

## WARREN ZONING BOARD OF REVIEW

April 27, 2016

## Minutes

The regular meeting of the Warren Building Code Board of Review was called to order at 7:00 pm by Chairman S. Calenda. Also present was A. Ellis, W. Barrett Holby, Jr., 1st Alternate M. Emmencker, and 2<sup>nd</sup> Alternate J. Rainone.

Vice Chairman P. Attemann and A. Harrington were excused from the meeting.

**Approval of Minutes** – The minutes of March 16, 2016 were reviewed by the Board via email. A motion was made by A. Ellis to accept the March 16, 2016 minutes as circulated. Second by M. Emmencker. Yea - Chairman S. Calenda, W. Barrett Holby, Jr, and 2<sup>nd</sup> Alternate J. Rainone, 5-0.

**Old Business** – **Application#16-4; 450 Main Street LLC, owner and applicant; 442 Main St / 31 Child St; plat map 4, lots 64, 64A, 65 & 66; request for a Special Use Permit under section 32-55** of the Warren Zoning Ordinance to allow indoor storage of non-flammable and non-explosive materials in a VB zoning district.

Mr. David Sequino, 450 Main Street LLC, owner and applicant; 442 Main St / 31 Child St requested a continuance on this agenda item until a later meeting of the Warren Zoning Board of Review. Chairman Calenda asked Mr. Sequino if he planned on coming back next month or if he needed an extension; Mr. Sequino said he could come back next month. Chairman Calenda the next scheduled meeting is Wednesday, May 18, 2016. Mr. Ellis said he might have a conflict with the May 18<sup>th</sup> meeting. Chairman Calenda asked if any other members had a conflict with the May 18<sup>th</sup> meeting; none of the other board members anticipated a conflict with the May 18<sup>th</sup> meeting at this time. Chairman Calenda asked the Assistant Solicitor, Mr. Skwartz, if this application needs to be re-advertised; Mr. Skwartz stated that the application does not need to be readvertised.

It was moved by M. Emmencker to continue **Application#16-4; 450 Main Street LLC, owner and applicant; 442 Main St / 31 Child St; plat map 4, lots 64, 64A, 65 & 66; request for a Special Use Permit under section 32-55** as requested until the Warren Zoning Board of Review meeting on May 18, 2016. Second by W. Barrett Holby, Jr. Yea - Chairman S. Calenda, A. Ellis, A. Harrington, and 1st Alternate M. Emmencker. 5-0

**New Business**

**Application #16-5; John & Robert Goes, owners and Steven Medeiros, applicant; 22 Harris Ave; plat map 13E, lots 77, 78 & 79; request for a Special Use Permit under sections 32-85** of the Warren Zoning Ordinance to allow the merger of two substandard lots of record, each with a portion of a third substandard lot of record, to form two lesser substandard lots of record.

Mr. Steven Medeiros, applicant; 22 Harris Avenue requested requested the merger of two substandard lots of record, each with a portion of a third substandard lot of record, to form one buildable lot with one existing lot from the merger of two substandard lots. Mr. Medeiros stated that the proposed buildable lot will be comprised of 10,000 square ft. with 15 ft. side setbacks and correct rear and front setbacks; however the lot will be 10 ft. short on the street frontage. Chairman Calenda ascertained that the proposed buildable lot is identified as Lot 77 and that the proposed use for the lot is a personal residence for Mr. Medeiros.

Mr. Ellis noted that the on the existing house the new property line is 9.6 ft. and 9.8 ft. to the garage and asked would a dimensional variance be needed for the new lot. Chairman Calenda said that the lot line as placed by the surveyor would create the need for a variance; however, this application is a request for a special use

permit. Mr. Medeiros explained that the lot was placed as is so in order to come up with a 10,000 sq. ft. lot. Chairman asked Mr. Skwartz if the Warren Zoning Board of Review had the jurisdiction address this matter at this meeting; Mr. Skwartz stated that because the plans were available for review in the zoning official's office that this request could be considered as a special use permit dimensional use variance.

The Board continued to discuss the movement of the lot lines. Mr. Skwartz said he considered the plans to moving the western line of lot 79 west and thus decreasing the non-conformity. Mr. Ellis said it could be also considered as moving the eastern lot line of Lot 77; Chairman Calenda asked what the Planning Board approved. Mr. Skwartz said it was essentially approved as an administrative subdivision and subject to relief being given to unmerge they three lots by special use permit, so essentially the three lots are being unmerged by special use permit as non-conforming lots under the zoning ordinance and creating two substandard lots. Mr. Calenda asked if the Board members had any other questions before he opened the meeting up to the public; there were no further questions.

Chairman Calenda opened **Application #16-5; John & Robert Goes, owners and Steven Medeiros, applicant; 22 Harris Ave; plat map 13E, lots 77, 78 & 79; request for a Special Use Permit under sections 32-85** to the public for questions.

Public Comment - NONE

Chairman Calenda asked the applicant if he had any closing remarks; Mr. Medeiros stated he had no closing remarks other than he would like to have the lot approved.

Chairman Calenda had a few questions for the applicant to cover the four standards for the special use permit. The applicant stated that the background of the Harris Avenue neighborhood is generally 70,000 sq. ft. lots with varied setbacks, mostly older homes. Chairman Calenda asked was the request for a single family residence; Mr. Medeiros stated it was a single family residence and compatible to other residences in the area. Chairman Calenda asked if he would be creating any sort of nuisance in the neighborhood; Mr. Medeiros stated no he was not creating any sort of nuisance, he is a licensed contractor in Rhode Island and will be building the house himself. Mr. Ellis asked if he was building a residential building in a residential neighborhood and not bringing any other function into the neighborhood; Mr. Medeiros said no he was not. Mr. Ellis confirmed that there were other houses in the neighborhood that had less than required street setbacks. Also, Mr. Medeiros confirmed that the house will be connected to the town sewer system and town water system. Chairman Calenda asked if about historic houses in the area and if the house would have any negative impact on the environment; Mr. Medeiros stated no. Chairman Calenda stated that since there was no further discussion from the Board that he would close the application and move for a vote.

Chairman Calenda also made a finding of fact that **Application #16-5** will be made compatible with the neighboring land use based on testimony from the applicant and will not create a nuisance or a hazard in the neighborhood, that it is compatible with the community Comprehensive Plan, that it is a single family residence, and the public convenience and welfare will be served. There was no public testimony that indicated it would not be served. We also make a finding of fact that the merger of the substandard lots will have adequate provisions for water, waste water disposal and fire service, will be connected to the town sewer and water system and we also make a finding of fact that it will not result in the increase if burden to the community and infrastructure services and it will not have a negative effect on the natural environment.

**It was moved by W. Barrett Holby, Jr. to accept and grant as requested Application #16-5; John & Robert Goes, owners and Steven Medeiros, applicant; 22 Harris Ave; plat map 13E, lots 77, 78 & 79; request for a Special Use Permit under sections 32-85** of the Warren Zoning Ordinance to allow the merger of two

substandard lots of record, each with a portion of a third substandard lot of record, to form two lesser substandard lots of record to construct a single family home each with us 15 foot set backs on Lot 77 and will make Lot 78 basically disappear. The applicant testified that there would be no issue with DEM. Mr. Ellis stated that approval is based on the condition that the setbacks on Lot 79 shall be maintained as shown on the site plan submitted by the applicant. Second by 1st Alternate J. Rainone. Yea - Chairman S. Calenda, W. Barrett Holby, Jr, and 1st Alternate M. Emmencker. 5-0

Chairman Calenda asked if the Board needed to make a dimensional variance; Mr. Skwirz said no because this is residential zoning and in his view this is decreasing the non-conformity.

There were no other questions for the Board.

### **Adjourn**

It was moved by W. Barrett Holby, Jr. to adjourn the meeting at 7:40 pm. Second by M. Emmencker. Yea - Chairman S. Calenda, A. Ellis, and 1st Alternate J. Rainone. 5-0

Respectfully submitted,

Kristin M. MacDonald  
May 12, 2016