. Therefore, the record will reflect that Application #13-45, Simone Co., LLC, owner and applicant, 275 Child St. Plat Map 10, Lot 180, requesting a Special Use Permit from section 37-74, to construct several additions to existing restaurant, thereby expanding a legal non-conforming use. Their intentions are to will be a little different from their previous business Sunny Side, they would like to extend and also offer lunch and dinner. Hours of operation will be 8:00 AM – 9:00 or 10:00 PM, they may close down the kitchen for a couple of hours between lunch and dinner. Breakfast and lunch will be very similar to Sunny Side, dinner will be similar in style, and up scaled, locally sourced, prepared food. There shall be 82 indoor seats with outdoor seating to be 20-25 seats. Total capacity combined would be 105 to 110. The Fire Marshall has rated this site for 125 seats as it currently is. Joseph Simone asked that it be noted that they will be reducing the number of seats. There are 28 parking spaces. Will be removing the existing sign and will be returning at a later time to address that.

Architects Greg Spiess and Andrew Sikorski, GMI Architect, 412A Thames St., Bristol, RI, were both available and gave presentation on Applications #13-45 & #13-46 as well.

Public Comment – NONE

It was moved by S. Calenda to approve Application #13-45, Club 275 LLC, the new record owners and Simone Co., LLC, applicant; 275 Child Street; plat map 10, lot 180, request for a *Special Use Permit* from section 37-74 of the Warren Zoning Ordinance to construct several additions to existing restaurant, thereby expanding a legal non-conforming use. The applicant has given lengthy testimony of the plan that they have presented before the board and throughout the testimony and after hearing no public comment, we have determined that it would be compliant with the Comprehensive and Community Plan, it will not create a nuisance to the neighborhood, it will service the welfare of the general public and it will compatible to the neighborhood land uses. A correction to the section number from 37-74 to 32-74. Approval conditional on getting approval for the road cut on the plan that has been presented to the board from the DOT in the State of Rhode Island for a second road cut. If DOT does not approve this plan, then the Application will be conditional upon amending the plan and meeting DOT’s approval. Second by M. Smiley. Yea, M. Gerhardt, A. Harrington, S. Calenda, P. Attemann and M. Smiley.

It was also moved by S. Calenda to approve Application #13-46; Club 275 LLC, owners and Simone Co., LLC, applicant; 275 Child Street; plat map 10, lot 180, request for a *Variance* from section 32-78 of the Warren Zoning Ordinance to construct several additions to an existing restaurant that will violate the front and west side yard setbacks. The applicant has given and presented a detailed architectural plan, we have noticed that it will be compatible with the neighboring land uses, it will not create a nuisance, they indicated they will be using state of the art venting systems that will not create a nuisance or hazard in the neighborhood, the public convenience and welfare will be serviced. This will also be applicable to the side rear setbacks that they have indicated, having an exhibit presented to the board having the elevations and renovations showing the street elevations by the GMI Architects. The construction shall not extend past the existing building footprint on the east and west sides. The front set back shall not exceed 1 ½ feet from the property line. Second by A. Harrington. Yea, M. Gerhardt, A. Harrington, S. Calenda, P. Attemann and M. Smiley.

**Administrative Matters:** Items for future agendas. - NONE

**Adjourn Adjourn** It was moved by S. Calenda to adjourn the meeting at 8:37PM. Second by M. Smiley. Yea - M. Gerhardt, A. Harrington, S. Calenda, P. Attemann and M. Smiley.

Respectfully Submitted,

Rhonda Lee Fortin