

WARREN ZONING BOARD OF REVIEW – Special Meeting  
April 29, 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 2<sup>nd</sup> Alternate W. Barrett Holby. Absent was 1<sup>st</sup> Alternate M. Emmencker.

**Approval of Minutes** March 18, 2015 meetings. It was moved by A. Harrington to accept the March 18, 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

**New Business**

**Application #15-13, Pestelle LLC, owner and Green Cross of RI/Patrick Rimoshytus** applicant, 1 New Industrial Rd, Plat Map 23, Lots 92 & 93, request for a *Special Use Permit* under section 32-50 of the Warren Zoning Ordinance to allow a professional or business office for a non-profit company providing personal services to the medical marijuana community in a commercial/industrial zone.

Robert J Healey Jr., Esq, 75 Sowams Rd, Barrington, RI represented Application #15-13, Pestelle LLC, owner and Green Cross of RI/Patrick Rimoshytus applicants, 1 New Industrial R, Plat Map 23, Lots 92 & 93, request for a *Special Use Permit* under section 32-50 of the Warren Zoning Ordinance to allow a professional or business office for a non-profit company providing personal services to the medical marijuana community in a commercial/industrial zone.

Patrick Rimoshytus of Green Cross of RI explained this facility would only be available to those who would subscribe to a membership. He further explained that one of the requirements of membership would be, you must be licensed through the state as a grower and/or a medical card holder. This facility will allow for growers and medical card holders to meet in private.

Mr. Healey requested the withdrawal of Application #15-13, Pestelle LLC, owner and Green Cross of RI/Patrick Rimoshytus applicant, 1 New Industrial Rd, Plat Map 23, Lots 92 & 93, request for a *Special Use Permit* under section 32-50 of the Warren Zoning Ordinance to allow a professional or business office for a non-profit company providing personal services to the medical marijuana community in a commercial/industrial zone, without prejudice.

**It was moved by A. Harrington to grant the withdrawal without prejudice for of Application #15-13, Pestelle LLC, owner and Green Cross of RI/Patrick Rimoshytus** applicant, 1 New Industrial Rd, Plat Map 23, Lots 92 & 93, request for a *Special Use Permit* under section 32-50 of the Warren Zoning Ordinance to allow a professional or business office for a non-profit company providing personal services to the medical marijuana community in a commercial/industrial zone. Second by M. Smiley. Yea – Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, M. Smiley and A. Ellis. 6-0

**Application #15-14, Kenneth Palumbo, owner and applicant, 47 Shore Dr; Plat Map 17, Lot 41, request for a Variance from sections 32-77and 32-89 of the Warren Zoning Ordinance** to allow installation of an onsite wastewater treatment system (OWTS) closer to a water body than allowed and demolition of an existing structure and construction of a single family dwelling closer to front and side lot lines and with greater lot coverage than allowed.

#### **PUBLIC COMMENT**

Mary-Ann Agresti a registered Architect in Massachusetts represented the concerns for Henry Adams, 39 Shore Rd and Florence Agresti, 45 Shore Rd. Ms. Agresti stated for the record that they are in support of the OWTS systems. She also stated the following concerns with this application: the discrepancy in the design and labeling, the stairs from the deck to grade and the overall lot coverage. She further stated the drainage is an issue in this area and asked that the granting of this application be conditional on the approval from CRMC.

**It was moved by P. Attemann to approve Application #15-14, Kenneth Palumbo,** owner and applicant, 47 Shore Dr; Plat Map 17, Lot 41, request for a *Variance from sections 32-77and 32-89 of the Warren Zoning Ordinance* to allow installation of an onsite wastewater treatment system (OWTS) closer to a water body than allowed and demolition of an existing structure and construction of a single family dwelling for a proposed front setback of 15' where 35' is requested, a proposed north side setback of 10' where 15' is required and proposed lot coverage of 22.3% is being requested where 20% lot coverage is allowable (the amount of overage granted to be determined later in the decision), the proposed setback from the water body of 51.3' for an OWTS system where 100' is required and 48.7' variance is requested. The 100' setback will also include the deck and the building as it is currently proposed to the dimensions of the foundation and its location proposed on the site plan. The granting shall be conditional on the approval from CRMC, RI DEM and all other state and town approvals which are or may be necessary. Exhibit A and Exhibit B as plans showing pattern aerial view site plan of the street. These decisions are based on the finding of fact from the comprehensive presentation which met the hardship due to the unique characteristics of the site with its narrow coastal features and dimensions of the site, the hardship was not

caused by any prior action of the applicant. Further finding of fact, the granting of this application will not alter the general characteristics of the surrounding area as identified and shown on Exhibit B, the request conforms to the neighboring area and buildings. The relief being requested is the least amount of relief necessary for the placement of the OWTS which will be located in the southwest corner of the site. The deck stairs which have been proposed shall be reduced to a one (1) width return from intermediate landing that will run parallel to the OWTS to reduce the monument scale of previously proposed stairway. These stairs shall take up the least amount space necessary yet must still be in compliance with the building code, which will provide access from the deck to grade. Second by A. Harrington. Yea – Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, M. Smiley and A. Ellis. 6-0

Application #15-15; **Andrde Equipment Company, LLC**, owners and applicants; 10 Child St; plat map 4, lot 28; request for a *Special Use Permit* under section 32-47 of the Warren Zoning Ordinance to allow a mixed use residential building in a village business district.

Application #15-16; **Andrade Equipment Company, LLC**, owners and applicants; 10 Child St; plat map 4, lot 28; 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 a proposed residential unit and a commercial unit are on the same floor.

Mark Matrone, 79 Aaron Ave, Bristol, RI, president of John Andrade Insurance Agency, Inc., owner of 10 Child Street, gave testimony for Application #15-15 & 15-16. Mr. Matrone explained that this approx. 885 sq ft retail space is difficult to keep rented due to lack of parking available. He is proposing turning the unit into a 1 story residential unit.

Mark Matrone requested a continuance to the June 17, 2015 meeting.

It was moved by A. Harrington to grant the request to continue Application #15-15; **Andrde Equipment Company, LLC**, owners and applicants; 10 Child St; plat map 4, lot 28; request for a *Special Use Permit* under section 32-47 of the Warren Zoning Ordinance to allow a mixed use residential building in a village business district and Application #15-16; **Andrade Equipment Company, LLC**, owners and applicants; 10 Child St; plat map 4, lot 28; 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 a proposed residential unit and a commercial unit are on the same floor, to the June 17, 2015 meeting. Second by M. Smiley. Yea – Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, M. Smiley and A. Ellis. 6-0

### **Administrative Matters**

It was moved by A. Ellis to move these items to the May 20, 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 9:12 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