

WARREN ZONING BOARD  
November 20, 2013  
Minutes

The regular meeting of the Warren Zoning Board was called to order at 7:01 pm by Chairman M. Gerhardt. Also present Vice Chairman A. Harrington, S. Calenda, P. Attemann, Alternate A. Ellis and Alternate M. Emmenecker.

M. Gerhardt purposed a change in the order of the agenda, to move the Zoning Board of Appeals forward. A motion was made by S. Calenda to adjourn the Zoning Board meeting. Second by P. Attemann. The meeting was adjourned at 7:03 pm.

The meeting was called back to order at 7:53pm by Chairman M. Gerhardt.

**Approval of Minutes:** October 16, 2013 meeting. It was moved by A. Harrington to accept the minutes. Second by S. Calenda. Yea - M. Gerhardt, A. Harrington, S. Calenda, P. Attemann and A. Ellis.

### **Special Administrative Item**

**John Simone and Simone Co., LLC; approved application #13-45; 275 Child Street; plat map 10, lot 180**, request for clarification regarding the decision signed and recorded in land evidence on October 28, 2013.

John Simone, Esq. owner of Club 275 LLC gave testimony as to the changes to the approved application which was granted at the September 18, 2013 meeting. He now proposes less than what was granted however he wanted to make the Board aware of what was taking place.

### **Public Comment - NONE**

It was moved by S. Calenda to accept the revised plans for Application #13-45. Second by P. Attemann. Yea - M. Gerhardt, A. Harrington, S. Calenda, P. Attemann and A. Ellis.

### **Old Business**

**Application #13-50; Christine & Kenneth Medeiros, Jr., owners & applicants; 62 & 64 Overhill Road; plat map 10, lots 42 & 43**, request for a Special Use Permit from section 32-82 & 32-85 of the Warren Zoning Ordinance to unmerge lot 42 from lot 43 on Warren Tax Assessor's plat map 13E. Continued from the October 16, 2013 meeting.

S. Calenda recues. Alternate M. Emmenecker will be a voting member.

Fausto Anguilla, Esq., 56 Pine St., Ste. 200, Providence, RI 02903, represented Christine & Kenneth Medeiros owners and applicants of Application #13-50, owners & applicants; 62 & 64 Overhill Road; plat map 10, lots 42 & 43, request for a Special Use Permit from section 32-82 & 32-85 of the Warren Zoning Ordinance to unmerge lot 42 from lot 43 on Warren Tax Assessor's plat map 13E. Attorney

Anguilla was asked and had no objections to have the sitting members hear the application from the beginning. He explained that the applicants had applied and been issued a zoning certificate to demolish the old house and rebuild one in its place, it was not acted on and expired after (1) one year. Attorney Anguilla further continued to explain how his clients meet the criteria for a special use permit.

Kenneth Medeiros, Jr. owner gave testimony that he knocked down the house in 2010 which was purchased in 2006. His mother-in-law was unable to sell her home which would be helping to find the new construction. The structure was knocked down for the safety of the neighborhood with the vision of building a small home for his in-laws.

### **Public Comment:**

Ned McGreavy, 5 Bay Rd, Warren has a concern that this is not consistent with the neighborhood, it will have an impact on the neighborhood. Further there are other merged lots and if this passes if they will then want to unmerge. He also wonders why they don't just put in an in-law apartment. He had submitted a letter after the cut-off date for the agenda and would like his letter to be entered into the file.

A. Harrington moved on Application #13-50, application of Christine & Kenneth Medeiros, Jr., to grant a special use permit to unmerge the lots located at 62 & 64 Overhill Rd, plat map 10, lots 42 & 43, finding of fact the plans that have been submitted and is a condition to granting the special use permit that the structure be with the footprint, to be no more than 22x 34 and the structure be no more than 1,000 sq. ft. With those restrictions their plan is compatible with the neighboring land use, will not create a nuisance or hazard, is compatible with the comprehensive plan and the public convenience and welfare will be served by the elimination of the eye sore, current proposed lot's past is modest and they are asking for no other variance, so they have meet all of the setbacks. They have meet all of the requirements of section 32-31B for these lots to be unmerged with those conditions and for the special use permit to be granted. Second P. Attemann. Yea - M. Gerhardt, A. Harrington, P. Attemann, A. Ellis and M. Emmencker.

S. Calenda resumes his seat. M. Emmencker resumes as an alternate.

**Application #13-54; Armand & Sandra Horta, owners and Stephen & Eileen Patistea, applicants; 272 Market Street; plat map 21, lot 138**, request for a Special Use Permit from section 32-116 of the Warren Zoning Ordinance to operate a wood related retail and service business, including stoves, parts and wood based fuels. Continued from the October 16, 2013 meeting.

Robert J. Healey Jr. Esq., 665 Metacom Ave, Warren, represented the applicants Stephen & Eileen Patistea, request for a Special Use Permit from section 32-116 of the Warren Zoning Ordinance submitted a letter which was received on November 14, 2013 requested a continuance to the December 18, 2013.

It was moved by S. Calenda to continue Application #13-54 as requested to the December 18, 2013. Second by P. Attemann. Yea - M. Gerhardt, A. Harrington, S. Calenda, P. Attemann and A. Ellis.

### **New Business**

**Application #13-58; Sigourney, LLC, owner and applicant; 308 Metacom Avenue; plat map 16, lot 142**, request for a Variance from section 32-78 of the Warren Zoning Ordinance to construct a 8'x10' one story breezeway addition and a 34'x24' two story garage addition to existing building, and to convert entire building to a residential use with a left side yard setback of 3'4" where 10' is required.

Michael Sigourney of Sigourney LLC, gave presentation to Application #13-58. He is building this apartment with the hope that his step-son will move in. He is requesting a three car garage so he would be able to store two of his antique vehicles. He would be requesting less than 30 percent coverage.

Bruce Manuel owner of Construction

#### **Public Comment - NONE**

It was moved by P. Attemann to approve Application#13-58 **Sigourney, LLC, owner and applicant; 308 Metacom Avenue; plat map 16, lot 142**, request for a Variance from section 32-78 of the Warren Zoning Ordinance to construct a 8'x10' one story breezeway addition and a 34'x24' two story garage addition to existing building, and to convert entire building to a residential use with a left side yard setback of 3'4" where 10' is required. Based on testimony of the applicant this is reasonable configuration garage. The lot coverage does not exceed the 30%. This will be conditional on a drainage plan being approved by the Building Official. Second S. Calenda. Yea - M. Gerhardt, A. Harrington, S. Calenda, P. Attemann and A. Ellis.

#### **Administrative Matters**

Discussion / action of the 2014 meeting schedule. – It is noted that Andrew Ellis is not fond of having meetings on Wednesday nights. It was moved by S. Calenda to accept the 2014 Warren Zoning Board schedule as presented. Second by A. Harrington. Yea - M. Gerhardt, A. Harrington, S. Calenda and P. Attemann. Nay- A. Ellis.

Items for future agendas.- NONE

**Adjourn** - A. Harrington moved to adjourn the meeting at 8:50 PM. Second by P. Attemann. Yea - M. Gerhardt, A. Harrington, S. Calenda, P. Attemann and A. Ellis.

Respectfully submitted,  
Rhonda Lee Fortin