

WARREN ZONING BOARD OF REVIEW
July 20, 2016
Minutes

The regular meeting of the Warren Building Board of Review was called to order at 7:00 pm by Chairman S. Calenda. Also present were Vice Chairman P. Attemann, W. Barrett Holby, A. Harrington, A. Ellis and 1st Alternate M. Emmencker and 2nd Alternate J. Rainone.

Solicitor Skwirz was also present.

Approval of Minutes

June 15, 2016 Zoning Board Meeting - A motion was made by A. Harrington to accept the June 15, 2016 minutes as circulated. Second by A. Ellis. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and W. Barrett Holby. 5-0

June 15, 2016 Building Code Board of Appeal - A motion was made by A. Harrington to accept the June 15, 2016 minutes as circulated. Second by A. Ellis. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and W. Barrett Holby. 5-0

New Business

Chairman after hearing no objections calls forward Applications #16-16 and # 16-17

Application #16-16, Thomas K, Elizabeth & Peter J Gower, Owners and Christopher Blank/Blank Construction, Applicant, 2 Pawtucket Ave, Plat Map 13E, Lots 266 & 266A, request for a Variance under section 32-74 of the Warren Zoning Ordinance to allow expansion of a non-conforming structure in excess of square footage allowed.

Application #16-16 was withdrawn.

Application #16-17, Thomas K, Elizabeth & Peter J Gower, Owners and Christopher Blank/Blank Construction, Applicant, 2 Pawtucket Ave, Plat Map 13E, Lots 266 & 266A, request for a Special Use Permit under section 32-74 of the Warren Zoning Ordinance to allow expansion of a non-conforming use into other conforming land.

Christopher Blank of Blank Construction, 19 Schoolhouse Rd, Warren, was present to give presentation for Applications #16-16 and #16-17.

Mr. Blank requested the withdrawal of Application#16-16 as it was discovered after apply it was not necessary and moved forward with Application #16-17.

Mr. Blank explained the need for the expansion would provide a living space and bathroom on the first floor and bedroom on the second floor for the applicant's sister. Currently, this is a one-story single family ranch home with one bathroom. The addition will be a 22x14 addition to the north side. This house is just out of the jurisdiction of DEM.

Father Peter Gower, owner, explained that most lot in this area are smaller in size.

Public Comment – NONE

It was moved by A. Harrington to approve Application #16-17, Thomas K, Elizabeth & Peter J Gower, Owners and Christopher Blank/Blank Construction, Applicant, 2 Pawtucket Ave, Plat Map 13E, Lots 266 & 266A, request for a Special Use Permit under section 32-74 of the Warren Zoning Ordinance to allow expansion of a non-conforming use into other conforming land. Finding of fact after hearing the testimony and reviewing the plans to construct a two-story addition on one of the houses of the two residential structures on a single lot, will be to add to the first floor living space, being a living room/den and bathroom, on the second floor a bedroom. Finding of fact, through the testimony presented this is compatible with the neighborhood and the other surrounding land uses, it will not create a nuisance or hazard and it is compatible with the Comprehensive Plan and the public convenience and wellness will be served. Seconded by W. Barrett Holby. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and W. Barrett Holby. 5-0

Application #16-14, The Handkerchief Factory, LLC, Owner and Clintech, LLC / Chuzhao Lin, Applicant 569 Main St., Plat Map 5, Lots 45,44 & 24, request for a Special Use Permit under section 32-55 of the Warren Zoning Ordinance to allow a wholesale business with storage of non-flammable and non-explosive materials within a structure.

Chuzhoa Lin was present to give testimony for Application #16-14. Ms. Lin stated that she has a PHD in Microbiology from the University of Illinois, has owned her own business, growing Bactria for two years and was previously employed in the same area for 10 years, prior to starting her own business. She explained that she would like to use this as a storage area for her non-biohazard, non-toxic, non-acidic, non-flammable chemicals. She will have access to her 1000' storage space through a common area. She projects getting deliveries once every 3 weeks to a month and may utilize the loading dock at this facility.

It was moved by A. Ellis to approve Application #16-14, The Handkerchief Factory, LLC, Owner and Clintech, LLC / Chuzhao Lin, Applicant 569 Main St., Plat Map 5, Lots 45,44 & 24, request for a Special Use Permit under section 32-55 of the Warren Zoning Ordinance to allow a wholesale business with storage of non-flammable and non-explosive materials within a structure. Finding of fact based on the testimony heard from the Applicant this use will be compatible with the neighboring land use and the neighboring area is part of the Village Business District and there are an array of diverse other types of businesses and there are other storage uses within the structure that is being discussed so this would fit in well with that neighborhood. Also based on the testimony heard this use is not going to create a hazard. These types of products to be stored here are mainly bacteria growing media that the Applicant has testified will require no special containment or clean up procedures. There is no indication that there is anything flammable, toxic or hazardous here. Additionally, finding of fact that this use will be compatible with the Comprehensive Plan as the Plan encourages a diversity of use throughout the Town particularly in the Village Business District. This certainly will add another diverse aspect to the business climate in Warren. Further finding of fact, the public convenience and welfare will be served as this would add one more feature to make Warren a more attractive place for other businesses furthering the development of the Town. Second by Vice Chairman P. Attemann. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and W. Barrett Holby. 5-0

Application #16-15, Vincent Arrengado & Diane DeCrescenzo, Owners and Applicants, 3 Drysdale St., Plat Map 13A, Lots 22, 21 & 20, request for a Variance under section 32-89 of the Warren Zoning Ordinance to allow construction of a single family dwelling within one hundred fifty feet of a wetland.

S. Paul Ryan, Esq., 201 Washington Rd, Barrington, RI, and Mr. Arrengado were present to give testimony for application #16-15. Mr. Ryan explained that he client was proposing to build a three car garage on the first floor with a residence on the second floor. The proposal of the garages on the first floor, on a slab, is due to the

water table being approximately 6' deep which will not allow for a full foundation. The owner will occupy two of the garage bays and the third will be for the tenant. The existing house has been vacant since January when Mr. Arregado purchased it and it will be demolished.

It was moved by Vice Chairman P. Attemann to approve Application #16-15, Vincent Arregado & Diane DeCrescenzo, Owners and Applicants, 3 Drysdale St., Plat Map 13A, Lots 22, 21 & 20, request for a Variance under section 32-89 of the Warren Zoning Ordinance to allow construction of a single family dwelling within one hundred fifty feet of a wetland. Finding of fact, based on the testimony heard from the applicant and his attorney, this is a shallow lot and comprised of three very small lots which have already been combined and are within the Zoning Ordinance. Due to the high water table the applicant has proposed a living space on the second floor instead putting a full basement; the first floor will then become a heated garage and will be used by the applicant as well as his tenant. The hardship is not the result of any prior action of the applicant, nor is it for the desire of greater financial gain. It is an investment property and he will be using it for his business as well. He is proposing to demolish a small house that has been vacant. By granting this application it will not alter the general characteristics of the surrounding area for all intent and purposes of the Zoning Ordinance it is compatible with the Comprehensive Plan. The size of the building being proposed is keeping within the same size of the buildings in the neighborhood. The relief being requested is the least relief necessary due to the unusual shape of the lot. This is a modest proposal being 30' deep by 40' wide and the proposed deck of 16' by 16' has been reduced. The granting of this application is conditional that the rear deck shall be no more than 10' in depth by approximately 25' wide; the proposed area of the deck was 324'. The applicant may make the deck a little longer however; the square footage must not exceed the original square footage area. Further conditions, that the shed noted on the site plan is to be demolished or moved, if it is moved, the location must conform to the specified setbacks for accessory structures in the Ordinance. A clarification condition, in the application it is noted as 150' encroachment setback, but what is actually being discussed is 50'. So, what is being approved and being looked at is within a 50' encroachment setback not 150'. Second by W. Barrett Holby. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and W. Barrett Holby. 5-0

Administrative Matters

- P. Attemann requested the new/updated Zoning Ordinance documentation to be disturbed to the Board at the next meeting.
- Solicitor Skwirz shall give presentation of invalid Zoning provisions.

Adjourn

It was moved by A. Harrington to adjourn the meeting at 8:13 pm. Second by A. Ellis. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and W. Barrett Holby. 5-0

Respectfully submitted,

Rhonda Lee Fortin
Secretary