

ZONING BOARD OF REVIEW MINUTES

Tuesday, May 24, 2016 Meeting 7:00 pm

Town Council Chambers, Town Hall

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

Absent: Jody Sceery.

Staff: Lea Anthony Hitchen, Assistant Town Planner; Wayne Pimental, Building/Zoning Official; and Town Solicitor Peter Clarkin.

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 Review Hearings – 7:00 PM

- 1. Maurice and Kristen LaPlante** for property located at 146 Duke Street; being Map 85 A.P. 1 Lot 416 (Zoned Manufacturing/Light Industry Office). The Applicant seeks a Use Variance from Table 1 of Chapter 260 of the Town Code; Zoning Ordinance, Permitted Uses by Zone. Additional relief is also needed from Table 2 of the Zoning Ordinance, Dimensional Regulations by Zone and Article VI of Chapter 260 of the Town Code; Zoning Ordinance, Off-Street Parking Regulations, Sections 20 and 21(D). The Applicant plans to open a personal/specialty service (hair salon) at the subject property; the change of use necessitates relief since a hair salon is not allowed in an M/LIO zone, there is inadequate on-site parking, and dimensional non-conformities already exist.

Mr. Maurice LaPlante and Ms. Kristen Laplante of 118 Wakefield Street, West Warwick, represented the application. Mr. Paul DiSegna, of 150 Adirondack Drive, East Greenwich, owner of the property, was also on hand, to present the application.

Mr. LaPlante explained that he and his wife would like to open a hair salon at the subject property where there will be ten but could be up to twelve hair stylists as the salon grows. He noted the business will be a full service salon meaning it will include hair, skin and make-up, nails, pedicures. He commented there will be no heavy chemicals used as that has changed over the years.

Mr. Land confirmed just to be clear that the Applicant indicated ten to twelve stylists. Ms. LaPlante clarified the maximum number of stylists the salon would have is ten to twelve; everyone seems comfortable with that number.

Mr. Land said the reason for him asking is because the application specifies for up to fifteen stylist seats which translates into a certain number of

parking spaces that would be allowed so he wanted to understand what the Applicant was specifically requesting.

Ms. LaPlante changed the number of stylist seats to fifteen to match the request to the application.

Mr. LaPlante commented he was informed that 2.5 parking spaces were required per operator station. He added there is a closed in/fenced area on the left side of the building that he believes has potential to open for additional parking. Mr. Land remarked the site plan does not calculate that area into the existing number of parking spaces.

Ms. Hitchen suggested to the Applicant that they have 23 parking spaces and they should simply request relief considering if there are 15 seats in the salon at their maximized point, she did not feel all the seats would ever be occupied at the same time. Ms. LaPlante agreed with Staff's statement adding that she has never had a situation where every stylist seat has been filled.

Ms. Hitchen recommended that the existing 23 parking spaces are sufficient without carving out the fenced in area for additional parking (formerly used as a playground area for London Bridge daycare).

Ms. Englehart inquired about a dumpster and loading/unloading of goods. Mr. LaPlante asserted there will be a dumpster for hair waste products and he will most likely carry in a medium sized cardboard box of retail supplies as it is sold; there will be no major truck deliveries. Ms. LaPlante verified that any retail sold will be shampoos and conditioners as a convenience to the clients.

Ms. Hitchen inquired with the property owner to speak to how the prior tenant had their dumpster set up. Mr. DiSegna noted the antique shop owners had used the Town's recycling and trash services. Atty. Clarkin advised that it most likely depends on the volume of trash produced.

Ms. Englehart inquired as to whether there will be any signage. Ms. LaPlante explained the prior owners used very tasteful signage and they plan to use the same signs; they do not plan to add anything else to the building.

With no further questions from the Board members, Mr. Land opened the hearing for public comments. No public comments.

Mr. Land asked for a motion.

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

Mr. Land read the standards of review into the record: in order to be granted a **Use 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.

That the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the Zoning Ordinance. Nonconforming use of neighboring land or structures in the same district and permitted uses of lands or structures in an adjacent district shall not be considered in granting a use variance.

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.

Mr. Land stated that the use of this property has historically not been in conformance with this zoning requirement; he felt this use is more consistent with the historical use at least since it was a train station. He would certainly be in favor of the application.

VOTE: 5 – 0.

Zoning Board of Review Business

1. Minutes: Review/action on the minutes of the March 22, 2016 and April 26, 2016 meetings.

Minutes of the March 22, 2016 and April 26, 2016 meetings tabled to the following month.

Mr. Land asked for a motion to adjourn.

Ms. Englehart motioned to adjourn. Seconded by Mr. Mulhearn. Approved 5 – 0. Zoning Board of Review meeting adjourned.

Minutes respectfully submitted by:

Lea Anthony Hitchen,
Assistant Town Planner

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