

WARREN ZONING BOARD OF REVIEW
March 19, 2014
Minutes

The regular meeting of the Warren Zoning Board was called to order at 7:01 pm by Chairman A. Harrington. Also present Vice Chair S. Calenda, P. Attemann, Mark Smiley, A. Ellis, 1st Alternate M. Emmenecker and 2nd Alternate W. Barrett Holby, Jr.

Approval of Minutes: January 15, 2014 meeting. It was moved by S. Calenda to accept the minutes. Second by M. Smiley. Yea - Chair A. Harrington, Vice Chair S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Old Business

Application #13-54; Armand & Sandra Horta, owners and Stephen & Eileen Patistea, applicants; 272 Market Street; plat map 21, lot 138. Continued from the October 2013, November 2013, and January 2014 regular meetings; final continuance.

Robert J. Healey, Esq., 665 Metacom Ave, Warren, represented Application #13-54; Armand & Sandra Horta, owners and Stephen & Eileen Patistea, applicants; 272 Market Street, Plat Map 21, Lot 138, requested the withdrawal of said application without prejudices.

Public Comment – NONE

It was moved by S. Calenda to accept the applicants request to withdraw 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, without prejudice. Second by M. Smiley. Yea - Chair A. Harrington, Vice Chair S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Application #14-2; Blount Fine Foods, owner and O'Connell's Warren Mill Marina, d/b/a PKO Marine, applicants, 341 Water St, Plat Map 5, Lots 2, 28, 48, and 104. Continued from the January 15, 2014 meeting.

Mr. Nash, Building Official, stated that on 2/14/2014 he received a letter from Mr. Robert J. Healey, Jr., which brought to light a procedural matter. The Building Official concurs with the interpretation, that this item should have gone before the Planning Board prior to coming before the Zoning Board for discussion. The applicant has or is making

application with the Planning Board to get their recommendation and the Building Official believes that this may be on the agenda and heard at Monday's meeting (3/24/2014), after which it would come back to the Zoning Board at the April meeting, assuming there are no further delays, to be heard.

It was moved by S. Calenda to continue Application #14-2, Blount Fine Foods, owner and O'Connell's Warren Mill Marina, d/b/a PKO Marine, to the April 16, 2014 meeting so the applicant can have an opportunity to rectify whatever matters that need to be rectified before the Planning Board. Second by M. Smiley. Yea - Chair A. Harrington, Vice Chair S. Calenda, P. Attemann, M. Smiley and A. Ellis.

New Business

Application #14-5; Shirley Lepore, owner and applicant, 4 Bayview Ave, Plat Map 16, Lot 149, request for a Variance from sections 32-77 and 32-77.1 of the Warren Zoning Ordinance to modify/amend the zoning decision dated May 19, 2010 to allow for several new decks to occupy space previously approved as habitable interior space and add a new rear deck.

Shirley Lepore applicant and owner of 4 Bayview Ave, Plat 16 Map 149, was present to give testimony for Application #14-5, request for a Variance from sections 32-77 and 32-77.1 of the Warren Zoning Ordinance to modify/amend the zoning decision dated May 19, 2010 to allow for several new decks to occupy space previously approved as habitable interior space and add a new rear deck. She stated that the new deck off the back would follow the existing footprint of the house. She also testified that there would be no changes to the setbacks.

Public Comment – NONE

It was moved by S. Calenda to approve Application #14-5, Shirley Lepore, owner and applicant, 4 Bayview Ave, Plat Map 16, Lot 149, request for a Variance from sections 32-77 and 32-77.1 of the Warren Zoning Ordinance to modify/amend the zoning decision dated May 19, 2010 to allow for several new decks to occupy space previously approved as habitable interior space and add a new rear deck. After hearing testimony from the applicant and no objections from the public, S. Calenda came to the conclusion of the following finding of facts, a hardship does exist, the applicant had no impact nor did they create this hardship, it is due to the size of the lot. The applicant has indicated and testified that the request is for a change in the plans and for some structural changes to some decking. She has indicated this is conducive with the neighborhood. S. Calenda also concluded and found there is a finding of fact that it is compatible with the surrounding neighborhood and will have no unnecessary impact or undue influence

on the surrounding neighborhood. Second M. Smiley. Yea - Chair A. Harrington, Vice Chair S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Application #14-6; Accardi Electric, Inc., owner and applicant; 7 Howland Ave, Plat Map 15B, Lots 54, 55, and 56, request for a Special Use Permit from section 32-85 of the Warren Zoning Ordinance to unmerge lot 54 from lots 55 & 56 on Warren Tax Assessor's map 15B.

Bruce Cox, Esq., 1481 Wampanoag Trail, East Providence, gave representation of **Application #14-6, Accardi Electric, Inc., owner and applicant, 7 Howland Ave, Plat Map 15B, Lots 54, 55, and 56**, request for a Special Use Permit from section 32-85 of the Warren Zoning Ordinance to unmerge lot 54 from lots 55 & 56 on Warren Tax Assessor's map 15B. Mr. Accardi, owner and applicant gave a photo copy of the type of house that he would like to build on the lot to the board members. The applicant stated that the garage located on lot 54 would be removed if this application is granted.

Public Comment

James Hayes, 63, Vernon St, Warren, was concerned that he will be losing 5' of his driveway. He was also concerned that his property had been taxed for this land since 1911. Mr. Haze has owned is property for the past 10 years. He had a grave concern that the surveyed lines are incorrect.

Donna Amaral, 12 Warren Blvd., represented her 95 year old mother of 5 Central Ave, who could not attend. She would like to be assured there will be off the street parking for both of these lots should the application be approved. She would also like to see the overgrown hedges located on Central addressed as they are a safety issue.

It was moved by P. Attemann to approve Application #14-6; Accardi Electric, Inc., David Accardi, owner and applicant, 7 Howland Ave, Plat Map 15B, Lots 54, 55, and 56, request for a Special Use Permit from section 32-85 of the Warren Zoning Ordinance to unmerge lot 54 from lots 55 & 56 on Warren Tax Assessor's map 15B, allowing one buildable lot. Under testimony of the applicant the use will be compatible with the neighboring land uses since it is all residential and residential would be the continued use on these properties (new lots), the special use will not create a hazard in the neighborhood. The concerns of parking will be addressed by requiring that off street parking must be available to both lots should they be established. The special use will be compatible with the comprehensive plan as this will be strictly residential and a single family home of modest means will be compatible with the neighborhood on the newly established lot and the public convenience and welfare will be served by providing housing. The conditions will be, should the demerger be approved,

conditional on the following, Administrative Sub-division by the Planner to create to equal sized lots and the parking for both newly established lots will be off street and compliant with the Building Ordinance. Second by A. Ellis. Yea - Chair A. Harrington, Vice Chair S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Application #14-7; Tadpole, LLC, owner and Katherine Dickson, applicant; 146 Water St; plat map 2, lot 112, request for a Special Use Permit from section 32-51 of the Warren Zoning Ordinance to establish a restaurant/bookshop/café use on the second floor of the existing building.

Katherine Dickson submitted a letter dated March 18, 2014 stating she would like to put her project on hold and requested the withdrawal of her petition for the special Use Permit without prejudice.

Public Comment – NONE

It was moved by S. Calenda to grant the request for withdrawal of Application #14-7; Tadpole, LLC, owner and Katherine Dickson, applicant; 146 Water St; Plat Map 2, Lot 112, request for a Special Use Permit from section 32-51, without prejudice as requested. Second by M. Smiley. Yea - Chair A. Harrington, Vice Chair S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Now comes John Quattrocchi RT, appellant; 325 Water St, Plat Map 5, Lot 1, Application #14-10, before the Zoning Board, requesting with the Board's permission a continuance to next month's (April 16, 2014) meeting, stating that his attorney has been in touch with the Building Official and he didn't believe there was anyone that would object.

Public Comment – NONE

It was moved by S. Calenda to accept the proposal from Application #14-10, as his attorney is unavailable to the April 16, 2014 meeting as requested. Second by M. Smiley. Yea - Chair A. Harrington, Vice Chair S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Application #14-8; Paul D. Bullock/Tav-Vino, owner and applicant; 267 Water St; plat map 4, lots 72 and 153, request for a Variance from section 32-74 of the Warren Zoning Ordinance to remove existing stairs and replace with a deck, thereby expanding a legal non-conforming use.

Robert J. Healey, Jr., Esq., 665 Metacom Ave, Warren, gave testimony on behalf the Application #14-8, Paul D Bullock/Tav-Vino, owner and applicant, 267 Water St, Plat Map 4, Lot 72 & 153. Mr. Healey explained how the minor expansion to the deck contributed to a legal non-conforming use. He further explained this issue had been brought before the Planning Board. Although the Planning Board recommends no food or drink to be served, Mr. Healey requested the possibility that Mr. Bullock would be able to personally be able to eat on his deck. This deck will be for Mr. Bullock's private use. Mr. Healey also stated that they are aware they will also need CRMC's approval as well.

Chair A. Harrington summarized a letter submitted to the Mr. Nash, Building Official by Caroline Well, Planning Board and the recommendation of the Planning Board was to replace the stairway with a larger deck platform, no food or drink will be served. The Planning Board also noted that they had reviewed recommendations from the Historical District Commission to approve the deck without conditions. Two Board members had abstained as they own/operate neighboring properties.

Public Comment – NONE

It was moved by S. Calenda to approve Application #14-8, Paul D Bullock/Tav-Vino, owner and applicant, 267 Water St, Plat Map 4, Lot 72 & 153, requesting a minor change in the footprint of the existing use to fix and existing deck that he determined to have insufficient use, after testimony from the applicant's attorney I find a finding of fact it is compatible with the neighboring land use, it will not create a hazard it will actually fix a hazard, it is compatible with the community and the comprehensive plan of the Town of Warren, the public convenience and welfare will be served. It also will not serve any purpose for the existing restaurant. The approval is contingent on the applicant getting approval from CRMC and all procedural items being in order. Also noted are the recommendations of the Historical District Commission and the Planning Board both had findings to approve with no conditions. Second by A. Ellis. Yea - Chair A. Harrington, Vice Chair S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Application #14-9; John & Maria Correia, owners and George DeMedeiros, applicant; 27 Vernon St; plat map15B, lot 7, request for a Variance from section 32-77 of the Warren Zoning Ordinance to construct a 37' x 30' one story addition to the existing single family dwelling with a left side yard setback of 4' and a right side yard setback of 11' where 15' is required.

George DeMedeiros, G D Construction, Inc., 25 Academy Ave, Bristol, RI, gave representation of Application #14-9 for John & Maria Correia, owners, 27 Vernon St,

Plat Map15B, Lot 7, request for a Variance from section 32-77 of the Warren Zoning Ordinance to construct a 37' x 30' one story addition to the existing single family dwelling with a left side yard setback of 4' and a right side yard setback of 11' where 15' is required.

Mr. DeMedeiros requested a continuance to the April 16, 2014 meeting.

Public Comment – NONE

It was moved by S. Calenda to approve the request to continue Application #14-9 to the April 16, 2014. Second by M. Smiley. Yea - Chair A. Harrington, Vice Chair S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Application #14-10; John Quattrocchi RT, appellant; 325 Water St; plat map 5, lot 1, request for an Appeal of the January 17, 2014 Stop Work Order issued by the Warren Zoning Officer regarding maintenance dredging.

(SEE ABOVE)

Administrative Matters

Items for future agendas-NONE

Adjourn: M. Smiley moved to adjourn the meeting at 8:44 PM. Second by S. Calenda. Yea - Chair A. Harrington, Vice Chair S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Respectfully Submitted

Rhonda Lee Fortin
Secretary