

WARREN ZONING BOARD OF REVIEW
August 17, 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, A. Harrington, A. Ellis, 1st Alternate M. Emmencker and 2nd Alternate J. Rainone. Not present was W. Barrett Holby Jr.

Solicitor Skwirz was also present.

Approval of Minutes

July 20, 2016 Zoning Board Meeting - A motion was made by M. Emmencker to accept the July 20, 2016 minutes as circulated. Second by A. Harrington. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and M. Emmencker. 5-0

New Business

Application #16-18, Robert M & Barbara J Quinlan, owners and applicants, 49 Cottage St., Plat Map 13A, Lot 111, request for a Special Use Permit under section 32-76 of the Warren Zoning Ordinance to allow the enlargement of a structure non-conforming as to side yard regulations.

Robert Quinlan owner and applicant was present to give testimony for Application #16-18. Mr. Quinlan explained that his daughter and children were moving in and they would like to propose a bedroom and bathroom expansion of 17' x 27' to the current 26'x40' home. This proposal would extent by 4' into the garage and 21' setback from the rear yard setback and 10' from the side yard setback. The placement of the expansion was chosen to keep with being on the first floor and there would be no change to the front of the house. Mr. Quinlan asked the Board to amend Application #16-18 for a Special Use Permit under section 32-76 to a request for a Dimensional Variance.

It was moved by A. Harrington to grant the request for a Special Use Permit to a Dimensional Variance where the terms shall be as follows: side yard setback where 15' is required and 10' is proposed/existing, a rear yard setback of 35' is required and 21' is proposed and a lot coverage variance of approximately 23% lot coverage where 20% is required. Second by Vice Chairman P. Attemann. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and M. Emmencker. 5-0

Public Comment– NONE

It was moved by A. Harrington to grant Application #16-18, Robert M & Barbara J Quinlan, owners and applicants, 49 Cottage St., Plat Map 13A, Lot 111, located in an R-10 Zone, as amended to a Dimensional Variance, where there is 10' side yard setback and 15' is required and the existing setback is non-conforming. The proposed rear yard setback shall become 21' where 35' is required and the lot coverage of approximately 23% lot coverage where 20% is required. The applicant has demonstrated through testimony given, the requested Variance is due to the pre-existing limitations of the lot. The request is the least necessary to accomplish this proposal and finding of fact through the testimony this is a reasonable hardship. Should the size of the addition be made small there would be a loss of function to accommodate the goal of the living space for this couple. Second by Vice Chairman P. Attemann. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and M. Emmencker. 5-0

Application #16-19, Mansi Commercial Properties, LLC, owner and Brad Camara, applicant, 6 Read St./417 Child St., plat map 12, lots 135, 121 & 122, request for a Special Use Permit under section 32-74 of the Warren Zoning Ordinance to allow expansion of a non-conforming use in a Village Business zoning district.

Application #16-20, Mansi Commercial Properties, LLC, owner and Brad Camara, applicant, 6 Read St./417 Child St., Plat Map 12, Lots 135, 121 & 122, request for a Variance under section 32-78 of the Warren Zoning Ordinance to allow construction of an addition closer to a rear lot line than permitted in a Village Business zoning district.

Brad Camara, 142 Market St., Swansea, MA 02777, applicant of Applications #16-19 & #16-20 was present to give testimony. Mr. Camara explained the existing shop is 12'1" from the property line and what is being proposed will be 15'-16' from the property line but will not be anything less than 15'. He believes he can request 25% of the garage building and 25% on the store building. They are asking to make a building that is 1,656, other than a Dimensional Variance the expansion of the legal non-conforming is 446 sq ft. The proposed shed/storage building is 22' x 20' not including the 40 sq ft rectangular piece and the shop 36' x 46'. The current use of this property is storage and sales of propane, grills and chlorine as well as the storage/housing of the oil truck. Mr. Camara agreed that the proposed building of 36' x 46' could be changed to 30' x 44'.

Public Comment– NONE

It was moved by A. Ellis to approve Application #16-19, Mansi Commercial Properties, LLC, owner and Brad Camara, applicant, 6 Read St./417 Child St., Plat Map 12, Lots 135, 121 & 122, request for a Special Use Permit under section 32-74 of the Warren Zoning Ordinance to allow expansion of a non-conforming use in a Village Business zoning district. The specific expansion presented here would be limited to no more than 25% increase in the area of the current use of the building. In granting this Special Use Permit, finding of fact, this expansion will be compatible with the neighboring land uses as there are other businesses and variety of enterprises in the same area. There is no indication this expansion will create a hazard or nuisance in the area based on the applicant's testimony. The function of the addition will be compatible with the Comprehensive Plan as the Plan encourages development of business assets and the public convenience and welfare will be served, as this business would be in a better position to serve its customers. Second by P. Attemann. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and M. Emmencker. 5-0

Brad Camara, applicant of Application #16-20, Mansi Commercial Properties, LLC, owner and Brad Camara, applicant, 6 Read St./417 Child St., Plat Map 12, Lots 135, 121 & 122, request for a Variance under section 32-78, requested said application to be withdrawn.

It was moved by A. Harrington to grant the request of the applicant and the withdrawal of Application #16-20, Mansi Commercial Properties, LLC, owner and Brad Camara, applicant, 6 Read St./417 Child St., Plat Map 12, Lots 135, 121 & 122, request for a Variance under section 32-78 of the Warren Zoning Ordinance to allow construction of an addition closer to a rear lot line than permitted in a Village Business zoning district. Second by Vice Chairman P. Attemann. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and M. Emmencker. 5-0

Application #16-21, 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 32-85 of the Warren Zoning Ordinance to allow the merger of 3 substandard lots to form 2 less-substandard lots.

Alfred Rego, Esq. of Rego & Rego Attorneys at Law, 443 Hope St, Bristol, RI, represented David Sequino and 450 Main Street LLC. Mr. Rego explained that in July this went before the Warren Planning Board and received Administrative Sub- Division approval contingent on the Zoning Board's decision that allowed the 3 lots to be merged into 2 lots to allow frontage on Child St. There will be no changes made to the footprint and this would also make what is non-conforming less non-conforming.

Public Comment– NONE

It was moved by Vice Chairman P. Attemann to approve Application #16-21, 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 32-85 of the Warren Zoning Ordinance to allow the merger of 3 substandard lots to form 2 less-substandard lots. Finding of fact, the Planning Board heard testimony for the merger and gave their approval contingent on the finds and decision of this Board. This will be compatible with the neighboring land uses and the Comprehensive Plan, the applicant has testified that the current configuration is 2 buildings on one lot and one building address being 131 Child St but there is no frontage on Child St. The merger of the three lots to 2 lots will allow and provide for that building, frontage on Child St to that particular lot. Thus making what is very non-conforming less non-conforming and meeting the spirit of the Comprehensive Plan by doing so. The Special Use will not create a nuisance or a hazard in the neighborhood as there are no changes of use or increases in structures. The public welfare and convenience will be served and hopefully the owner will be better able to utilize the property which will allow him to better serve the common welfare of the public. Second by A. Harrington. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and M. Emmencker. 5-0

Application #16-22; Bertha C Lial, Trustee/Life Estate, owner and Luke's Legend LLC, applicant, 25 Serpentine Rd, Plat Map 21, Lots 273, 169 & 241, request for a Variance under section 32-77 of the Warren Zoning Ordinance to allow construction of an accessory structure exceeding 20 ft in height.

Bruce Cox Esq., Sleprow, Sleprow & Associates, 1481, Wampanoag Trail, #3, Riverside RI 02915, was present to give testimony for Application #16-22, Luke's Legend LLC, Marcia L Hoffer. Mr. Cox explained that this is a unique agricultural site with a pre-existing barn where a riding arena and stable are being proposed. He further explained that a 4 pitch roof is necessary and being proposed with no beams in the middle.

Cara Millard Cromwell, 649 Hope St, Bristol, RI, public affairs specialist with Cromwell Public Affairs who has been riding for 38 years, is an English style rider and is assisting the applicant with this endeavor, was accepted as an expert witness. She also has known and worked with to be proprietor Michaela Scanlon for 26 years. Ms. Cromwell stated in her opinion with 150' x 70' proposal is very modest; a 20 meter circle is typical. Ms. Cromwell further explained that Luke's Legend LLC is purchasing the property and will then rent it to Windswept Farm, Michaela Scanlon, which is an existing business in Warren with approximately 100 clients. Ms. Cromwell stated that the minimal clearance is 16' but some barns have a head clearance of 19'. With that in mind and taking into consideration snow on the roof, the calculation with the pitch the roof height becomes 28'6" therefore, a need for a dimensional variance of 8'6".

Public Comment– NONE

It was moved by A. Ellis to approve Application #16-22; Bertha C Lial, Trustee/Life Estate, owner and Luke’s Legend LLC, applicant, 25 Serpentine Rd, Plat Map 21, Lots 273, 169 & 241, request for a Variance under section 32-77 of the Warren Zoning Ordinance to allow construction of an accessory structure exceeding 20 ft in height. Finding of fact based on the testimony, it is actually 28’6” being sort. The granting of the Variance is based on the expert testimony heard, the hardship is due to the unique character of the structure, and this is a riding facility with needs to accommodate that function. This is not due to any prior action of the applicant and by granting this Variance it will not alter the surrounding character of the land as there are other agriculture uses and structures. This will be compatible with the Comprehensive Plan that encourages use of agriculture land use for these purposes. Further finding of fact, based on the testimony, this would be the least necessary relief needed, the height requested is necessary for the safe and proper use proposed and should this relief not be granted it would cause more than a mere inconvenience and possibly a dangerous riding facility or the facility would be unusable in its entirety. Second by A. Harrington. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and M. Emmencker. 5-0

Administrative Matters

Adjourn

It was moved by Vice Chairman P. Attemann to adjourn the meeting at 8:36pm. Second by A. Harrington. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and M. Emmencker. 5-0

Respectfully submitted,

Rhonda Lee Fortin
Secretary