

WARREN ZONING BOARD OF REVIEW
March 18, 2015
Minutes

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

Approval of Minutes February 25, 2015 meetings. It was moved by A. Harrington to accept the February 25, 2015 minutes. Second by Vice Chairman P. Attemann. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, M. Smiley, and A. Ellis. 5-0

Continued Applications

Vice Chairman P. Attemann recues.

1st Alternate M. Emmencker assumes the seat.

Application #15-8, W. Spencer Morris and Allison F. Newsome, owners and applicants, 241 Water St, Plat Map 4, Lot 45, request for a Special Use Permit under section 32-47 of the Warren Zoning Ordinance to allow a mixed use residential building in a waterfront district.

Application #15-9, W. Spencer Morris and Allison F. Newsome, owners and applicants, 241 Water St, Plat Map 4, Lot 45, request for a Variance from section 32-130 (definitions, Mixed Use, Residential) of the Warren Zoning Ordinance to allow a building to be remodeled so that the proposed residential units and commercial units are on the same floor.

W. Spencer Morris, 241 Water St, owner since 1994 and applicant was present to give testimony for this 4 unit building located at the corners of Baker and Water St. Allison F. Newsome, also an owner and professional artist, currently occupies one of the approx. 800 sq. ft. units. Mr. Morris also explained there is a family need, his 87 year old mother who currently resides on a third floor moves to this community during the winter and he would like to provide her with an alternate place to live. Mr. Morris further explained, since 2008 it has been difficult to keep the property fully rented for commercial use only. Most of the potential renters would like to live and work in the same space and he would like to market these units in that way. With consideration to

the entry ways there will be separate entrances and no external features will be changed.

Solicitor Skwirz explained that due to this property being located in the Waterfront Overlay District these applications went before the Warren Planning Board on March 17, 2015 and received recommendation approval for both applications at that time.

Public Comment - NONE

It was moved by A. Ellis to approve Application #15-8, W. Spencer Morris and Allison F. Newsome, owners and applicants, 241Water St, Plat Map 4, Lot 45, request for a Special Use Permit under section 32-47 of the Warren Zoning Ordinance to allow a mixed use residential building in a waterfront district. The granting of the Special Use Permit is with the following finding of fact, the special use will be compatible with the neighboring land use because we have heard testimony that there are already existing living spaces in the surrounding buildings, it will not be creating a hazard and nothing being proposed has a dangerous component. The special use is already compatible with Comprehensive Plan because the plan specifically likes to see the development and reuse of existing structures. The granting will also serve the public convenience and welfare because this proposal will add to the diversity of the residential and business space in the Town of Warren. Final finding of fact, this application (and Application #15-9) was recommended for approval by the Warren Planning Board. The granting of the Special Use Permit shall be conditional that the applicant will also be compliant with all building codes and with any other necessary provisions that may be needed. Second by A. Harrington. Yea - Chairman S. Calenda, A. Harrington, M. Smiley, A. Ellis and M. Emmencker. 5-0

Public Comment - NONE

It was moved by A. Ellis to approve Application #15-9, W. Spencer Morris and Allison F. Newsome, owners and applicants, 241Water St, Plat Map 4, Lot 45, request for a Variance from section 32-130 (definitions, Mixed Use, Residential) of the Warren Zoning Ordinance to allow a building to be remodeled so that the proposed residential units and commercial units are on the same floor. The granting of this Variance is with the following finding of fact, the hardship is due to the unique characteristic of the land and the structure, the characteristics are pre-existing, the hardship is not the result of any prior actions of the applicant, the structure was pre-existing and has been there for some time. The granting of this Variance will not alter the characteristics of the surrounding neighborhood and it conforms with the Comprehensive Plan as we have heard, that it is compatible with the neighboring area with the other types of residences in the surrounding area and the relief that they are asking for is the least necessary because the minimum differentiates with the Ordinance which would allow them to

proceed forward with this proposal. Second by A. Harrington. Yea - Chairman S. Calenda, A. Harrington, M. Smiley, A. Ellis and M. Emmencker. 5-0

Vice Chairman P. Attemann resumes his seat.

New Business

Application #15-10, Joao & Natalia Perreira, owners and applicants, 16-18 Long Wharf Dr., Plat Map 6, Lot 127, request for a Special Use Permit under section 32-47 of the Warren Zoning Ordinance to allow a 2 family dwelling in an R6 district.

John Perreira, owner of 16-18 Long Wharf Dr., was present to give testimony for Application #15-10, request for a Special Use Permit under section 32-47 of the Warren Zoning Ordinance, to allow a 2 family dwelling in an R6 district. Mr. Perreira explained he would like to build a second floor to serve as a bedroom onto the previous one story addition to allow for more space for their growing family.

Mr. Gareth Eames, Warren Building Official, explained that he did a walk through visit of the property and found no evidence of any build out anywhere on the property which would appear as additional dwelling of any kind. Mr. Eames then recommended that the applicant move forward with a special use permit.

Rui Nunes, John Perreira's son-in-law who currently resides at 18 Long Wharf Dr., explained that his family is growing and they would also like to mirror the other side of the duplex (#16 Long Wharf Dr).

Public Comment – NONE

It was moved by A. Harrington to approve Application #15-10, Joao & Natalia Perreira, owners and applicants, 16-18 Long Wharf Dr., Plat Map 6, Lot 127, request for a Special Use Permit under section 32-47 of the Warren Zoning Ordinance to allow a 2 family dwelling in an R6 district. The granting of this application is with the following finding of fact due to the testimony presented, it will be compatible with the neighboring land uses as there are a number of multifamily and two family houses in this neighborhood, it will not create a nuisance or a hazard in the surrounding neighborhood. Further finding of fact, it is compatible with the Comprehensive Community Plan and the public welfare and convenience will be served by enhancing the architectural attractiveness of this property by mirroring both sides, as well as providing space for a growing family. Second by M. Smiley. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, M. Smiley, and A. Ellis. 5-0

Application #15-11, Brian & Kayla Amaral, owners and applicants, 597 Child St., Plat Map 19, Lot 79, request for a Special Use Permit under section 32-74 of the Warren Zoning Ordinance to allow an expansion of a non-confirming structure by constructing a second floor addition greater than 25% and with less than required side lot setback.

Solicitor Peter Skwirz, after discussion by the Board, confirmed that the relief is necessary due to the second floor, this is non-confirming by dimension, side yard setback and actually, the relief needed, would be a Dimensional Variance. Solicitor Skwirz explained that although the verbiage in this application is not ideal, due to the fact that the plans were available to the public for review, which would have given anyone with concerns the facts of what was actually being proposed along with the application being advertised, he did not feel that the Board could not move forward with this application.

A. Ellis wanted it noted that applications should be filled out fully and completely, for every entry, so that it would make it easier for the Board to determine what it is that is being asked for.

Brian Amaral, owner and applicant, 597 Child St., Plat Map 19, Lot 79, request for a Special Use Permit under section 32-74, explained that they are looking to add a second floor to the house that they recently purchased in January. Mr. Amaral also explained that they do want to keep it a single family dwelling, but would like to relocate the bedrooms to the second floor while maintaining a gable style roof. He further stated that they do not have intentions on doing anything on the side where the garage is located.

Public Comment – NONE

It was moved by P. Attemann to approve Application #15-11, Brian & Kayla Amaral, owners and applicants, 597 Child St., Plat Map 19, Lot 79, request for a Special Use Permit under section 32-74 of the Warren Zoning Ordinance to allow an expansion of a non-confirming structure by constructing a second floor addition greater than 25% and with less than required side lot setback. The granting of this application shall be under section 32-26, Dimensional Variance of the Warren Zoning Ordinance. The following is the finding for fact through the testimony heard, the hardship is due to the unique characteristics of the land and structure, a pre-existing condition was not brought on or as a result of any action of the applicant. The applicant is looking to add a second floor which will not increase the existing footprint. The granting of the Variance will not alter the general characteristics of the surrounding area, it is compatible with the Comprehensive Plan and it conforms with the neighboring land uses for this sized structure. The relief being requested is the least relief necessary to

expand upon this footprint. Second by M. Smiley. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, M. Smiley, and A. Ellis. 5-0

Application #15-12, Duncan and Sandra Siemster, owners and applicants, 49 Shore Dr., Plat Map 17, Lot 40, request for a Variance from sections 32-89 of the Warren Zoning Ordinance to install an onsite wastewater treatment system (OWTS) less than the required distance from coastal feature.

Ken Cole, Atlas Land Surveying LLC, 12 Chapmans Ave, Warwick, RI was available to give testimony for Application #15-12, Duncan and Sandra Siemster, owners and applicants, 49 Shore Dr., Plat Map 17, Lot 40, request for a Variance from sections 32-89. Mr. Cole explained that Mr. Siemster would like to replace the existing cesspool with a modern day DEM approved septic system. Mr. Cole also explained that although they tried multiple locations for the placement of the system, the plan before the Board, was the plan that was approved by the DEM.

Holly Beckman, testified that the plan before the Board has been approved by DEM but not by CRMC as of yet.

Public Comment – NONE

It was moved by M. Smiley to approve Application #15-12, Duncan and Sandra Siemster, owners and applicants, 49 Shore Dr., Plat Map 17, Lot 40, request for a Variance from sections 32-89 of the Warren Zoning Ordinance to install an onsite wastewater treatment system (OWTS) less than the required distance from coastal feature. Finding of fact, the hardship that the applicant is seeking a variance for is due to the unique characteristics of the subject of land and not the general characteristic of the surrounding area and not due to the physical or economic disability of the applicant. Also, a finding of fact that the hardship is not the result of any prior action this applicant may have taken. Further finding of fact, that the granting of the variance will not alter the general characteristics of the surrounding area, as they are trying to keep it as aesthetically pleasing as possible and the request conforms with the purpose and intent of the Zoning Ordinance and Comprehensive Plan. Also, noted for the record the relief requested is the least amount of relief necessary based on the plans submitted to the Zoning Board as well as plans submitted to DEM. Conditional on the approval from CRMC. Second by Vice Chairman P. Attemann. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, M. Smiley, and A. Ellis. 5-0

Administrative Matters

It was moved by A. Ellis to move these items to the April 15, 2015 meeting. Second by M. Smiley. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, M. Smiley, and A. Ellis. 5-0

- 1) Update from Building Official on demolition of farm house located at 335 Market Street.
- 2) Solicitor DeSisto has an updated handbook and would like to provide the Board with updated case law and guidance.

Adjourn

M. Smiley moved to adjourn the meeting at 7:50 PM. Second by Vice Chair P. Attemann. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, M. Smiley, and A. Ellis. 5-0

Respectfully submitted,

Rhonda Lee Fortin