

**ZONING BOARD OF REVIEW MINUTES**  
**Tuesday, January 26, 2016 Meeting 7:00 pm**  
**Town Council Chambers, Town Hall**

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

Absent: Barry Golden (Alternate)

Staff: Lea Anthony Hitchen, Assistant Town Planner; Wayne Pimental, Building/Zoning Official; and Peter Clarkin, 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 prejudice 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 Appeal Hearings – 7:00 PM**

- 1. Anthony & Lynda Soscia** for property located at 576 South Road; Map 11 A.P. 18 Lot 37 (Zoned Farming, F-1). The Applicant requires a Special Use Permit to accommodate an accessory family dwelling unit (in-law apartment) on the property; to specifically bring an existing in-law unit into conformance. Chapter 260 of the Town Code, Zoning Ordinance, Section 9C(2) and Table 1 of the Zoning Ordinance, Table of Permitted Uses by Zone, establish the provision for such accessories to be permitted by special use permit.  
**(Continued from the October 27, 2015 meeting.)**

Mr. Anthony Soscia of 576 South Road, owner of the property, represented the application. Mr. Soscia explained he purchased the property in 1996, almost twenty years ago. He recently had a bank come to the house to perform an appraisal for a home equity line in which they uncovered that he was not in compliance with the dwelling and its existing state. Mr. Soscia noted he spoke with town staff including Ms. Hitchen and Mr. Pimental who helped tremendously and he came to the conclusion that he had to come before the Zoning Board in order to bring the situation into compliance. Mr. Soscia stressed that the unit has not been touched for 19 years as it is still in its current shape. He advised it is a spare kitchen that consists of a refrigerator, stove and sink located on the west side of the home which is used only when needed. Mr. Soscia stated he felt stuck in the middle as his property was not zoned for an in-law but it had been that way for almost twenty years.

Mr. Soscia verified that presently nobody lives on the west side of the house and there are no plans to have in-laws live there presently. He confirmed the Building Official visited the property to see the interior of the home. Mr. Soscia summarized that he was in front of the Board to ask for a special use permit.

Mr. Land opened the hearing to public comments. With no public comments Mr. Land asked for a motion.

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

VOTE: 5 – 0.

2. **Irene M. Hubbard** for property located at 140 Woodbridge Drive; Map 33 A.P. 15 Lot 19 (Zoned Farming, F-2). The Applicant requires a Special Use Permit to accommodate an accessory family dwelling unit (in-law apartment) on the property; to specifically bring an existing in-law unit into conformance. Chapter 260 of the Town Code, Zoning Ordinance, Section 9C(2) and Table 1 of the Zoning Ordinance, Table of Permitted Uses by Zone, establish the provision for such accessories to be permitted by special use permit.

Ms. Irene M. Hubbard of 140 Woodbridge Drive, applicant and co-owner of the property, represented the application. Ms. Hubbard explained she is applying for a special use permit for an in-law unit at the property where both her daughter and she purchased together. Ms. Hubbard asserted the home was bought with the idea that she and her daughter would live together. Before buying the subject home she was living in North Kingstown and her daughter was living in East Greenwich; we essentially decided to become a blended family or a multi-generational family which has worked out well so far except she needs a little more space. Ms. Hubbard said the plan is to take over one garage bay closest to the main structure (currently a three bay garage), with her existing space located next to the garage space and she would also convert the existing dining room to her bedroom. Ms. Hubbard verified when the project is complete her in-law unit will be 800 s.f. in size. She noted for the record there was an existing 447 s.f. of space that included a kitchen/living area and bathroom that met the definition of an in-law unit but the Town did not have it on record.

Mr. Land opened the hearing to public comments. With no public comments Mr. Land asked for a motion.

Motion by Mr. Mulhearn to approve the application as submitted. Seconded by Ms. Englehart.

Mr. Land read the standards into the record that must be met in order to be granted a special use permit:

The public convenience and welfare will be substantially served.

The proposed development will be in harmony with the general purpose and intent of this ordinance and the comprehensive plan.

The proposed development will not result in or create conditions that will be inimical to the public health, safety, morals and general welfare of the community.

The granting of the special use permit will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

Mr. Land stated he felt as though the Applicant has satisfied the requirements for a special use permit.

VOTE: 5 – 0.

**3. Main Street Restaurant Group, LLC** for property located at 219 Main Street; Map 85 A.P. 1 Lot 212 (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. The Dimensional Variances are required because the Applicant seeks to open a restaurant 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.

To confirm there were no conflicts of interest between the board members and Applicant's managing partners, Mr. Land queried as to who those persons are. The managing partners stated their names as Rocco Quattrocchi and Jamie Bollia.

Mr. Land asked the Board members if there were potential conflicts. Mr. Mulhearn asserted he did not have a conflict as he perceived it but wanted to place on the record as he did previously when this matter came before the Board about a year ago. Mr. Mulhearn stated he consulted with Mr. Quattrocchi on an unrelated business matter that did not go forward. He reiterated that he does not believe that unrelated matter disqualifies him as that was wholly unrelated matter but wanted to place it on the record.

Ms. Hitchen stated Ms. Englehart has recused herself from this application and Ms. Alger is a participating voting member.

Attorney Peter Nolan, with offices located at 1070 Main Street, Coventry, represented the applicant and owner. Atty. Nolan explained the applicant was before the Board for dimensional variances, not a use variance. He noted there is a lack of sufficient parking then went into detail about the parcel. Atty. Nolan verified that the parcel is the former Chocolate Delicacy which has approximately 3,300 s.f. of land and has about 3,100 s.f. of building; the sides abut up to the neighboring buildings and therefore have zero land to the left and right of one another and zero land in front as the building is right on the sidewalk. Atty. Nolan confirmed there are 2 parking spaces located in the rear which are shown on a land survey prepared by Alpha Associates. The applicant needs approximately 32 parking spaces to comply with the zoning code. Atty. Nolan asserted that in order to alleviate the problem the applicant has contracted with a valet parking service to provide off street parking, not on site since there is insufficient parking. The valet parking service will be a free service to the patrons which will relieve the parking situation along Main Street and at the same time allow another vibrant restaurant to come to town.

Atty. Nolan raised a second issue that requires a variance that being lack of a loading dock; he could not recall an establishment on Main Street that has

sufficient space for a loading dock. He explained the restaurant will take in liquor, food, etc. thru the front door during the morning hours.

As far as the dumpster is concerned, Atty. Nolan advised the Board the Applicant has a letter from a trash service company that there will be a 2 yard dumpster that will be provided; it will be emptied at least 3 times per week if not more; and it will be on wheels in order for it to be easily moved from the back of the building to Armory Street for it to easily be emptied there.

Atty. Nolan referred to the staff report, noting it highlights East Greenwich as being a vibrant community and people visit East Greenwich due to the multitude of restaurants. He asserted Mr. Quattrocchi would like to join that group. One can say that perhaps we should slow down the number of restaurants which in essence we would become, in all due respect, another Wickford.

Mr. Rocco Quattrocchi, of 8 Lincoln Meadow Drive, Lincoln, RI testified he owns Rocco's Pub & Grub located at 5 Douglas Pike which has been in business for the last 4.25 years. It is a 33 seat restaurant that is a \$1 million revenue establishment. Mr. Quattrocchi asserted this is not a second job to him; this is his livelihood and is extremely passionate about the restaurant business. He will offer a more upscale restaurant in East Greenwich than his Smithfield restaurant and it will complement what is already along the Main Street area. For this particular restaurant, he is looking to have most of the ingredients come from RI farms and have a bistro-type of atmosphere with an American flare than compared to his "Pub & Grub" restaurant in Smithfield. In terms of the exterior of the building, Mr. Quattrocchi said he plans to update the awning and paint the outside.

As for the hours of the restaurant, Mr. Quattrocchi asserted the business will be closed for lunch on Mondays so Centrex (the liquor delivery company) can make deliveries in thru the front door so there will be no problems with patrons. The Monday hours would be from 4 pm to 11:30; Tuesday through Sunday the restaurant will be open from 11:30 for lunch to close (11:30 pm). In terms of employees, Mr. Quattrocchi estimated there will be a total of 20 employees in which 10 people would work throughout a day.

Mr. Quattrocchi explained he has been in conversation with The Valet Connection who can provide valet services and off-site parking for 30 vehicles. (Atty. Nolan read into the record The Valet Connection letter dated January 25, 2016.) Mr. Quattrocchi stated he was ready and willing to enter into that agreement with them. He asserted that as long as the Zoning Board grants the approval this evening, he will only need the liquor license from the Town Council and about 4 weeks' worth of interior work before he plans to open the restaurant.

With no further comments from the Applicant, Mr. Land opened the hearing to Board members.

Ms. Sceery commented that The Valet Connection helps numerous restaurants with valet services and questioned whether there has ever been a problem with them finding places to park vehicles off of Main Street.

Mr. Kenneth Ballou, Director of The Valet Connection, stated he has not had any problems and he did not foresee any issues with another restaurant opening with an additional 30 vehicles to park. Mr. Ballou added he has not had any infractions other than receiving minor tickets. He testified there is the capacity for upwards of 80 vehicles within the lots.

Mr. Ballou commented that we are not under any contractual agreement with any of the particular lots. He explained that table times are roughly 2 hours for the Main Street restaurants with turnover being 4 times. The other establishments The Valet Connection works for include Besos, La Masseria, Café Fresco, Rasa, as well as Blu, Nautica, and Harborside along the waterfront during the summer noted Mr. Ballou.

Mr. Land said he was confused by the answer as he was trying to understand whether there are commitments to have the spots. Mr. Land verified that Mr. Ballou was making a commitment to the Applicant to provide parking for about 30 parking vehicles but The Valet Connection still has to make arrangements to obtain the spaces.

Mr. Ballou said that is correct although we have not had any issues in the past with arranging those spots with the people we work with – the terms of that arrangement have not been totally worked out as of today.

Mr. Land commented that as an aside Mr. Ballou named off four other restaurants that he works with and asked him if he had any idea how many parking space commitments there are or are required for all the restaurants he services in Town.

Mr. Ballou stated there is somewhat of an overlap and his company benefits from this overlap as there are times when one restaurant is very busy and another restaurant is not that busy so we can move things around. He advised that The Valet Connection does not utilize much of the public streets at all unless it is for staging purposes which is for 1 to 2 minutes at a time – we almost exclusively use private lots. He added there are some municipal lots we use from time to time.

Ms. Alger questioned if there has ever been difficulty with congestion when valeting. Mr. Ballou noted there has been no congestion on Main Street although it does get congested sometimes on the waterfront during the summer. Ms. Alger clarified that what she meant by congestion is not necessarily the lot but in terms of the drop off/ pick up area, backing up with traffic near the establishments so as to impede the traffic on Main Street. Mr. Ballou verified that we have never hit capacity in our lots; the congestion that our company runs into is entering and exiting the vehicle, there is congestion on the public street along the waterfront but along Main Street it is just for a very brief amount of time.

Ms. Sceery commented that La Masseria restaurant has a street/driveway which they are able to use for the valet; the subject restaurant does not have such a convenience as The Valet Connection would be pulling directly in front of this restaurant. Mr. Ballou stated the plan is to use that driveway for both restaurants.

Mr. Land asked for clarification regarding the number of parking spaces for relief. Ms. Hitchen confirmed Atty. Nolan originally requested 31 spaces only taking into account seating; the ordinance is 1 parking space for 2

persons of rated capacity which also includes employees - taking into account the number of employees at the peak hour there will need to be 34 parking spaces. Atty. Nolan requested to modify the application to 34 parking spaces of relief.

Atty. Clarkin queried Atty. Nolan to address the standards. Atty. Nolan advised that in terms of it being a mere inconvenience, we could not use the building for anything, not necessarily as a restaurant but one would have to obtain parking relief. As for it being an inconvenience, it is not an inconvenience to Mr. Quattrocchi, it is an inconvenience to the subject property and this property has been this way since he has grown up here – therefore if the Board does not grant some relief the Board would be denying beneficial use of the building. Atty. Nolan added that the subject parcel is a very unique property – you can literally reach out and touch someone; the side and front setbacks is practically zero. The hardship is not the result of any prior action – this property was constructed this way before the current zoning ordinance went into effect asserted Atty. Nolan. He went on to say that granting the application will not alter the general characteristics of the surrounding area – Staff has noted in the report that it meets the Comprehensive Community Plan. Finally, the relief granted is the least relief necessary – the Applicant has engaged a company to take your vehicle and valet park it.

Ms. Sceery asked if the 61 seat restaurant is the minimum for productivity and financial gain. Mr. Quattrocchi indicated that he would have to have at least 61 seats in order for the restaurant to work.

Ms. Cullion inquired about the dumpster location. Atty. Nolan verified the 2 yard dumpster will be located to the rear of the building and will not take up any parking spaces. He added the dumpster will be on wheels and on garbage day will be wheeled to Armory Street for pickup.

Ms. Hitchen queried if the dumpster will be sealed in any way. Mr. Quattrocchi testified the dumpster will be new, have a top cover and will be sealed to protect from leakage. The driver will drive up Armory Street and pick it up. He added that the same company that empties the dumpster will also pickup recyclables, including glass and plastics three times per week.

Mr. Land raised the issue again regarding parking – he thought valet parking would be in private lots but the submitted letter from The Valet Connection specifically indicates private and municipal; he was curious about that statement and would like additional information.

Mr. Ballou believed he was accounting for employee parking and was asked to base the projection on how many vehicles needed to be parked and how many were already prearranged so he scaled it up.

Without any further questions from the Board and nobody from the public to comment, Mr. Land asked for a motion.

Motion by Ms. Alger to approve the application based on 34 parking spaces of relief. Seconded by Ms. Sceery.

Mr. Land asked for discussion.

Ms. Sceery asked if there have ever been any definitive lots designated for valet parking as she is concerned about the valets using the municipal lots; she sees this being an issue. She added she has been a business owner herself on Main Street and wants to see other businesses succeed.

Atty. Clarkin stated that historically the Town did not allow valet parking because the state did not want the town to allow valet parking because Main Street is a state road. Then the state indicated they did not have a preference whether we did it or not so the town started allowing valet parking but before valet parking was permitted, Applicants would come in with a lease agreement or parking trade with a particular property. Once the valet business began the Town no longer asked for that because that is there business to park vehicles and we have found that some valet services have arrangements with private lots yet there are also others who park on streets which is perfectly fine since it is public parking so the answer to Ms. Sceery's question is no we do not although we probably should but so far we have not because it is really only been allowed for less than 5 years. Atty. Clarkin recalls La Masseria being the first restaurant to roll out valet parking.

Ms. Hitchen asked that a condition be implemented that the dumpster meets the zoning ordinance as close as possible. Mr. Pimental commented he would like to see the dumpster be enclosed no matter where the dumpster is located on site.

Mr. Land stated he would like the agreement with The Valet Connection to be formally formalized for the 34 vehicles in a private lot only.

Ms. Hitchen asserted the revised Valet Connection correspondence should be recorded in land evidence. Atty. Nolan confirmed that can be done along with the decision.

Mr. Land commented that he thought the downtown parking is a problem. As a general rule, these arrangements make it better and more suitable. He appreciates the fact the Applicant is willing to do this in a non-municipal lot considering not everyone comes to the area to use valet parking and not everyone goes to upscale restaurants and can afford to do that. He thought we need to preserve parking for those people who cannot necessarily afford to go to LaMasseria, Rocco's or any of the other nicer restaurants downtown. He reiterated that he appreciated the Applicant's willingness to step up and do this on a private basis.

Mr. Land noted there is a motion for 34 parking spaces of relief, along with a condition that The Valet Connection correspondence be recorded and vehicles only be parked in private lots, and the dumpster shall be reviewed for adequacy by the Building Official prior to obtaining a Certificate of Occupancy.

VOTE: 5 – 0.

### **Zoning Board of Review Business**

1. Minutes: Review/action on the minutes of the October 27, 2015 meeting meetings.

Motion by Mr. Mulhearn to approve the minutes of October 27, 2015 as written. Seconded by Ms. Sceery.

VOTE: 5 – 0.

With conclusion of all business, there was a motion by Mr. Mulhearn second by Ms. Cullion to adjourn at 7:50 PM. Motion supported 5-0.

Minutes respectfully submitted by:

Lea Anthony Hitchen,  
Assistant Town Planner

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