

**STATE OF RHODE ISLAND CITY OF EAST PROVIDENCE
COUNTY OF PROVIDENCE ZONING BOARD OF REVIEW**

MINUTES

A meeting of the East Providence Zoning Board of Review was held at 7:00 P.M., on Wednesday, 2 March 2016, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Vice-Chairman - ABSENT

John Braga - ABSENT

Pier-Mari Toledo

Antonio H. Cunha

Richard Croke, Sr. – 1st Alternate

Gary Pascoa – 2nd Alternate

Edward Pimentel – Zoning Officer / Clerk

Gregory Dias – Assistant City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

Chairman Saveory announces that it is the policy of the Zoning Board

of Review to caution all petitioners that they have the right to counsel before the Board and failure to do so at this time does not constitute sufficient grounds for a change in circumstances under the eighteen-month repetitive petition clause. All petitioners are also cautioned that if the petition is approved, all construction must be done in compliance with the submitted plan(s), application and testimony presented to the Zoning Board of Review. A change of any sought must obtain the requisite approval of the Zoning Board of Review. All work that deviates from the approval will be ordered halted and promptly removed. Comments will be limited to the petition being heard and no comments will be heard that do not pertain to an item scheduled on tonight's docket. He also notes that it is the policy of the Board that no new agenda item will be heard after 10:30 PM.

Chairman Saveory also notes that the Board welcomes any commentary from the public provided it solely pertains to an item on tonight's docket.

A. Swearing in of the Zoning Officer

Chairman Saveory asks Assistant City Solicitor Dias to swear in the Zoning Officer, Mr. Pimentel.

.

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory informs the public that Mr. Beauparlant is absent, and therefore Mr. Croke, 1st Alternate, will be both a participating as well as voting member on all of tonight's agenda items.

Chairman Saveory then informs the public that Mr. Braga is absent as well, and therefore Mr. Pascoa, 2nd Alternate, will be both a participating as well as voting member on all of tonight's agenda items.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the 12 August 2015, Zoning Board of Review Minutes. Motion by Ms. Toledo to approve the 12 August 2016, Zoning Board of Review Minutes. The motion is Seconded by Mr. Cunha, and Unanimously approved.

IV. ZONING OFFICER'S REPORT

Chairman Saveory announces that there is no report this month.

V. CORRESPONDENCE / DISCUSSION

Chairman Saveory announces that there are items to be discussed this month.

VI. STAFF REPORTS

A. Planning Department Staff Report – 26 February 2016 – Previously submitted.

B. Fire Department Comments – 26 February 2016 – Previously submitted.

C. Complaint List – February 2016 – Previously Submitted.

Chairman Saveory announces that the referenced documents are already rendered part of the official record.

VII. CONTINUED BUSINESS

1A. Petition No. 6608: Sandra DeLuca, seeks a Waiver, to forego submission of a Class I Surveyed Site Plan, for property located at 110 Crown Avenue, being Map 309, Block 04, Parcel 018.00, and located within a Residential 3 District.

1B. Petition No. 6609: Sandra DeLuca, seeks a Dimensional

Variance, to retain a deck that was constructed without first obtaining the necessary building permit(s) and violates the requisite minimum side-yard setback, for property located at 110 Crown Avenue, being Map 309, Block 04, Parcel 018.00, and located within a Residential 3 District.

Zoning Officer informs the Board that Attorney Grieco, counsel for the subject petitioner, has formally requested a continuance to 6 April 2016, and proceeds to read said request into the record.

Motion by Ms. Toledo to continue the petitions of Sandra DeLuca to 6 April 2016. The motion is Seconded by Mr. Croke, and Unanimously approved.

VIII. NEW BUSINESS

1. Petition No. 6613: Raymond P. Cassola, seeks a Special Use Permit, to construct an accessory detached garage, said accessory structures being associated with a pre-existing two-unit residential dwelling, otherwise defined as an expansion of a pre-existing legal non-conforming land use pursuant Section 19-413(a) – ‘Alteration of a Nonconforming Use’, for property located at 59 North Broadway, being Map 403, Block 21, Parcel 014.00, and located within a Commercial 1 District.

Raymond P. Cassola, 59 North Broadway, East Providence, RI, subject petitioner, is properly sworn in.

Mr. Cassola informs the Board that he is seeking permission to replace his rather small and quite dilapidated garage with a larger, two-car garage, so that he can secure his vehicles. The present garage was constructed in approximately 1910.

Chairman Saveory queries the Board, beginning with Mr. Croke.

Mr. Croke inquires if the proposed height is eighteen (18) feet? Mr. Cassola responds in the affirmative. He does note however that if that is a problem, he is able to lower the overall height.

Mr. Croke inquires if the reason for the height is to accommodate storage? Mr. Cassola responds in the negative, noting that there is no provision for upper storage. The reason for the height was consideration for snow build-up, and to match the architectural detail – maintaining a similar pitch – of his home.

Mr. Croke notes for the record that he did conduct an inspection of the premises and has no personal objection.

Ms. Toledo notes that she had the same questions as Mr. Croke, and based on the testimony provided, she too has no personal objections.

Mr. Cunha notes that he does not have any question or comments.

Mr. Pascoa notes that he does not have any question or comments.

Chairman Saveory inquires if any utilities will be provided? Mr. Cassola responds that the only utility to be provided is electricity. There will be no plumbing or heating provided.

Chairman Saveory likewise notes that the present garage needs to be replaced, and therefore has no personal objections.

Chairman Saveory inquires if there is anyone else present who would like to speak in favor of the subject petition. Hearing and seeing none, Chairman Saveory inquires if there is anyone present who would like to speak against the subject petition. Hearing and seeing none, Chairman Saveory queries the Board for a motion.

Motion by Mr. Croke, based on all the evidence and testimony presented to the Zoning Board of Review and the personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board hereby finds:

- 1. That the use is compatible with neighboring land uses.**
- 2. The use does not create a nuisance in the neighborhood.**
- 3. That the use does not hinder the future development of the City.**
- 4. That the use conforms to all applicable sections of the special use**

requested.

5. That the use is in conformance with the purpose and intent of the East Providence Comprehensive Plan and applicable standards of this Chapter.

Mr. Croke moves that the special use permit be Granted subject to the petitioner fulfilling the following conditions:

1. Petitioner(s) obtaining any, and all, necessary permits.

2. Compliance with the submitted site plan (or amended site plan as it may be applicable), all exhibits, and entire testimony provided during the respective hearing.

Chairman Saveory asks Mr. Cassola if he accepts the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. Mr. Cassola responds that he fully understands and accepts the conditions just stipulated.

The motion is Seconded by Ms. Toledo.

Roll Call Vote:

Mr. Croke - Aye The subject property and referenced garage well pre-date

The adoption of the City's Zoning Regulations. The Garage is so small and dilapidated, as to be functionally Obsolete.

Ms. Toledo - Aye

Mr. Cunha - Aye

Mr. Pascoa - Aye

Chairman Saveory - Aye Consistent with the older residential neighborhood and

Will have no impact given abutting rail-line and proximate industrial presence.

Special Use Permit unanimously granted, subject to the aforementioned condition(s).

2. Petition No. 6614: The Wolf School, seeks Dimensional Relief, to expand a private elementary educational institution by in-filling gross floor area, resulting in failing to comply with certain dimensional criteria (as described below), for property located at 215 Ferris Avenue, being Map 502, Block 05, Parcel 033.00, and located within an Open Space 1 District.

Attorney Bruce H. Cox, with law offices at 1481 Wampanoag Trail, East Providence, RI, informs the Board that he represents the subject petitioner.

Attorney Cox informs the Board that he does have Anna Johnson, the head of the Wolf School, in attendance. He describes her educational qualifications and then proceeds to describe the property. The objective is to infill areas not previously occupied by any floor space, to realize a classroom and faculty room. This is not an intensification of overall classrooms, as one of the present classrooms will be repurposed to serve as a library. The relief sought is merely dimensional in nature, including parking and coverages. He questioned the need for off-street parking relief, considering it is a mere four-spaces and they do have a reciprocal agreement with the City for the adjacent parking area at the Kimberly Rock field. The excessive coverages are likewise de minimus – two-percent increase in building coverage resulting in a ten-percent overall deviation and one-half percent increase in impervious surface or a nine-percent overall deviation. They have spoken with their neighbors and there has been no concerns expressed. There will be no visible exterior changes observed, other than the physical infill towards the interior portion of the property.

Assistant City Solicitor Dias informs the Board that he resides within the 200-foot radius, but this does not cause a conflict. He has spoken with counsel for the petitioner, and Attorney Cox has not expressed

any objection. Attorney Cox responds in the affirmative.

Chairman Saveory queries the Board, beginning with Mr. Croke.

Mr. Croke inquires if the additions will be purely in-fill, no observable expansion. Attorney Cox responds in the affirmative.

Mr. Croke notes for the record that he conducted a personal site inspection, and although the circular driveway was filled to capacity, there was no spillage onto Ferris Avenue. He concurs that the parking area associated with Kimberly Park, which is quite close, is never near to capacity.

Ana Johnson, 8 Bay Road, Barrington, RI, head administrator, is properly sworn in.

**Mr. Croke inquires as to the student body capacity of the school?
Ms. Johnson responds that the present total is 62-students.**

Ms. Toledo acknowledges that she does not have any objection.

Mr. Cunha acknowledges that he too has no objection. He then compliments the petitioner on the manner in which they maintain their property.

Chairman Saveory concurs with Mr. Croke regarding the fact that it is

merely in-fill construction. He then inquires if there will be an associated increase in the student body? Ms. Johnson responds that their objective is not to exceed 65-students. The present proposal is merely to reorganize space, realizing a library.

Chairman Saveory inquires if there is anyone else present who would like to speak in favor of the subject petition. Hearing and seeing none, Chairman Saveory inquires if there is anyone present who would like to speak against the subject petition. Hearing and seeing none, Chairman Saveory queries the Board for a motion.

Motion by Mr. Croke, based on all the evidence and testimony presented to the Zoning Board of Review and the personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board hereby finds:

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and not due to a physical or economic disability of the applicant excepting those physical disabilities addressed in RIGL 45-24-30(16).

2. The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.

3. The granting of the requested variances will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the city's comprehensive plan upon which this chapter is based.

4. That the relief to be granted is the least relief necessary.

Mr. Croke hereby further finds pursuant to Section 19-45(b) of the City of East Providence Zoning Ordinance:

5. In granting the dimensional variances, that the hardship that will be suffered by the owner of the subject property if the dimensional variances are not granted shall amount to more than a mere inconvenience.

Mr. Croke moves that the dimensional variances be Granted subject to the petitioner fulfilling the following conditions:

1. Petitioner(s) obtaining any, and all, necessary permits.

2. Compliance with the submitted site plan (or amended site plan as it may be applicable), all exhibits, and entire testimony provided during the respective hearing.

Chairman Saveory asks Attorney Cox, on behalf of his client, if he accepts the conditions of approval just stipulated, understanding that

strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. Attorney Cox, on behalf of his client, responds that he fully understands and accepts the conditions just stipulated.

The motion is Seconded by both Mr. Cunha.

Roll Call Vote:

Mr. Croke - Aye Least relief necessary and fits in well with the surrounding neighborhood character.

Ms. Toledo - Aye Concurs with Mr. Croke's comments.

Mr. Cunha - Aye Very minor dimensional variances. The relief results

merely from in-fill construction, and will therefore have no visible impact on the neighborhood.

Mr. Pascoa - Aye

Chairman Saveory - Aye Concurs with the Board's comments.

Dimensional variances unanimously granted, subject to the aforementioned condition(s).

IX. ANNOUNCEMENTS

Chairman Saveory announces that the Zoning Board of Review will be reconvening as an Appellate Board immediately following the conclusion of the respective Board meeting. Said meeting to convene in the City of East Providence Council Chambers, City Hall, East Providence, RI.

X. ADJOURNMENT

Motion to adjourn by Ms. Toledo. The motion is Seconded by Mr. Cunha and Unanimously voted to adjourn. Meeting is adjourned at 8:00 P.M.

Edward Pimentel, AICP

Zoning Officer / Clerk

Secretary