

ZONING BOARD OF REVIEW MINUTES

Tuesday, April 28 , 2020 Meeting 7:00 pm

VIRTUAL - Convened at 7:00 PM via the ZOOM Remote Meeting Platform

Present: Richard Land, Chairman; Melody Alger, Ashley Cullion, Jody Sceery, David Collier (Alternate) and Barry Golden (Alternate).

Absent: Christopher Mulhearn, Vice-Chairman.

Staff: Lea Anthony Hitchen, Assistant Town Planner, Lisa Bourbonnais, Planning Director, Aaron Lindo, Planning Technician, Carole Malaga, stenographer, and Michael Ursillo, Legal Counsel.

Mr. Land, Chair of the Board, called the meeting to order at 7:10 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

Mr. Land noted the following docketed applications requested to be withdrawn without prejudice:

1. **Queen Street Realty, LLC** for property located at 60 Queen Street; Map 85 A.P. 1 Lot 367; and
2. **East Greenwich Cove Builders, LLC** for property located at 11 Lion Street; Map 85 A.P. 11 Lot 395 (Zoned Residential, R-6); and
3. **East Greenwich Cove Builders, LLC** for property owned by **Zarella and Associates, LLC** and located at 22 Castle Street; Map 85 A.P. 1 Lot 116.

Motion by Ms. Alger to approve the request to withdraw the three applications without prejudice. Seconded by Ms. Sceery.

Roll Call Vote: Ms. Alger: Yes, Ms. Cullion: Yes, Ms. Sceery: Yes, Mr. Golden: Yes, Mr. Land: Yes (5-0).

1. **Robert P. Nemitz of Advanced Development Solutions** for property owned by **David R. Mancini & Stephanie M. Boudreault** and located at 55 Chestnut Drive; Map 45 A.P. 11 Lot 367 (Zoned Residential, R-30). The Applicant seeks a Dimensional Variance from Chapter 260 of the Town Code; Zoning Ordinance, Table 2 - Dimensional Regulations by Zone, specifically from the Front Yard Setback. The petition requests to construct an in-law addition on the east side of the existing structure which will not conform to the front setback requirement; a maximum of 4.9' of relief is required.

Mr. Robert P. Nemitz of Advanced Development Solutions represented the property owners, being David R. Mancini and Stephanie M. Boudreault of 55 Chestnut Drive. Mr. Nemitz explained the property owners are requesting to construct a 2,057 square foot 1-story addition to the easterly side of the existing single-family Garrison style home in order to accommodate an in-law residence which is allowed by right. He asserted the front setback requirement is forty (40) feet and the existing subject home sits along the 40' setback plane; the new addition will not exceed 4.9' into the front setback and will sit between 38.9' to 35.1' from the front property line once constructed.

Mr. Nemitz attested he and his client put forth their best effort to design the addition with the minimal necessities but to also meet the standards required for an in-law addition in the Town while also trying to maintain the aesthetics of the neighborhood. He was confident the proposed project meets the standards of review.

When questioned if the family members who are to live in the in-law apartment meet the age requirement per Rhode Island General Laws Mr. Nemitz confirmed they were.

With no further questions from the Board or the public Mr. Land asked for a motion.

Ms. Alger motioned to approve the application.

Seconded by Ms. Sceery.

Mr. Land commented he had reviewed the comprehensive packet of materials, including the drawings of existing and proposed plans and how it relates to the property/dwelling. He believes the project to be consistent with the neighborhood, it is a small deviation and Mr. Nemitz has made an satisfactory request in demonstrating the relevant standards for the specific relief which are as follows:

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.

Mr. Land added the application is well put together and is in order for approval.

Roll Call Vote: Ms. Alger: Yes, Ms. Cullion: Yes, Ms. Sceery: Yes, Mr. Golden: Yes, Mr. Land: Yes (VOTE 5 - 0).

2. **1485 Holdings, LLC** for property located at 1485 South County Trail; Map 71 A.P. 12 Lot 18 (Zoned Light Industry/Office, LI/O). The Applicant seeks a Dimensional Variance from Chapter 260 of the Town Code; Zoning Ordinance, Article VII Signs, Section 27(A) Definition of a Monument Sign. The petition seeks to install a 120 s.f. sign where 50 s.f. of sign area is allowed; the height of the proposed sign will be 14'-6" where 8' is allowed and the sign will not meet the minimum 10' setback from the front property line.

(Chairman Rick Land recused himself from the application. Ms. Alger stepped in as Acting-Chair for the hearing.)

Attorney Thomas J. Cronin of Nolan, Brunero, Cronin & Ferrara, Ltd. with offices located at 1070 Main Street represented Mr. John Rocchio of 1485 Holdings, LLC. Atty. Cronin summarized the subject property as being 9.4 acres in size, zoned Light Industry/Office, having 425' of frontage on South County Trail and the site as being a long and skinny rectangular parcel with recently renovated buildings containing offices and a light industry warehouse space behind the front office building. Atty. Cronin asserted there are currently eight office tenants and space for 17 warehouse tenants although several existing tenants have combined units.

Atty. Cronin explained the proposed sign is suggested to accommodate all of the tenants. The sign as proposed is a directory sign which is allowed per the zoning ordinance but despite being a directory it is a monument sign in style so that requires to balance the two definitions in the ordinance - the monument sign has a much stricter size restriction than a directory sign which allows only 50 square feet of sign area. Atty. Cronin stated the proposed sign is 120 s.f. in size. Additionally, a monument sign allows an eight foot maximum height; the proposed sign will stand 14'-6" tall. The final request for relief is the sign will sit 7 ½' from the edge of the state highway where a ten foot setback is required. Atty. Cronin acknowledged the Planning Staff noted the proposed sign is large and he admitted there is no way to say it is not.

Atty. Cronin emphasized that each of the tenants requires a sign and the best way to accommodate this need is to have a directory sign because the office building hides the rear warehouse building as the warehouse "storefronts" are not visible from South County Trail. He pointed out there is a large address sign on the front located "hot box" but the identity of the businesses who are located in these buildings is not evident or clear from the street. The businesses need people and customers to know where they are located as even the front office building itself does not have a sign on it.

Atty. Cronin indicated although the request is for a “hybrid” monument/directory sign he noted there happens to be a similar style sign across the street at Lifespan. He explained the directory sign definition in the zoning ordinance has more liberal space requirements and are allowed to be 15 feet in height, 60 square feet in area and one sign is allowed for each building on the property. Atty. Cronin noted in this particular situation there could be two directory signs, one for each building and almost fit everything on the signs but in his opinion that is not the most effective and efficient way to sign the buildings. According to Atty. Cronin the relief being sought is to one monument sign that will exceed the maximum allowance in height, area and minimum front setback.

Mr. Kevin Fortin of AA Thrifty Sign, with over 20 years in the sign industry explained the reason for not separating the signs is that a single sign in front of the building provides for better visibility than two signs with regards to viewing time at standard speeds on the street. Mr. Fortin explained viewing distances in relation to letter size and readable distances. He described the sign material noting the sign will be mainly aluminum with the poles being steel with concrete footings. The sign will be non-lit with plans to light indirectly with appropriate dark skies floodlights that can be focused on the sign. Furthermore the lettering will be matte black with all tenants receiving equal exposure.

Mr. Fortin asserted the proposed sign will be in alignment with all the trees Mr. Rocchio recently planted; if the sign is moved further towards the building the growth of the trees will obscure the sign which is the reason it is cited where it is. He testified the actual travel lane is about 22 feet away.

When questioned if the sign can be reduced in size and still be effective Mr. Fortin indicated the proposed sign is technically inadequate.

Ms. Cullion pointed out that she did not understand why the sign could not be moved back to conform with the 10' setback requirement as the trees are young and could be easily be moved back. She added the rendering provided shows the sign to be close to the streetscape. Mr. Fortin emphasized the proposed sign is actually 22' away from the travel lane.

Ms. Alger questioned the likelihood of a passerby being able to discern the sign with it full of all 24 occupants listed. Mr. Fortin affirmed that is the whole reason he wanted to go with a sign as large as could be but within reason.

Ms. Cullion queried if the signage could be separated and listed at the north and south entrances in lieu of one large sign. Mr. Fortin explained in that situation there would be six tenants on one side and eighteen on the other side therefore unbalanced signage with some businesses only having one entrance which would make for complications.

Mr. Golden asked if the address will be located on the proposed sign. Mr. Fortin said no due to the address already being noted on the north and south entrance signs and on the hot box. Mr. Golden felt the sign was simply too tall in his opinion.

Mr. Fortin advised the tenants want their name visible on the street and it is in their leases that signage will be present on Route 2/South County Trail.

With no further question from Board members Ms. Alger opened the hearing to the public.

Ms. Justine Johnson, owner of Ocean State Vets, an abutter across from the subject property, was not necessarily objecting to the application but requested further clarification regarding the size of the sign. After several versions of the proposed sign were shown Ms. Johnson commented the sign appeared very large in comparison to other signs in the area.

Ms. Alger's main concern is the proposed sign is extraordinarily large in dimension and encroachment in the setback. She felt there are similarly sized buildings in the area which have signs that meet the required standards. She was also worried about safety and visibility issues as to whether passerby's could read the sign if all the tenants are listed.

Ms. Cullion had similar concerns in that she was struggling with the fact that the request is not the least relief necessary and the sign could be pushed further back from the streetscape. She added it is very large and not in keeping with the rest of the South County Trail aesthetics.

Mr. Golden agreed suggesting a lower sign profile and further setback from the street.

After hearing the Board's concerns Atty. Cronin requested to continue the hearing in order to consult with his client.

Motion by Ms. Cullion to continue the hearing to May 26, 2020.
Seconded by Mr. Golden.

Roll Call Vote: Ms. Alger: Yes, Ms. Cullion: Yes, Ms. Sceery: Yes, Mr. Golden: Yes, Mr. Collier: Yes (VOTE 5 - 0).

1. **Jonathan Campbell** for property located at 242 South Pierce Road; Map 54 A.P. 11 Lot 47 (Zoned Residential, R-30). 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 build a new 30'x40' detached garage to be 18'-10.5" in height, requiring 3'-10.5" of relief.

Mr. Jonathan Campbell, applicant and owner of 242 South Pierce Road, represented the application. He explained the request is to construct a detached 40'x30' (1,200 s.f.) steel Quonset hut garage to be located at the end of the existing gravel driveway. The proposed height of the accessory structure will be 18'-10.5" which will require 3'-10.5" of relief. He advised the structure is intended to be used solely for a garage and hobby woodworking shop with a loft mezzanine space strictly for storage space.

There was discussion amongst the Board and Applicant regarding where the accessory structure will be located; the front of the proposed structure will be located at the end of the driveway and setback perpendicular to the existing house. All dimensional setbacks will be complied with and the structure will be located in the building envelope. Comments were made by the Board the existing house and proposed Quonset hut would be considerably set back from South Pierce Road. Mr. Campbell confirmed the visibility of the structure will be very limited and he plans on installing vegetation on both sides of the building.

With no further questions or comments from the Board Mr. Land opened the hearing for public comments.

Mr. Patrick Luvara of 70 Glen Drive was concerned that although the proposed structure may not be extremely visible from South Pierce Road it will be visible from his property and the design seems to be a bit out of character with the neighborhood. He also felt it was quite large in size. Mr. Luvara stated he would be able to see the structure through the wetlands and vegetation during the winter months but not during the summer months.

Mr. Campbell confirmed the back of the hut will have the same traditional clapboard style siding as the front side; the two left and right sides will have a metal material which he plans on installing arborvitae to cover the metal sides. He confirmed the front and back siding will be gray in color and will have vinyl or cement board

siding which is a traditional material used in town. The arborvitae are anticipated to be four feet in diameter.

Ms. Sceery motioned to approve the application as submitted with the condition of the arborvitae plantings on the metal sides of the structure. Seconded by Mr. Golden.

Mr. Land commented he did not see the proposed structure as being too large considering the Applicant has a large lot. He felt Mr. Campbell's offer to install the arborvitae to mask the metal siding is a reasonable response to the objector's concerns about appearance. Mr. Land did not feel as though the relief was extreme and the Applicant should be considered for approval. He believed sufficient evidence has been provided to meet the following standards:

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.

Roll Call Vote: Ms. Alger: Yes, Ms. Cullion: Yes, Ms. Sceery: Yes, Mr. Golden: Yes, Mr. Land: Yes (VOTE 5 - 0).

Zoning Board of Review Business

1. Minutes: Review/action on the minutes of the November 26, 2019 appeal meeting and January 28, 2020 meeting.

Minutes tabled to the May 26, 2020 meeting.

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

Zoning Board of Review meeting adjourned at 8:30 pm.

Minutes respectfully submitted by:

Lea Anthony Hitchen,
Assistant Town Planner

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