

ZONING BOARD OF REVIEW MINUTES
Tuesday, February 27, 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; Melody Alger (Alternate); and Barry Golden (Alternate).

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 and January 23, 2018 meetings.)**

Continued at Applicant's request to the March 27, 2018 agenda. Motion by Ms. Sceery, second by Ms. Cullion and supported unanimously.

2. **Jeff and Elizabeth Keithline** for property located at 205 Kenyon Avenue; Assessor's Map 84, Plat 9, Lot 284 (Zoned R-30, Residential). The Applicant seeks a Special Use Permit to allow an accessory family dwelling unit (for in-law use only) on the property. A dimensional variance is also required because the shed structure proposed for conversion to a dwelling unit is non-conforming in terms of the side setback and the overall height. Chapter 260 of the Town Code, Zoning Ordinance, Section 9(C) establishes the provision for these accessories to be permitted by special use permit. Relief is also required from Chapter 260-9(E) and Table 2 – Table of Dimensional Regulations by Zone which together establish a maximum height of 15 feet for accessory structures and a side yard setback of 30 feet.

The Applicant Mr. Keithline and his Project Architect Adam Titrington of Estes Twombly Architects were on hand to represent the application.

Mr. Keithline explained that he and his wife would like to stay on their property as they age but they would prefer to downsize their living space. An Accessory Family Dwelling Unit would be created via conversion – with a significant addition – of an existing outbuilding. If this “in-law apartment” was being created within or attached to the existing primary residence, it would be allowed by right but the location in a re-purposed accessory structure necessitates the special use permit.

There are two existing outbuildings on site and they both represent setback encroachments. The applicants are siting their new dwelling in the shed structure that is furthest back from the street such and the new construction will be at the back so as to minimize visibility from the front of the property. The side lot line where the encroachment exists is well vegetated and buffered and should not require augmentation to be an effective screen. The existing house will remain and accommodate visiting family including grandchildren. Because the site is large (over three acres), there will still be privacy and the property will not feel crowded.

The Board confirmed the exact relief necessary noting that the side line encroachment exists but will not be intensified and while height relief for the accessory structure addition is necessary, the height will not exceed any existing structures.

The adjacent neighbors who live closest to the encroached upon lot line were on hand to support the petition. No one else was present to speak for or against the application.

Motion by Mr. Mulhearn, second by Ms. Sceery to approve the application as presented. In support of the motion, it was noted that the proposal will not negatively impact the character of the area, is not in conflict with the Comprehensive Plan or the purpose of the Zoning Ordinance and the relief requested seems to be the least necessary. It was also noted that in many cases, in-law apartments are allowed by right and this proposal is well-designed, sensitive to its neighbors and surroundings, and seeks to minimize impacts. The motion was unanimously supported.

- 3. Twenty Water Street Realty, LLC** for property located at 695 Main Street; Assessor’s Map 75, A.P. 3, Lot 76 (Zoned Commercial Downtown, CD-1). The applicants require Dimensional Variances to accommodate redevelopment of the property as a mixed-use project consisting of about 7,000 square feet of first floor commercial space with 8 residential units above. Chapter 260 of the Town Code, Zoning Ordinance, Section 20 stipulates the required number of off-street parking spaces required for this combination of uses. 45 spaces will be provided where 46 are required. Additionally, Section 24 of the same chapter requires a loading zone for the proposed use and the applicant seeks to have this requirement waived.

Attorney Peter Nolan was on hand to represent the application along with the Project Engineer Scott Moorehead, the Traffic Engineer Jim Cronin, and the Project Architect John O’Hearne. Mr. Nolan provided some procedural background noting the project has been the subject of a couple of Planning Board hearings already. These discussions led to a re-design of the site plan to improve circulation and a re-design of the building itself. The Planning Board had emphasized the subject corner’s importance as a gateway to downtown and also noted the traffic and intensity of activity at

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the intersection of First Avenue and Main Street. The Dunkin Donuts across the street was also noteworthy as having peak AM traffic volumes that cause congestion. The Planning Board and staff therefore felt it important to avoid egress conflicts in that vicinity. A re-design of the site ingress/egress arrangement resulted in the loss of a parking space which now leaves the site with a parking shortage in light of the current Ordinance requirement. The site redevelopment also requires relief from the loading zone requirement. The proposed use here includes small scale retail and office with upper story residential so a large loading dock is not expected to be needed and its installation would result in loss of approximately 6 parking spaces which would be detrimental. Mr. Nolan noted the mix of uses in the building should be complimentary from a shared parking perspective as retail and office operations will be closing as residents return home at the end of the work day. There will not be any restaurant or other evening oriented commercial establishments on the property.

The specific relief required was explained and Mr. Nolan stressed that the lot coverage maximum is not exceeded and the addition of green space as part of the proposed project would actually represent an improvement to the site in that regard. Other dimensional requirements, including the building height cap, are also complied with and the addition of sidewalks in conjunction with closure of unnecessary curb openings should all be viewed as improvements and enhancements over existing conditions.

Mr. Nolan introduced the building designer John O’Hearne who explained the building architecture. He explained that he has experience designing mixed use buildings and has worked in most of the historic districts around the State. The project site is under the purview of the Historic District Commission and the intent is to create a landmark building at this important gateway corner. The building materials will be authentic and the color, texture, roof form and openings will all complement the historic downtown. Mr. O’Hearne also explained that the dumpster will be full enclosed and the fence around will also be subject to the HDC’s review and approval.

Jim Cronin of Crossman Engineering was on hand to explain the circulation plan. He concurred with the previously discussed Planning Board’s approach to reducing conflicts on Main Street by not having egress points in the vicinity of other already busy curb openings. Board members were concerned about sight distances as the applicants will introduce landscaping at the corner but Mr. Cronin noted the planted strip will be installed well back from the right of way line and should pose no problem.

No one else was on hand to speak for or against the petition and the Chair called for a motion. Motion by Ms. Sceery, second by Ms. Englehart to approve the application as discussed. In support of the motion, it was noted that the project is consistent with the Comprehensive Plan and the purpose and intent of the Zoning Ordinance which calls for dense mixed use development downtown and new construction in the historic district that will add character and respect its surroundings. The site is unique having been vacant a long time and having re-use challenges associated with its past use as a gas/service station. It is also unique in its location at a main intersection and having multiple frontages. The Board added that the request is for the least relief necessary and it is actually refreshing and unexpected to see such an extensive redevelopment plan that requires so little relief. The project is expected to have only positive

impacts on its surroundings as it represents a well-designed building on a well thought-out site plan. VOTE: 5- 0 – 0 in favor of the motion.

Zoning Board of Review Business

1. Minutes: Review/action on the minutes of the January 23, 2018 meeting. Motion by Ms. Cullion, second by Ms. Sceery to approve the minutes as written. VOTE: 5 – 0 – 0 in favor.

Motion at 7:45 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.