

**WARREN ZONING BOARD OF REVIEW**  
**January 21, 2015**  
**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, A. Ellis, 1<sup>st</sup> Alternate M. Emmenecker and 2<sup>nd</sup> Alternate W. Barrett Holby, Jr. (M. Smiley absent, M. Emmenecker is a seated voting member.)

Chairman A. Harrington called Application #15-4 out of order.

Julie Coelho, 156 TOUISSET RD, owner of 66 King St up until this past Thursday, represented Application #15-4, Shawn & Amy Lee Coelho, owners and applicants, 66 King St, plat map 14, lot 29, request for a *Variance* from sections 32-74 and 32-77 of the Warren Zoning Ordinance to construct a second floor addition with less than the required side yard setback and to allow expansion of a structure non-confirming by dimension, who requested a continuance due to an issue with notification being sent to a previous owner abutter as opposed to the current owner. The applicant also requested that the Board many grant the continuance to February 5, 2015 due to time constraints. The applicant was also willing to absorb any additional administrative cost.

After discussion by the Board it was determined that the applicant should not absorb any additional charge as it was to no fault of the applicant.

**It was moved by Vice Chair S. Calenda to approve the continuance of Application #15-4 to February 5, 2015** as requested by the applicant. Second by A. Ellis. Yea - Chairman A. Harrington, Vice Chairman S. Calenda, P. Attemann, A. Ellis and M. Emmenecker

**Approval of Minutes** December 15, 2014 meeting. It was moved by A. Ellis to accept the minutes. Second by S. Calenda. Yea - Vice Chairman S. Calenda, P. Attemann, A. Ellis and M. Emmenecker

**New Business**

**Application #15-1 Joanne Marshall Estate of, owner and John L. Marshall, applicant, 4 Brownell St, Plat Map 16, Lot 161**, request for a *Variance* from section 32-89 of the Warren Zoning Ordinance to install a new OWTS within 150' of a water body.

Christopher Manlove represented Application #15-1 Joanne Marshall Estate of, owner and John L. Marshall, applicant, 4 Brownell St, Plat Map 16, Lot 161, request for a *Variance* from section 32-89 of the Warren Zoning Ordinance to install a new OWTS within 150' of a water body. Mr. Manlove also submitted documents to the Board with regard to DEM.

P. Attemann read the following into the record which was submitted by Mr. Manlove: the DEM approved a site plan dated 11/12/2014, #1434-117 which was consistent with the site plan submitted and included in the Board's packets.

Public Comment – NONE

**It was moved by P. Attemann to approve Application #15-1 Joanne Marshall Estate of, owner and John L. Marshall, applicant, 4 Brownell St, Plat Map 16, Lot 161**, request for a *Variance* from section 32-89 of the Warren Zoning Ordinance to install a new OWTS within 150' of a water body. After hearing from Mr. Manlove and there being no opposition from the audience, there is a finding of fact that there is a hardship that does exist due the unique characteristics of their lot, the applicant did not cause by any prior action. He also found a finding of fact that the granting of the variance will not alter the general characteristics. The applicant has testified that, what was being requested, is the minimal relief necessary to install this system, conditional on all necessary approvals from DEM and CRMC, as well as, the document read into the record shall become a part of the application documents. Second by M. Emmencker. Yea - Chairman A. Harrington, Vice Chairman S. Calenda, P. Attemann, A. Ellis and M. Emmenecker

**Application #15-2, Joao & Natalia Pereira, owners and applicants, 16-18 Long Wharf Dr, Plat Map 6, Lot 127, request for a *Special Use Permit* from section 32-74** of the Warren Zoning Ordinance to construct a 2<sup>nd</sup> floor addition thereby expanding a legal non-conforming use.

John Pereira was present to give testimony for Application #15-2, Joao & Natalia Pereira, owners and applicants, 16-18 Long Wharf Dr, Plat Map 6, Lot 127, request for a *Special Use Permit* from section 32-74 of the Warren Zoning Ordinance to construct a 2<sup>nd</sup> floor addition thereby expanding a legal non-conforming use. He stated that he would like to build an additional bedroom over the existing bedroom which would mirror the other side of the duplex.

Public Comment - NONE

**It was moved by Vice Chair S. Calenda to tentatively continue Application #15-2, Joao & Natalia Pereira, owners and applicants, 16-18 Long Wharf Dr, Plat Map 6, Lot 127**, request for a *Special Use Permit* from section 32-74 to allow the Building Official to perform a site visit and determine how many units are in existence, as well as, what the non-conforming use is that the applicant is requesting relief from. If schedules allow for inspection and there is a need for this applicant to return, this application shall be heard at the Special meeting on February 5, 2015. Second by A. Ellis. Yea - Chairman A. Harrington, Vice Chairman S. Calenda, P. Attemann, A. Ellis and M. Emmenecker

**Application #15-3, Pinda, LLC/Steve Correa, owner and applicant, 520 Main St, Plat Map 4, Lot 125, request for a *Variance* from section 32-115** of the Warren Zoning Ordinance to allow installation of a free-standing, double faced, externally illuminated sign with a total of 45 sq ft where 15 sq ft is allowed. Two existing signs to be removed.

Josh Celeste, Esq., Duffy & Sweeney Ltd., 1 Financial Plaza, #1800, Providence, RI 02903, represented Steve Correa and assisted with testimony for Application #15-3, Pinda, LLC/Steve Correa, owner and applicant, 520 Main St, Plat Map 4, Lot 125, request for a *Variance* from section 32-115 of the Warren Zoning Ordinance to allow installation of a free-standing, double faced, externally illuminated sign with a total of 45 sq ft where 15 sq ft is allowed. The sign would be lit with up lighting from both sides and during business hours.

#### Public Comment

Robin Remy, 21 Avenue A, stated that what is being proposed would be atrocious, she felt there would not be a need for such a large sign with consideration to the flow of traffic and other existing signage in the area. She also stated that she would rather see something more proportionate with consideration given to the surrounding historic buildings and area.

Raymond Rodrigues owner of Ellie Ray Realty LLC, 533 Main St, would like to see something smaller than what is being proposed. He also had concerns with the illumination of the signage. He stated that he has elderly people living there and the signs could actually be lit from noon to 1am during their business hours and this would be a nuisance.

The applicant requested a continuance to the February 5, 2015 to return with additional information and samples of the material for the Board to review.

**It was moved by Vice Chair S. Calenda to continue Application #15-3, Pinda, LLC/Steve Correa, owner and applicant, 520 Main St, Plat Map 4, Lot 125, request for a *Variance* from section 32-115 at the applicant's request to the Special February 5, 2015 meeting.** The applicant is to return with a sample of the material, scaled pictures and exact mathematic measurements. Second by A. Ellis. Yea - Chairman A. Harrington, Vice Chairman S. Calenda, P. Attemann, A. Ellis and M. Emmenecker

**Application #15-4, Shawn & Amy Lee Coelho, owners and applicants, 66 King St, Plat Map 14, Lot 29, request for a *Variance* from sections 32-74 and 32-77** of the Warren Zoning Ordinance to construct a second floor addition with less than the required side yard setback and to allow expansion of a structure non-confirming by dimension.

SEE ABOVE – Continued to Special meeting February 5, 2015

## **Administrative Matters**

Discussion of the MacDougall vs. Zoning Board of the Town of Warren Superior Court case which has been remanded to the Zoning Board for further findings of fact. This case appeals the decisions of February 20, 2013 regarding applications 12-26 and 12-27.

Solicitor Federico explained there is a decision from Judge Nugent with regard to the MacDougall vs. Zoning Board of the Town of Warren Superior Court case. She explained that this matter will need to be heard in full again. This is based on two things. One being, the Coderre case, that states, when the make-up of the Board changes a matter must be heard again in its entirety. In this instance the former Chairman of the Board is no longer apart of the Board therefore, it is a new constructed Board. Secondly, Judge Nugent in his decision, sort clarification. He didn't say yea or nay one way or the other as to the position of taking all of the parcels of property and have them considered a merged property so what he did want was the Board to address one way or the other, if it was considered merged, why was it considered merged and what would happen if any of those partial were sold individually. If not, do you want to take this as an individual lot for determination? If so that does impact the abutters, a few abutters would actually fall of the list with regards to this if it were to be considered just that one parcel of land. So based on these two things it is recommended that the Board take this on as a new item to be on the February 25, 2015 agenda.

Items for future agenda:

1. Discussion and action for review and approval of 2015 Zoning Board Meeting Calendar (February 25, 2015)
2. Election of Chair and Vice Chair (February 5, 2015)
3. Consideration for future agenda: Solicitor DeSisto has an updated handbook and would like to provide the Board with updated case law and guidance. (Februray 25, 2015)

**Adjourn** Vice Chairman S. Calenda moved to adjourn the meeting at 8:25 PM. Second by P. Attemann. Yea - Chairman A. Harrington, Vice Chairman S. Calenda, P. Attemann, A. Ellis and M. Emmencker.

Respectfully Submitted,

Rhonda Lee Fortin