

ZONING BOARD OF REVIEW MINUTES

Tuesday, January 23, 2018 Meeting 7:00 pm

Town Council Chambers, Town Hall

125 Main Street, East Greenwich

Present: Richard Land, Chair, Renu Englehart, Vice-Chair, Ashley Cullion, Jody Sceery, Christopher Mulhearn, and Barry Golden (Alternate).

Absent: Melody Alger.

Staff: Lisa Bourbonnais, Town Planner, and Andrew Teitz, Legal Counsel.

Mr. Land, Chair of the Board, called the meeting to order at 7:00 PM. He introduced the board members and staff present and summarized the Board's hearing procedures for the record.

Zoning Board of Review Hearings – 7:00 PM

- 1. Marshall Muir (Foreign Events LLC)** for property located at 205 Main Street; Map 85 A.P. 1 Lot 213 (Zoned Commercial Downtown, CD-1). The Applicant seeks Dimensional Variances under Chapter 260 of the Town Code, Zoning Ordinance, Article III, Section 260-8(J) Outside Storage & Dumpsters; Article VI, Off-Street Parking Regulations, Section 260-20 Required Off-Street Parking Spaces, and Section 260-24 Off-Street Loading Areas. Additionally relief is required from Table 2 of Chapter 260, Table of Dimensional Regulations for minimum frontage, lot coverage and side yard setbacks. The Dimensional Variances are required because the Applicant seeks to open a hookah bar at the subject property and the change of use necessitates relief since there is a lack of on-site parking and dimensional non-conformities already exist. **(This application was continued from the November 28, 2017 meeting.)**

Chairman Land announced this applicant has requested a continuance to the February 27 meeting. He added that applicant #5 (**Atmed**) on this agenda has also requested a continuance – to March 27. Motion by Ms. Cullion, second by Ms. Sceery to continue as discussed. VOTE: 5- 0 – 0 in favor.

- 2. 620 Main Street Associates, LLC** for property located at 15 Castle Street; Map 85 A.P. 1 Lot 118 (Zoned Residential, R-6). The Applicant seeks Dimensional Variances under Chapter 260 of the Town Code, Zoning Ordinance, Article III, Sections 8(A) and 8(J); and Article VI, Off-Street Parking Regulations, Sections 23A(1) and 25D(2). Additionally relief is required from Table 2 of Chapter 260, Table of Dimensional Regulations for a density increase (minimum lot size). The Dimensional Variances are required because the Applicant seeks to construct a 9-unit residential re-development; the site is 30,425 square feet in area and related

access, parking, utilities and landscaping will be provided. An existing historic house on-site will be removed.

Chairman Land read a summary of the application into the record. Ms. Cullion announced she was recusing from this matter and left the dais. Alternate Golden participated as a full voting member in her place.

On hand to represent the applicant was David Iannuccilli who introduced the Project Architect, Don Powers. Mr. Powers was sworn in as the first witness and then provided Applicants' Exhibit 1, which was a hard copy hand-out of a Power Point slide show. He explained that his design team had been involved in another East Greenwich project a few years back called Cottages on Greene and the subject project is very similar in concept. The current project is actually less dense than the Greene Street project and requires less zoning relief. 9 dwelling units will be developed in five buildings. Common pathways and courtyard spaces along with a parking area would also be developed.

Mr. Powers provided a great deal of detail about the project including its procedural history thus far and the additional steps required after the subject review. He explained the five variances requested and described the physical characteristics of the site. The structures will sit atop something of a plateau at the middle/back of the site. The front (Castle Street side) is marked by a steep slope that will have a pedestrian ingress to the property via stairs. The property also abuts Lion Street but this stub is being de-commissioned at the behest of the DPW. The structures will comply with setbacks but the parking areas and other amenities will not.

The character of the area will dictate the project design so the new buildings will be marked by simple, gable-roofed volumes with trim and other details to match the surroundings. Board members chimed in at this point to praise the design and the HDC's conceptual approval was noted for the record. There was some concern about the height of new construction since the buildable part of the site sits on something of a knoll. It was noted that the cottages will be 1.5 stories like most of the buildings in the area and thus should not overwhelm existing structures.

There was a brief discussion regarding the density of development that would be allowed here by right and also the best means of buffering new construction from neighboring properties. The applicants explained that mature trees would be retained, some fencing would be added, and a final landscaping plan would be subject to review and approval by the Planning Board. While the project needs relief in order to create multiple residential structures on one lot, the Board agreed that the design – which includes several small cottages – is definitely more consistent with the neighborhood than any plan that might propose multiple dwellings within a single, large apartment-style building.

As no one was on hand to speak in favor of or in opposition to the proposal, the Chair called for a motion. A motion was made by Ms. Sceery, second by Mr. Mulhearn to

approve the application as presented. In discussing the matter, the Board noted the relevant standards have been addressed as the need for relief does not arise from any prior action by the applicant, the request seems to represent the least relief necessary for the re-development project, and granting the variances will not negatively impact the purpose or intent of the zoning ordinance nor the character of the surrounding area.

VOTE: 5 – 0 – 0 in favor; the motion was approved.

3. **Hill & Harbor Design and Build** for property owned by Michael and Laura Bottaro and located at 30 Reynolds Street; Map 84 A.P. 2 Lot 155 (Zoned Residential, R-10). The Applicant requires a Dimensional Variance from the allowable maximum height for the construction of a detached garage. Chapter 260 of the Town Code, Zoning Ordinance, Table 2 – Table of Dimensional Regulations by Zone sets forth a maximum height of 15 feet for accessory structures. The Applicant intends to demolish the existing storage shed/single car garage and build a new two-car garage with unfinished storage space above and is requesting the garage height to be 21’.

Ms. Cullion returned to the dais and Ms. Sceery recused herself for this hearing. Mr. Golden continued to sit as a full voting member. Mr. Land read a synopsis of the petition into the record and Ms. Bottaro, the owner, appeared to represent the request and was sworn in. She was accompanied by Paul Vespia, the applicant, of the contracted design-build firm.

Ms. Bottaro provided some background on the project, noting she has owned the property since October, 2017. The existing garage/shed building does not accommodate a large, modern vehicle as its doors are not tall enough and the storage building is built on a slab which is not water tight and there is very little other storage area on the property. The local historic district commission has recently approved demolition of the storage building due to its very deteriorated condition. The removal of the old building actually represents an opportunity to correct a long-standing lot line encroachment.

The applicants seek to build a two car garage with side porch and dry storage area in a loft above. The new construction will comply with the setback requirements but will be taller than allowed. The overall height will be 21’ where 15 feet are ordinarily allowed for a detached accessory structure. The building has been designed to be compatible with the existing historic house. The HDC has conceptually approved the plan noting its appropriateness in terms of size, style and mass. The roof pitch in particular is designed to mirror the house.

Board members had questions about the nature of the “storage area” and whether or not the loft will include living space. The project builder, Mr. Vespia, was sworn in. He explained that the usable area of the space would be 625 square feet but it would not

initially be finished space. It may be finished at some point in the future as budget allows. There would be electricity but no plumbing.

No one was on hand to speak in favor of or in opposition to the application. Motion by Ms. Cullion, second by Mr. Mulhearn to approve the application as presented. In support of the motion, it was noted that standards appear to be met. The applicants seek to improve the functionality of their property and the application was not submitted out of a desire for financial gain. The relief requested is the least necessary and the project will actually eliminate an existing non-conformity. VOTE: 5 – 0 – 0 in favor.

4. **Ronald Volpe** for property located at 28 Valley Road; Map 23 A.P. 17 Lot 123 (Zoned Residential, R-10). The Applicant requests Dimensional Variances from Table 2 of Chapter 260 of the Town Code; Zoning Ordinance, Dimensional Regulations by Zone which sets forth the setbacks for the zone. Additionally, the Applicant seeks relief from Article V, Section 260-14(B) Nonconforming by Dimension. The Applicant seeks to construct a 22' x 24' garage to the southern portion of the existing house which will not comply with the front and side setback requirements.

Ms. Sceery rejoined the Board to act as a voting member. Mr. Land summarized the application for the record. The applicant was on hand to represent his request and was sworn in. He presented Applicants' Exhibit 1 which was a set of drawings and renderings of the proposed new construction.

Mr. Volpe explained he lives in a modest ranch house, built on a slab, with basement and no attic to speak of. He has no garage and basically no storage space on the property. The property is already non-conforming in that it is under-sized for the zone, sits close to the side lot line, and encroaches on the front setback line. A two-story garage is proposed attached at the right side of the house. It will site 3.2 feet off the side lot line where an 11.25' setback is required. The front face of the house currently sits 23 feet back from the front lot line where a 30' setback is required. The new addition will sit well back from the front face though and will not need front setback relief.

The board noted most homes in the neighborhood are single story homes. The applicant agreed but noted there are two-story homes on his street and he feels the taller addition will fit in. The house across the street is a two-story home and his addition will not exceed the zoning ordinance's height cap.

No one was on hand to speak for or against the petition so the Chair called for a motion. Motion by Ms. Sceery, second by Mr. Mulhearn, who acknowledged the applicant's need for a garage and storage space with limited lot area available. In support of the motion, it was noted that the petition arises simply from a desire to

make the property more functional. The new work is expected to fit in with its surroundings and the request seems to represent the least relief necessary to accomplish the goal. VOTE: 5 - 0 - 0 in favor.

5. **Atmed Urgent Care** for property owned by 5750 Post Road Medical Offices, LLC and located at 5750 Post Road; Map 45 A.P. 11 Lot 62 Unit 0002 (Zoned Commercial Highway, CH). The Applicant requires a Dimensional Variance under Chapter 260 of the Town Code, Zoning Ordinance, Article VII Signs, Section 27(A) Definition of a Monument Sign. The Applicant seeks to add a 14' high sign which exceeds the 8' height limit and the total visible sign area will also exceed the allowance. Additionally, one freestanding sign is allowed per business per lot and the Applicant proposes two such signs. **(Continued to March 27, 2018)**
6. **Zarrella & Associates LLC** for property owned by Union Street LLC and located at 9 Union Street; Map 75 A.P. 3 Lot 88 (Split Zoned Commercial Downtown, CD-1 and Residential, R-10). The Applicant seeks Dimensional Variances from Table 2 of Chapter 260 of the Town Code; Zoning Ordinance, Dimensional Regulations by Zone. The Dimensional Variances are required because the Applicant seeks to construct a two-family residential structure and needs a density increase (minimum lot size) and side and rear setback relief. The site is 6,239 square feet in area where two existing garages will be removed.

Chairman Land introduced the matter and Attorney Sanford Resnick appeared to represent the applicant. He explained there are two deteriorated garages on the site which are proposed for demolition. The property is in the historic district and the HDC has approved the demolition of the accessory structures. Mr. Resnick introduced the applicant Jerry Zarrella Jr. and the project architect George Bennett who were sworn in.

Staff asked for clarification regarding the setbacks noting that the property was the subject of an administrative subdivision last year. Some land area was added from an adjacent lot at that time and yet the applicant has still proposed a project that requires setback relief. Mr. Resnick attempted to answer the questions about the setbacks noting the encroachments should have no impact on neighbors given the site characteristics (against an embankment on one side and adjacent to a rear parking lot on the other).

Mr. Bennet described the design, noting that the "L" shaped lot makes it difficult to lay out a building that does not encroach. He also explained that given the one-way traffic pattern, a great deal of emphasis has been placed on designing a building that will be attractive especially coming from Main Street. It was also important to make the duplex structure look like a single family home as it is essentially a gateway to the

Hill residential district. The height of the new construction will be about 32 feet and the structure will sit less than 7 feet off both the east and west lot lines.

The Board asked a number of questions, particularly about the scale and massing of the new building. They ultimately agreed the design will fit in well with its surroundings and the existing garages that will be removed are derelict. No one was on hand to speak for or against the petition.

Motion by Ms. Sceery, second by Ms. Cullion to approve the application. In support of the application, it was noted the lot is unique, being oddly shaped and split-zoned. The Board does not see an approval here as being precedent-setting because there would be a very limited number of comparable situations. While there was some concern about the mass of the proposed building, the Board concluded the design will sit back from the street and be broken up in such a way as to not negatively impact the character of the neighborhood. The motion was approved on a 5 – 0 – 0 vote.

Zoning Board of Review Business

1. Minutes: Review/action on the minutes of the November 28, 2017 meeting.
Motion by Ms. Cullion, second Ms. Sceery to accept as written. VOTE: 5 – 0 – 0 in favor.

Motion at 8:15 PM to adjourn by Ms. Sceery, second by Mr. Mulhearn and unanimously approved.

Minutes respectfully submitted by Lisa Bourbonnais, Planning Director. For additional information, please refer to the recording available in the Planning Department.