

ZONING BOARD OF REVIEW MINUTES
Tuesday, February 26, 2019 Meeting 7:00 pm
Town Council Chambers, Town Hall

Present: Richard Land, Chair; Chris Mulhearn, Vice-Chair, Jody Sceery, Ashley Cullion, Barry Golden (Alternate) and David Collier (Alternate).

Absent: Melody Alger.

Staff: Lea Anthony Hitchen, Assistant Town Planner and Andrew Teitz, Town Solicitor.

Mr. Land, Chair of the Board, called the meeting to order at 7:00 PM and introduced the members and staff present. He then read the Board's procedures into the record. Each person addressing the Board will first state his or her name and address for the record. The applicant and his or her legal representative will present the case and witnesses may be called to testify. Such testimony must be relevant to the application. Expert witnesses will be sworn in and there will be no prejudgment as to the expertise of any witness. Pictures, diagrams and other documents given to the Board as evidence will be appropriately marked as exhibits and will be retained by the Board for the record. Upon completion of the applicant's presentation all other persons wishing to offer evidence in favor of the application may then do so one at a time. Following that all persons wishing to offer evidence against the application may then do so one at a time. It is asked that comments are confined to the zoning matter being heard and that repetitive remarks are avoided. Cross examination or rebuttal may be allowed if the Board feels it would be appropriate and useful. All questions from the floor will be directed through the Chair only. After all relevant facts have been heard the Chair will call for a motion; the Board will then discuss the motion and the Chair will call for a vote. During the discussion among voting Board members, the Board will not accept any new and further testimony unless it is specifically requested by a Board member. The Board

will make every attempt this evening to render a decision. The written decision will be recorded in the Town Clerk's Office as soon as possible following the approval of the minutes of the meeting.

Zoning Board of Review Hearings - 7:00 PM

1. **Jen Cookke** for property owned by **Albany Road - 1454 South County, LLC** for property located at 1454 South County Trail; Map 71 A.P. 10 Lot 10 (Zoned Light Industry/Office, LI/O). The Applicant seeks a reconsideration of an original April 16, 2010 decision of the Zoning Board of Review wherein variances were granted to reduce the 100' buffer to a residential zone to 25'; reduce the interior parking landscaping from 20 percent to 10 percent; and reduce a 40' side setback requirement for parking lots to 25'. The Applicant intends to construct a 720 square foot addition which necessitates expanding the original dimensional relief due to inadequate parking spaces provided. A Dimensional Variance is now being sought under Chapter 260 of the Town Code; Zoning Ordinance, Article VI, Off-Street Parking Regulations, Section 260-20 Required Off-Street Parking Spaces.

(Mr. Land recused himself from the application and Vice-Chair Mulhearn proceeded to chair the meeting.)

Ms. Jen Cookke, with a residence at 23 Bridgham Farm Road, Rumford, RI, represented the application. She said her company was also the developer who constructed the subject medical building about ten years ago for the tenant, being Lifespan Hospital. Ms. Cookke explained the existing building is about 45,000 square feet in size and was fully tenanted before construction began. Her tenant, Lifespan, has inhabited the building all along and has requested an addition because the building interior is full of offices. She asserted there is no room available to accommodate a piece of equipment called a "LINAC"

(linear accelerator) machine and therefore the reason for the 720 square floor addition.

Ms. Cookke used an illustration of the property to describe the existing conditions noting parking is in the rear with the front being landscaped. She highlighted the gray box on the plans as where the addition will be located. Ms. Cookke remarked the addition will not have its own entrance; the main access points will continue to be the main points of entry/exit. She disclosed the reason the addition is in its proposed location has to do with an existing generator and transformer that prohibits it from being in the preferred location.

Ms. Cookke verified that she does not want to add to the front of the property and there is not enough room on the north side. She asserted the dimensional relief is being sought because the site will be short seven (7) parking spaces - with the addition, the parking requirement calls for 184 parking spaces; there will be 177 parking spaces.

Ms. Cookke asserted staff took pictures of the parking area at various times throughout the day to verify the parking lot is never full - the most distant parking spaces from the building are never utilized. In order to move forward with construction we will need to receive a variance from the required parking.

Ms. Cookke introduced Ms. Jess Coyle as the architect of the project and Ms. Jody Bishop who runs the real estate division and noted they were here for any specific questions relating to the LINAC machine. She pointed out the LINAC machine is a piece of equipment that aids in the treatment of cancer.

Mr. Golden asked if this will be the first LINAC in East Greenwich. Ms. Cookke answered yes and noted Lifespan is required to go through a Certificate of Need process with the Department of Health which is currently underway and Lifespan is very excited to offer the use of the machine.

Mr. Golden questioned if more land is available in the rear should more parking be needed. Ms. Cookke said not really - the only real opportunity would be in the rear and it would require setback relief.

Ms. Cullion commented that it seems the business has been up and running for quite some time; it seems if there was a parking problem it would have been brought to the owner's attention. Ms. Cookke said she would be well aware of any parking issue as that is the last thing a developer wants for a medical office. Additionally her tenant would be on the phone complaining which is not the case - especially cardiac patients which this location offers cardiology services. She noted the patients visiting the site need parking close to the building and she is confident that there is enough parking.

Ms. Cookke informed the Board that the LINAC is an ancillary treatment; it is not adding new people.

Mr. Mulhearn opened the hearing for public comment. No public comments.

Ms. Cullion was of the opinion that the request is very reasonable; the LINAC is a necessary piece of equipment and the Applicant has monitored the parking long enough to know the number of parking spaces is sufficient. She added it is the least necessary relief.

Mr. Mulhearn stated that in order to be granted a dimensional variance, the following must be met:

The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and not the general characteristics of the surrounding area.

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

Granting the request will not alter the general character of the surrounding area or impair the purpose or intent of the Zoning Ordinance or Comprehensive Plan.

The relief to be granted is the least relief necessary.

The hardship suffered by the owner if the variance is not granted shall amount to more than a mere inconvenience.

With no further comments Mr. Mulhearn asked for a motion.

Motion by Ms. Sceery to approve the application as presented.
Seconded by Ms. Cullion.

VOTE: 5 - 0.

Zoning Board of Review Business

1. Minutes: Review/action on the minutes of the November 27, 2018 meeting.

Motion to approve the November 27, 2018 minutes as written by Mr. Mulhearn. Seconded by Ms. Sceery. Vote: 6 - 0.

2. Upcoming Workshop: Code of Ethics & Open Meetings Act training to be held on March 28, 2019 at New England Institute of Technology beginning at 7 pm.

Mr. Land reminded the board members about the March 28th workshop. Most members planned on attending.

Motion to adjourn by Ms. Sceery. Seconded by Mr. Golden.
Approved 6-0.

Zoning Board of Review meeting adjourned at 7:20 pm.

Minutes respectfully submitted by:

Lea Anthony Hitchen,
Assistant Town Planner

For more information, please refer to the recording available in the
Planning Department.