

WARREN ZONING BOARD OF REVIEW
June 15, 2016
Minutes

The regular meeting of the Warren Building Board of Review was called to order at 7:05 pm by Chairman S. Calenda. Also present was Vice Chairman P. Attemann, W. Barrett Holby, A. Ellis and 1st Alternate M. Emmencker and 2nd Alternate J. Rainone. A. Harrington was excused from the meeting.

Approval of Minutes: May 18, 2016 meeting. A motion was made by Vice Chairman P. Attemann to accept the May 18, 2016 minutes as circulated. Second by M. Emmencker. Yea – Chairman S. Calenda, Vice Chairman P. Attemann, W. Barrett Holby, A. Ellis and M. Emmencker. 5-0

The Warren Zoning Board of Review was recessed at 7:08 pm.

The Warren Zoning Board of Appeal was called to order.

The Warren Zoning Board of Appeal was adjourned and the Board of Review was reconvened at 7:49 pm.

New Business

Application #16-9, Sampson Associates, Inc., owner and Lee Anne Quattrucci, applicant, 15 Cutler St, Plat Map 9, Lot 106, request for a *Variance* under section 32-47 of the Warren Zoning Ordinance to allow an apartment complex in a Business Zoning District.

Chairman S. Calenda read into the record a letter dated June 14, 2016 from the Planning Board addressed to the Zoning Board of Review and marked as Exhibit A.

Thomas Wright of Wright Law & Associates, 572 Main St, Warren, RI 02885, represented Lee Anne Quattrucci and Application #16-9. Mr. Wright explained they are requesting to change a 15 unit motel (weekly rental) to a 15 unit apartment complex which will require no physical alteration. Of the 14 efficiencies two of the units have more than 2 people occupying them. Currently there are 16 parking spaces with additional parking spaces available on Joyce and Cutler St. They are also seeking relief for 7 parking spaces. Given to the Chairman and entered into the record the proposed fire alarm report that was submitted and approved by the Warren Fire Chief (marked as Exhibit B).

Ms. Quattrucci was also available to give testimony.

Mr. Wright requested the application be amended from a Variance request to a Special Use Permit.

It was moved by A. Ellis to approve the request to amend Application #16-9 from a request for a Variance to a request for a Special Use Permit. Second by W. Barrett Holby. Yea – Chairman S. Calenda, Vice Chairman P. Attemann, W. Barrett Holby, A. Ellis and M. Emmencker. 5-0

Public Comment

Spencer Morris, 18 Cole St, Warren, stated that he was in support of this application and the change. He further explained he is a residential and commercial neighbor. He explained that the parking is underutilized and foresees no issues should this application be granted.

It was moved by Vice Chairman P. Attemann to approve Application #16-9, Sampson Associates, Inc., owner and Lee Anne Quattrucci, applicant, 15 Cutler St, Plat Map 9, Lot 106, request for a *Variance* under section 32-47 of the Warren Zoning Ordinance to allow an apartment complex in a Business Zoning District. Finding of fact after hearing the testimony from the applicant and council this use will not create a hazard or nuisance to the neighborhood as they are not proposing anything different as the use is staying the same they are just changing the category is. There is be no negative impact to the surrounding area and the public welfare will be served by continuing to offer habitable units. The granting of this application shall be conditional that this

applicant shall acquire all necessary approvals and permits required from other boards and departments including but not limited to the Warren Planning Board Second W. Barrett Holby Jr. Yea – Chairman S. Calenda, Vice Chairman P. Attemann, W. Barrett Holby, A. Ellis and M. Emmencker. 5-0

Application #16-13, Sampson Associates, Inc., owner and Lee Anne Quattrucci, applicant, 15 Cutler St, Plat Map 9, Lot 106, request for a *Variance* under section 32-105 of the Warren Zoning Ordinance to allow an apartment complex in a business zoning district with less than the required parking.

Public Comment

Spencer Morris, 18 Cole St, Warren, stated that he would like to reiterate he was in support of this application, the parking is underutilized and he foresees no issues should this application be granted.

It was moved by Vice P. Attemann to approve Application #16-13, Sampson Associates, Inc., owner and Lee Anne Quattrucci, applicant, 15 Cutler St, Plat Map 9, Lot 106, request for a *Variance* under section 32-105 of the Warren Zoning Ordinance to allow an apartment complex in a business zoning district with less than the required parking. Finding of fact after hearing testimony from the applicant there are currently 16 spaces where 23 are required however there seems to be no issues. Also, considering testimony heard from a neighbor, there is also curb parking available and the parking is greatly underutilized therefore the 16 spaces are sufficient for the 15 units. Further finding of fact after hearing the testimony, the Zoning Board deems under Sec 32-60.a, only 1 space per unit shall be required. Seconded by W. Barrett Holby, Jr. Yea – Chairman S. Calenda, Vice Chairman P. Attemann, W. Barrett Holby, A. Ellis and M. Emmencker. 5-0

Application #16-10, Bal & Maria Mercurio, owners and applicants, 46 Broad St., Plat Map 5, Lot 127, request for a *Variance* under section 32-88 D of the Warren Zoning Ordinance to allow a fence higher than permitted in a front yard.

Bal Mercurio owner and applicant was present to give testimony for application Application #16-10. Mr Mercurio explained that he was seeking to replace the over 50 year old fence with a vinyl fence of the same height. The current height is 42" were 36' is allowed therefore he was seeking relief for 6'.

Public Comment – None

It was moved by W. Barrett Holby, Jr. to approve Application #16-10, Bal & Maria Mercurio, owners and applicants, 46 Broad St., Plat Map 5, Lot 127, request for a *Variance* under section 32-88 D of the Warren Zoning Ordinance to allow a fence higher than permitted in a front yard. Finding of fact after hearing testimony from the applicant the granting of this applicant will not create a hazard or nuisance to the neighboring area. The granting of this application will be compatible with the surrounding area as neighbors also have vinyl fencing. Further finding of fact the public welfare will be served by the beautification of the area. Second by M. Emmencker. Yea – Chairman S. Calenda, Vice Chairman P. Attemann, W. Barrett Holby, A. Ellis and M. Emmencker. 5-0

Application #16-11, Andrew R. & Deborah L. Arruda, owners and applicants, 28 Brownell St, Plat Map 16, lot 173; request for a *Special Use Permit* under section 32-76 A of the Warren Zoning Ordinance to allow the enlargement of a second floor space and increase roof height not permitted due to non-conforming side lot dimensions.

Andrew Arruda owner and applicant was present to give testimony for Application #16-11.

Karl F. Sauerbrey, 582 Hopkins Hill Rd, W. Greenwich, RI, Architect, stated his qualifications and was accepted as an expert in his field. Mr. Sauerbrey explained that if this applicant were to dormer the 2nd floor there would be

no need for the request. However, after investigation he has found that the home is all out of plum and they therefore need to remove and replace the roof and walls on the 2nd floor including the deck on the street side. He further explained that the new roof will not be much higher than the existing roof. There will be no changes made to the footprint of the foundation walls are great but the rest could be called lopsided barn syndrome.

Public Comment

Edward Sierman, 26 Brownell St, Warren, lives in the house to the west and is support of the granting of this request. He also stated that the other surrounding neighbors are all in favor of the granting of this application as well.

It was moved by A. Ellis to approve Application #16-11, Andrew R. & Deborah L. Arruda, owners and applicants, 28 Brownell St, Plat Map 16, lot 173, request for a *Special Use Permit* under section 32-76 A of the Warren Zoning Ordinance to allow the enlargement of a second floor space and increase roof height not permitted due to non-conforming side lot dimensions. Finding of fact based on the testimony of the applicant and his architect, we've heard that this use will be compatible with neighboring land uses and as heard from his neighbor, he will be keeping this a residential structure and will compatible as it is similar to neighboring heights and structures. Further finding of fact there seems to be no indication of any hazard or nuisance being created by this to the contrary testimony giving supports this will be an improvement to the property and the neighborhood. Further what is being proposed appears to be compatible with the Comprehensive Plan as this is a residential area and he will be maintaining a residence and it fits into the goals of maintain that. The public welfare and convenience will be served as this will enhance the community and the general area. Second by Vice Chairman P. Attemann. Yea – Chairman S. Calenda, Vice Chairman P. Attemann, W. Barrett Holby, A. Ellis and M. Emmencker. 5-0

Application #16-13, Sampson Associates, Inc., owner and Lee Anne Quattrucci, applicant, 15 Cutler St, Plat Map 9, Lot 106, request for a Variance under section 32-105 of the Warren Zoning Ordinance to allow an apartment complex in a business zoning district with less than the required parking.

Application #16-13 was taken out of order see above (Application #16-9).

Administrative Matters - None

Adjourn

It was moved by Vice Chairman P. Attemann to adjourn the meeting at 8:31 pm. Second by W. Barrett Holby, Jr. Yea – Chairman S. Calenda, Vice Chairman P. Attemann, W. Barrett Holby, A. Ellis and M. Emmencker. 5-0

Respectfully submitted,

Rhonda Lee Fortin