



Town of East Greenwich

Zoning Board

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ZONING BOARD OF REVIEW MINUTES - APPROVED

Tuesday, January 24, 2023 Meeting @ 7:00 pm

HYBRID IN-PERSON AND REMOTE VIA ZOOM

125 Main Street, Town Council Chambers

Present: Richard Land, Chairman; Christopher Mulhearn, Vice-Chairman; Jody Sceery, Melody Alger, Barry Golden and Robert Brooks (Alternate).

Absent: Albert Ranaldi, Planning Director and David Collier (Alternate)

Staff: Bruce Lofgren, Assistant Town Planner; Christina Marseglia, Planning Analyst; and Michael Ursillo, Legal Counsel.

Note: These minutes are supplemented by the Zoning Board Agenda, Staff Report, Zoning Board Application Package Materials, and Video and Audio Recordings. These materials can either be accessed on the Town's website or by contacting the Planning Department.

Mr. Land, Chair of the Board, called the meeting to order at 7:03 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. Sandra Lake, Robt. W Hall Consulting Engineers representing Verizon (continued from 11/22/22) for property located at 57 Church Street; Map 085 A.P. 001 Lot 375 (Zoned Residential, R-10). The Applicant requires a Dimensional Variance from Table-2 Dimensional Regulations of Chapter 260 of the Town Code, Zoning Ordinance. The Sections sets forth the dimensional setbacks and height limits that are required for a lot. The Applicant is proposing to relocate a condensing unit to the roof at the above referenced location.

PROPOSAL: The applicant is proposing to relocate mechanical equipment to the roof and install an acoustical enclosure. At the highest point, the condensing unit and associated enclosure will be approximately 9' above the roof.

RELIEF REQUESTED: A 9' Height Variance from the Dimensional Variance from Table-2 Dimensional Regulations of Chapter 260 of the Town Code, Zoning Ordinance. The maximum height allowed in the zone is 35' and the applicant is proposing a 44'.

MR. ROBERT BROOKS recuses himself from the application for the property located at 57 Church Street.

MR. JOSHUA PARKS, representing Verizon, was sworn in. He described the proposal and the location of the proposed condenser unit. Mr. Parks states that this request is being done at the behest of a neighbor who lives behind the property who had raised some concerns about the noise and appearance of the condenser unit. He also goes on to say that they will provide screening, a recommendation that was made by the town.

MR. LAND asked if any Board members had questions for the Applicant. None were noted.

MR. LAND asked if there were any members of the public that would like to speak in favor or against the application.

There were no members of the public present.

MR. LAND states that this matter has been before the board multiples times and that the board recognizes that Verizon has made a considerable effort to accommodate the community and specifically the neighbor that has expressed the concerns.

MR. LAND stated that the applicant submitted a complete and comprehensive application, properly identified the revisions to the application, and stated that the application as modified meets the standards of relief for a dimensional variance. Those standards being: 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. MULHEARN made a motion to accept the application subject to the condition that the screening around the condensing unit be completed with cedar boards.

MS. SCEERY seconded the motion.

On a vote, the application as presented was approved unanimously.

VOTE: Mr. Mulhearn YES, Mr. Golden: YES, Ms. Alger: YES, Mr. Land: YES, and Ms. Sceery: YES (5 – 0 in favor of the motion).

2. Arlette Cornwall for property located at 1288 South Road; Map 003 A.P. 019 Lot 141 (Zoned Farming, F-2). The Applicant requires a Dimensional Variance from Table-2 Dimensional Regulations of Chapter 260 of the Town Code, Zoning Ordinance. The Sections sets forth the dimensional setbacks and height limits that are required for a lot. The Applicant is proposing to construct an addition and attached garage at the above referenced location.

PROPOSAL: The applicant is proposing to construct an addition with a 26' x 26' attached garage.

RELIEF REQUESTED: A 31.8' Rear-yard Setback Variance from the Dimensional Variance from Table-2 Dimensional Regulations of Chapter 260 of the Town Code, Zoning Ordinance. The required rear-yard setback in the zone is 45' and the applicant is proposing a 13.2' setback.

HARVEY ALLEN WAGNER, professional architect, was sworn in and represented the applicant, Arlette Cornwall. He described the proposal, the existing conditions, and the relief sought. Mr. Wagner stated the proposal is to complete an addition on the existing residence with an attached garage. He states that the reason for the addition being added on to the left portion of the house against the rare lot line was to keep the existing connector or entry to the house which will be the buffer between the existing home and the addition/ garage.

MR. LAND asks about the other existing residence on the property.

MS. CORNWALL stated that it is a guest house and was sworn in shortly after.

MR. LAND asks the board if they have any questions in regard to the application.

MR. GOLDEN asks about the neighboring lot owned by Eric Constantino and asks how close to the property line the proposed work will be.

MS. CORNWALL comments that it appears to be over 200 ft, they were notified and she has a texting relationship with the neighbors. She received no objections.

MR. LAND asked if there were any members of the public that would like to speak in favor or against the application.

There were no questions from the Board members.

MR. LAND stated that the application as completed meets the standards of relief for a dimensional variance. Those standards being: 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. MULHEARN made a motion to approve the application with staff conditions

MS. SCEERY seconded the motion.

On a vote, the application as presented was approved unanimously.

VOTE: Mr. Mulhearn YES, Mr. Golden: YES, Ms. Alger: YES, Mr. Land: YES, and Ms. Sceery: YES (5 – 0 in favor of the motion).

3. Kreg New Homes LLC for property located at 5343 Post Road; Map 064 A.P. 006 Lot 41 (Zoned Residential, R-10). The Applicant requires a Use Variance from Table-1 Table of Permitted Uses by Zone of Chapter 260 of the Town Code, Zoning Ordinance. The Section sets forth permitted uses allowed in the Zoning District. The Applicant is proposing a two-family duplex which is a prohibited use in the R-10 Zoning District.

Application was withdrawn at the Applicants request. No public hearing was held nor was a decision rendered.

4. Justine Johnson for property located at 1480 South County Trail; Map 071 A.P. 010 Lot 377 (Zoned Industrial, M/LIO). The Applicant requires a Dimensional Variance from Table-2 Dimensional Regulations of Chapter 260 of the Town Code, Zoning Ordinance. The Sections sets forth the dimensional setbacks and height limits that are required for a lot. The Applicant is proposing to construct a retaining wall and parking spaces within the side-yard setback.

PROPOSAL: The applicant is proposing to reconfigure the parking layout and add additional parking to the south and east portions of the site. The proposal requires extensive site work, reworking the stormwater and drainage systems.

RELIEF REQUESTED: A Variance from the Dimensional Variance from Table-2 Dimensional Regulations of Chapter 260 of the Town Code, Zoning Ordinance. The Applicant is seeking relief to place parking approximately 5' from the side yard setback (40' required). Therefore a 35' side-yard setback for parking is required.

The Board reviewed a copy of the revised plan.

ATTORNEY NICHOLAS GOODIER, representing the Applicant, was sworn in. He described the proposal, the location of the proposed parking lot, and the unique aspects of the lot. Mr. Nicholas Goodier stated that the prior approval received was

for a parking deck structure but upon obtaining permits, they received feedback from the fire department concerning the height of the parking deck. The fire department requested that the parking deck be higher and/ or have a second point of egress on the rare of the property be provided. He goes on to state that the cost to raise the parking deck was considerably more expensive and the access to the property is gained through an easement through a property that was maintained and owned by Dakota Partners and they do not have access to the rare parking lot. The Applicant decided that parking in the setback would be the alternative. Attorney Goodier states that they have done their best to meet all other requirements including lot coverage.

MR. JIM JACKSON, ARCHITECT and MS. JENNIFER SPACE, PROJECT MANAGER, representing the Applicant, were sworn in. Mr. Jackson goes on to state that he is adding one row of parking on the south side consisting of permeable pavement. He also comments that they will be disturbing another portion of the parking lot while installing the new underground filtration system, that too will be replaced with permeable pavement. The underground filtration system will be discharged to the southeast corner of the site.

MR. LAND asks where will it drain out to?

MR. JACKON replies that there is swale that runs along the property line.

MS. DIANE C. SOULE, LANDSCAPE ARCHITECT was sworn in, described the landscape plan and the types of shrubs and or/ trees that would be planted. She states that formed the revised landscaped plan to meet the landscape requirements.

The board had no questions in regards to the Landscape plan.

MR. LAND asks the applicant, Ms. Johnson whether this is enough and where do you go from here?

MS. JUSTINE JOHNSON states that they have a second location in Swansea. They are expanding the building to house more “patients” and do not anticipate there being a need for more parking beyond what is being asked for.

MR. LAND asked if any Board members had questions for the Applicant. None were noted.

MR. LAND asked if there were any members of the public that would like to speak in favor or against the application.

No members of the public wished to speak.

MR. LAND stated that the applicant submitted a complete and comprehensive application, properly identified the revisions to the application, and stated that the application as modified meets the standards of relief for a dimensional variance. Those standards being: 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.

MS. SCEERY made a motion to accept the application as submitted conditional upon:

1. The project is constructed in substantial conformance with the Site Plan completed Pare Engineering and dated January 2023 and the undated Landscaping Plan completed by Diane C. Soule & Associates that was submitted with this application. Any significant modifications to the plans may necessitate further zoning relief.
2. Any trees identified on the Landscape Plan provided with this application noted as “existing tree to remain” that are removed shall be replaced with an appropriate deciduous tree.
3. The project receives the necessary approvals for engineering and erosion and sediment controls from the Town and RIDEM. Any modifications to the plan may necessitate further zoning relief.
4. Final Review with the Planning Department

MS. ALGER seconded the motion.

There were no questions from the Board members.

On a vote, the application as presented was approved unanimously.

VOTE: Mr. Mulhearn YES, Mr. Golden: YES, Ms. Alger: YES, Mr. Land: YES, and Ms. Sceery: YES (5 – 0 in favor of the motion).

Zoning Board of Review Business

1. Minutes: Review/action on the following sets of minutes:

- October 25, 2022 meeting

Mr. Golden made a motion to approve the minutes of October 25, 2022 as presented.

Ms. Sceery seconded the motion.

VOTE: Mr. Collier: YES, Mr. Golden: YES, Ms. Alger: YES, Mr. Land: YES, and Ms. Sceery: YES (5 – 0 in favor of the motion).

2. Annual Calendar: Review/ action on the Annual Calendar of 2023

The December 26, 2023 date was removed from the Annual Calendar.

Adjourn 7:53 p.m.

Ms. Sceery made a motion to adjourn the meeting.

Mr. Golden seconded the motion.

On a vote, the application as presented was approved unanimously.

VOTE: Mr. Collier: YES, Mr. Golden: YES, Ms. Alger: YES, Mr. Land: YES, and Ms. Sceery: YES (5 – 0 in favor of the motion).

Zoning Board of Review meeting adjourned at 7:53 pm.