

## **ZONING BOARD OF REVIEW MINUTES**

**Tuesday, February 23, 2021 Meeting 7:00 pm**

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

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

Staff: Lea Anthony Hitchen, Assistant Town Planner, Carole Malaga, stenographer, and Andrew Teitz, Legal Counsel.

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 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. **JEFFREY LYNCH** for property located at 68 Friendship Street; Map 75 A.P. 2 Lot 214 (Zoned Residential, R-10). The Applicant seeks front setback relief 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 30’ front setback for new structures. The Applicant intends to construct a 24’x16’ one-vehicle detached garage which will require 10’ of relief off of Prospect Street. **(Continued from the November 24, 2020 and January 26, 2021 ZBR meetings.)**

Mr. Land informed the Board and the public that the submitted zoning application for 68 Friendship Street had been withdrawn by the Applicant on Tuesday, January 26, 2021.

2. **MONAGHAN FAMILY REVOCABLE TRUST 2009 – Pamela S. and Michael J. Monaghan Trustees** for property located at 465 Shippeetown Road; Map 58 A.P. 14 Lot 19 (Zoned Farming, F-2). The Applicant requires Dimensional Variances under Chapter 260 of the Town Code; Zoning Ordinance, Article III Zoning Districts, Section 8(F) and Table 2 – Table of Dimensional Regulations by Zone which sets forth a maximum height of 15 feet for accessory structures. The Applicants intent to construct a new 2-bedroom residential structure to the rear of the parcel while reverting the existing residence back to its former use, being an accessory structure. **(The application was continued from the January 26, 2021 meeting.)**

Attorney Matthew Callaghan with offices located at 3 Brown Street, Wickford, RI, represented the Applicants being Pamela and Michael Monaghan of 465 Shippeetown Road. Atty. Callaghan explained the subject parcel is fifteen acres in size and is unusual in the sense that there is only 165 feet of frontage, making for a fairly narrow lot. He noted presently there are three (3) structures on the property, two (2) of which are barns. In 1992 the owners converted the most forward to the road barn to a residence, specifically the second floor, and have been living there since the early 1990s.

Atty. Callaghan asserted that due to health issues and the need to get out of the second-floor space, they would like to move into a one level residence because of those health issues. Therefore the Applicant is proposing to construct a new 2-bedroom home on the back of the property as there is no room for the home to be built forward of the property. The Applicant is requesting relief from the Zoning Ordinance specific to the location of accessory structures, meaning accessory structures are not supposed to be located in front of the primary residence and the new primary residence will be located behind three accessory structures once complete.

Mr. Michael McCormick, a Professional Land Surveyor with Alpha Associates stated he prepared the land survey for the Monaghan's and explained the existing conditions noting there is an existing residence that was converted into a residence in 1992 along with an additional horse barn 400 feet into the parcel. He noted the Applicant is proposing a residential dwelling about 690 feet back from the front property line to be located along the edge of the woods and pasture which will be serviced by a private well and septic system. Mr. McCormick asserted the majority of the subject property is bounded by some sort of open space land. He noted the parcel meets all of the zoning criteria with respect to area, frontage, and setbacks, etc. with the only variance required being for the accessory structure forward of the proposed primary residence.

Mr. Land questioned if the Applicant understands that the existing accessory structure will be decommissioned as a residence once the new residence is completed and they have moved into the new home. Atty. Callaghan confirmed the Monaghan's understand they will obtain a Certificate of Occupancy once the building is complete then will work with the Building Official to decommission the existing residence in the barn and will cooperate in all respect to that as required by the Building Official.

Mr. Land pointed out that there is a 45-day window after the owner receives a Certificate of Occupancy to decommission the front structure; he asked if that was a sufficient amount of time. Atty. Callaghan said he would hope the decommission period can get done with 45 days but that may be a short amount of time considering construction work is hard to come by these days

but hopefully things will free up by the time the new house is complete. In order to be safe Atty. Callaghan suggested a 90-day decommission window.

With no further questions or comments from the Board Mr. Land opened the hearing for public comments. No comments in favor or against the application.

As a point of clarification Ms. Hitchen pointed out that there are a total of three accessory structures that will be forward of the primary home as it is not just the existing 2-bedroom residence to be converted to an accessory structure. She added there is also an existing 42'x36' horse barn as well as a smaller shed.

Motion to approve the application as presented by Mr. Mulhearn with the following conditions: 1. Once a Certificate of Occupancy is issued for the newly constructed resident dwelling that the existing dwelling (to become an accessory structure) will be decommissioned within 90 days of the issuance of the Certificate of Occupancy; 2. Any newly converted accessory structures are not to be used for financial gain or for dwelling/residential purposes including rental. Seconded by Ms. Alger.

Mr. Land commented that he finds the application to satisfy the applicable standards, those 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. Land added the subject property is located in a rural section of town and the conversion of the structure back to a barn along with the maintenance of the other existing buildings are consistent with what is in the area. He also noted that where the property is located and the nature of relief he believes makes it unique and does not think by approving the application would create a global rule.

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

3. **JENNIFER and DAVID PARISI** for property located at 13 Eldredge Avenue; Map 84 A.P. 2 Lot 75 (Zoned Residential, R-10). The Applicant seeks Dimensional Variances from Chapter 260 of the Town Code; Zoning Ordinance, Table 2 – Dimensional Regulations by Zone which sets forth the side yard setbacks. Additionally, the Applicant seeks relief from Article V, Section 260-14(B) Nonconforming by Dimension. The Applicant requests to construct a 10’x19’ addition which will fall within the north side setback and constitutes as intensification to the legal nonconforming property. **(The Application was continued from the January 26, 2021 meeting.)**

Ms. Jennifer Parisi and Mr. David Parisi of 13 Eldredge Avenue represented the application. Ms. Parisi explained they would like to construct a 10’x19’ two-story rear addition to the existing house. The first floor will include a kitchen extension, mudroom, half bath and rear covered porch while the second floor will consist of a master suite. The historic home has an existing nonconforming encroachment of seven (7) feet along the north side setback line where there is a required fifteen (15) foot setback. The new addition will sit flush with the main house and also be eight (8) feet from the north side setback; it will not extend any closer to the north property line than the existing house already sits.

Mr. Land noted for the record that the renderings have been submitted which indicate the addition extends towards the back of the property with the relief being sought from the side but the house already sits at the same side setback so there is no additional intrusion into the side setback that is not already previously existing.

With no further questions or comments from the Board Mr. Land opened the hearing for public comments. No comments in favor or against the application.

Ms. Sceery made a motion to approve the application as submitted. Seconded by Mr. Golden.

Ms. Sceery founds the submission is comprehensive, will look great when complete, and as a resident in the neighborhood finds it is not encroaching unnecessarily on the abutter.

Mr. Land also found the application to be consistent with relief that has been granted within the general area for older homes coupled with the improvement in livability to the home and it will not create any detraction or other adverse effects to the neighborhood.

Mr. Land commented that he finds the application to satisfy the applicable standards, those 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.

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

4. **JAMES & EDITH McGUIRE** for property located at 21 Overbrook Lane; Map 84 A.P. 9 Lot 28 (Zoned Residential, R-30). The Applicant requires Dimensional Variances from Table 2 of Chapter 260 of the Town Code; Zoning Ordinance, Dimensional Regulations by Zone which sets forth front and side yard setbacks. Additionally, the Applicant seeks relief from Article V, Section 260-14 (B) Nonconforming by Dimension. The Applicant seeks to increase the existing attached garage from 16'x20' to 24'x20' in size in order to adequately accommodate two vehicles. The garage enlargement is an expansion to an existing legal nonconforming structure which will not comply with the front (east) and side (south) setback requirements. **(The application was continued from the January 26, 2021 meeting.)**

Mr. James McGuire and Ms. Edith McGuire of 21 Overbrook Lane represented the application.

Mr. Land explained a comprehensive application had been submitted to include a survey, existing conditions, proposed conditions and photographs. Mr. Land noted the application explains there is an existing 16'W x 20'D in which the Applicant would like to expand it in width by an additional eight (8) feet, making it 24'Wx20D in size to make it a true two-vehicle garage with two single garage doors to comfortably park vehicles inside. The property is a legal substandard lot of record, comprised of 22,763 s.f. in an R-30 zone coupled with the fact the existing house does not meet the existing 40' front setback nor the 30' side setback where the garage is being proposed. Due to the "Reduction of Yards" the side setback can be reduced to 22'-9". Given the reduced setback, the addition will sit 17'-3" from the side property line and will therefore require 5'-6" of side setback relief. The

existing structure already sits within the front setback at 29.8'. Although the attached garage is not flush with the house, as it sits just slightly back at about 30' from the front property line, it too is within the front setback and the 8' addition is considered an intensification and must comply with the dimensional regulations; 10 feet of relief is needed from the front setback.

Mr. McGuire did not have anything to add to the above statement but the request was to simply increase the garage size to adequately accommodate two vehicles at the same time.

With no further questions or comments from the Board Mr. Land opened the hearing for public comments. No comments in favor or against the application.

Motion by Mr. Golden to approve the application as submitted. Seconded by Ms. Alger.

Mr. Golden found the application to be a very appropriate request and will be voting in favor of it.

Mr. Land commented that he would be voting in favor of the application for the following reasons: the subject neighborhood is an older, more established section of town, there are no neighbors objecting, the request is relatively modest, the request is fairly common particularly with older homes in order to accommodate the modern needs that may not have been thought of when the home was originally constructed. He believes the request satisfies the standards, specifically

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.

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

5. **NuGen Capital Management, LLC** for property owned by **Briggs Drive Associates** and located at 10 Briggs Drive; Map 36 A.P. 16 Lot 36 (Zoned M/LIO, Manufacturing/Light Industrial Office). The Applicant seeks a Special Use Permit under Article XX of Chapter 260 of the Town Code; Zoning Ordinance, Solar Energy Systems and Facilities. This article provides protocols for the construction and operation of Solar Energy Systems. The Applicant is requesting to install a major 250 KW DC solar ground-mount system. The proposed ground-mount solar panels will be located in between South County Trail and the primary building. The project will also require a revision to the Combined Preliminary and Final Planning Board Decision, dated June 28, 2019. **(The application was continued from the January 26, 2021 meeting.)**

Mr. Aaron Rust of NuGen Capital Management, LLC represented the application. Also present was Ms. Laura Frazier of NuGen Capital Management, LLC and Ms. Sara Haupt of GZA, GeoEnvironmental, Inc.

Mr. Rust explained NuGen is based in Warren, RI and owns, operates and develops renewable energy projects in which NuGen has about eighteen projects in Massachusetts that have been running for the last ten years. NuGen has over 40 power purchase agreements in municipalities and low-income housing across the state of Massachusetts. He noted the project at

10 Briggs Drive is NuGen's second project in Rhode Island as the installation of the rooftop solar panels at the Briggs site is in the process of construction. As a point of reference, Mr. Rust noted the rooftop solar array is 6 ½ megawatts in size versus the 250 kilowatts of the proposed ground mount array which is much smaller in comparison. In his opinion Mr. Rust said the proposed location for the ground mount array is the perfect spot on the Briggs property as it will not affect anyone and NuGen would not have proposed it if the rooftop panels were not already being installed.

Mr. Collier had trouble envisioning how big the footprint of the proposed panels would be. Staff 'screenshared' the proposed plan while Mr. Rust explained the location of the solar array footprint, noting the panels would be due north of Briggs Drive and to the left of an accessory structure that fronts on South County Trail.

Mr. Land questioned if an entire concrete pad is poured across the panel installation area. Mr. Rust described the panels as installed on pilings, not poured concrete. A geo-technical study will be performed to determine the length of the pilings and how deep the pilings will need to be to confirm the system will not move. He confirmed several of NuGen's projects in Massachusetts have the same setup as this project will have where a piling gets driven down between 6'-8' deep.

Mr. Rust pointed out the total size of the ground mount solar array is actually 249 kw even though he has been calling it a 250 kw system and questioned whether a special use permit was required. Staff and Legal Counsel explained the Applicant required the Special Use Permit due to the combination of both the rooftop panels plus the ground mount panels and staff was considering it an amendment to the original Planning Board decision from 2019.

Ms. Scery inquired if the project will have any effect on any nearby residential neighbors to the west, particularly those on Huling Drive. Mr. Rust noted there had been lighting concerns that were raised by the neighbors during the rooftop solar panel review process. He reassured Ms. Scery and the Board that the project at hand will not have any bearing on

the neighbors as there will be no light installation or any equipment installed that makes noise as it is a standalone solar site.

Mr. Collier questioned if the Applicant had plans for future additional solar panels on the property as there is potential to have the whole lawn covered in solar panels. He was concerned considering the energy costs are very high and did not think residents of RI stand to have any benefit in that way while that might not be true for the Applicant. Mr. Rust answered from NuGen's perspective it would be highly desirable to expand the solar panels onto the additional lawn area but the landlord has made it very clear that they do not want to have solar arrays dispersed over the entirety of the lawn. Mr. Rust disclosed the proposal at hand is the largest footprint NuGen was allowed to have.

Mr. Land stated that his concern is situating the arrays in areas where there is high visibility to the public or to a neighborhood and simply does not want the arrays to be a defining visual component of the property. He noticed there is a significant tree buffer between the subject property and the adjacent property to the north. Mr. Land queried if the location can support installing natural buffers so that from the street perspective there is minimal visibility of the panels although he recognized that might affect usability.

In the past, Mr. Rust explained there has been the installation of arborvitae. In this situation the site does already have an existing mature section of shrubs and bushes that will remain and already do a good job of providing a buffer. The only real place to buffer would be heading north on South County Trail. Traffic will be able to see the southern portion of the array which is where it could be buffered.

Mr. Land pointed out there is a line of tall arborvitae on the opposite side of the building parking area. Mr. Rust added there is also some shrubs between the guardhouse and road along with bushes in the front. Now that Mr. Land could see there was a long line of trees that take up almost all of the driveway he felt it was almost unnoticeable except from certain angles heading north.

Mr. Rust confirmed it was very important to the property owner that when the solar panels were installed that it did not suddenly look like a huge solar field; he was adamant the property stay as aesthetically pleasing as could be.

Ms. Frazier clarified the Briggs solar site will be within the REG (Renewable Energy Growth) program which benefits the RI community, not necessarily municipalities or NuGen directly.

Mr. Land articulated that should the Board approve the application he would like to see a condition added regarding the existing row of arborvitae remain undisturbed and there is no need for more vegetation planted as that may be excessive from a ZBR perspective but the existing row of buffer in front of the building is sufficient to create a buffer from the road.

Mr. Rust asked if NuGen had to remove any arborvitae can there be a condition they be replanted. Mr. Land expressed the vegetative buffer has to be maintained – if it is removed it must be replanted in kind.

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

Ms. Melissa Riojas of 200 Adirondack Drive wanted confirmation there was to be minimal digging and no trees would be affected from her perspective. Mr. Land affirmed there will be no construction between the subject location and Adirondack Drive as the proposed project is on the other side of the Briggs building only partially visible from South County Trail but not at all visible from any manner from the Adirondack Drive area.

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

Mr. Mulhearn motioned to approve the application as submitted with the condition the vegetative buffer remain intact. Should there be removal of any existing vegetative buffer then it will be replaced with like in kind vegetation so a buffer still exists. Seconded by Ms. Sceery.

Mr. Land was of the opinion the application meets the Zoning Board's standards of review for a special use permit, those being:

That the public convenience and welfare will be substantially served.

That the proposed development will be in harmony with the general purpose and intent of this chapter and the Comprehensive Community Plan.

That 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.

That 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. Golden was still uncomfortable with how much of the solar array would be visible from the street. Mr. Land asked the Applicant if it is feasible to fence the array so that it cannot be seen from the north perspective.

Mr. Rust noted the elevation is higher than Route 2/South County Trail therefore the perspective is looking up a hill – the existing vegetation will buffer the southern edge of the array while there may be a row or two of panels that will be visible but he did not think it would be that visible from South County Trail. Mr. Rust was confident the solar array would not be seen while driving south and there is not a huge angle where it is incredibly visible going north.

Mr. Land inquired about other than a modest cost was there a reason why a fence would not be installed along the southerly side of the array. Mr. Rust confirmed a fence is being installed although he is getting the impression from the Board it should be more of a privacy fence. He explained the fence boils down to cost as NuGen prefers to not install a privacy fence due to it costing more and there tends to be more problems with privacy fences in

terms of wind and replacement issues. Mr. Rust confirmed the plans show a chain link fence is planned to be installed for safety and security measures.

Mr. Golden endorsed the plan and noted hopefully the vegetative barrier will be sufficient enough to not be an eyesore.

Mr. Land said he was not troubled by a chain link fence on the subject property as there are already different assortments of fencing on site and generally speaking it would not be out of the ordinary to have a modest chain link fence on an LIO zoned property.

Roll Call Vote: Mr. Mulhearn: Yes, Ms. Sceery: Yes, Mr. Golden: Yes, Ms. Alger: Yes, and Mr. Land: Yes **(VOTE: 5 -0)** to approve the application as submitted with the condition the vegetative buffer remain intact. Should there be removal of any existing vegetative buffer then it will be replaced with like in kind vegetation so a buffer still exists.

6. **William J. Speranza, Jr.** for property located at 19 Jodie Beth Drive; Map 28 A.P. 18 Lot 123 (Zoned Farming, F-1). The Applicant seeks a Dimensional Variance from Chapter 260 of the Town Code; Zoning Ordinance, Table 2 – Dimensional Regulations by Zone, specifically from the South Side Yard Setback. The petition requests to add a 26'x8' addition to provide more garage and living space; the Applicant is requesting a south side setback of 24.8' where 30' is required.

Attorney Joseph Brennan represented the property owners, being William and Cynthia Speranza. Atty. Brennan explained the application – it is request to expand the south side of the existing home by extending the garage out by eight (8) feet and adding a family room, office space and additional bath above the garage. Atty. Brennan asserted the request is due to the existing size of the garage not being able to easily accommodate two vehicles coupled with Mr. Speranza's work modifications now mainly working from home and needing dedicated office space.

Atty. Brennan noted the required side setback for this parcel is 30'; the existing home sits 32.8' from the south property line. The new addition will

be at most 24.8' from the south side property line, therefore requiring 5.4' of relief.

Atty. Brennan expressed the specific standards required for the granting of a dimensional variance, those 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.

In speaking to those listed standards, Atty. Brennan explained the Applicant is purposely installing the addition where the garage already exists today and is only looking for 5.4' of relief. The reason for that is to expand the garage and it would not make sense to change the garage to the other side of the home where there is not a driveway. He also found the relief to be granted is the least relief necessarily as the encroachment is as little as needed and nothing more adding Mr. Speranza has a very difficult time now utilizing the 2-car garage and he needs the extra space for a dedicated home office.

With no further questions or comments from the Board Mr. Land opened the hearing for public comments. No comments in favor or against the application.

Mr. Land found the Applicant has met the standards and the addition is appropriate with the relief as modest as can be.

Mr. Mulhearn made a motion to approve the application as submitted.  
Seconded by Ms. Alger.

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

7. **Robert and Amy Coates** for property located at 30 West Street; Map 85 A.P. 2 Lot 110 (Zoned Residential, R-10). The Applicant seeks a reconsideration of an original October 27, 2020 decision of the Zoning Board of Review wherein variances were granted to increase the size of the existing 16'x33' detached garage which constituted as an intensification to the legally nonconforming structure. The Applicant now requires a Dimensional Variance from the allowable maximum height for the reconstruction/rehabilitation of the subject 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 previously approved height was 14'-10 1/2"; due to a roof pitch increase the proposed height is now 17'-11 3/4" in height, requiring 2'-11 3/4" of relief.

Mr. Adrien Mercure, project architect, represented the application on behalf of the homeowners, Mr. Robert and Amy Coates. Mr. Mercure explained the project consists of revising the approved plan, which called for the existing detached garage to be expanded with a total height of 14'-10 1/2". The request now is to change the roof pitch from an approved 4/12 pitch back to a 7/12 which is the same pitch as the existing garage. Due to the pitch adjustment the garage height will increase to 17'-11 3/4" which will require 2'-11 3/4" of relief. Mr. Mercure pointed out the height request modification is due to comments from the Historic District Commission who suggested the garage match more to what exists in the neighborhood therefore the homeowner is seeking to comply with the recommendation. Additionally, by increasing the roof height will allow to reinstall the front window which was eliminated in the original redesign of the garage.

Mr. Land opened the hearing for public comment.

Mr. Gregory DeGroot of 38 West Street, the abutter immediately to the south of the subject property, spoke in favor of the application, noting the change in height will make the garage more appropriate to the neighborhood setting.

Mr. Land noted that based on the involvement with the Historic District Commission and the request of the Applicant he believes the dimensional variance should be approved and it satisfies the standards, specifically

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. Alger made a motion to approve the application as submitted.  
Seconded by Mr. Mulhearn.

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

8. **Pamela Unwin-Barkley** for property owned by **John and Andrea O'Connor** and located at 93 Prospect Street; Map 74 A.P. 2 Lot 191 (Zoned Residential, R-10). The Applicant seeks a Dimensional Variance from Chapter 260 of the Town Code; Zoning Ordinance, Table 2 – Dimensional Regulations by Zone, specifically from the

North Side Yard Setback. The petition requests to replace the existing detached garage and construct a new 1,432 s.f. foot print on the first floor consisting of an attached two bay garage, guest room and workshop on the first floor with additional living space on the second floor. The Applicant is requesting between 8.1'-10' of relief where a 15' side yard setback is required.

Motion by Mr. Mulhearn to continue the application to the March 23, 2021 ZBR docket. Seconded by Mr. Mulhearn. VOTE: 5 – 0.

9. **COMMUNITY LIVING of RI, Inc.** for property owned by **LTE HOLDINGS, LLC** and located at 1575 South County Trail; Map 61 A.P. 12 Lot 70 (Zoned Manufacturing/Light Industry Office, M/LIO). The Applicant seeks Dimensional Variances under Table 2 of Chapter 260 of the Town Code, Zoning Ordinance, Dimensional Regulations by Zone; and Article VI Off-Street Parking Regulations, Section 25 Parking Lot Landscaping, Subsection D(2), Parking lot side setbacks shall meet the minimum setback requirements of Table 2. The Applicant requests to enlarge the existing parking area, by adding an additional eight (8) parking spaces in the south side setback. **(The Application was continued from the January 26, 2021 meeting.)**

Mr. Jeff Giusti, contractor for the applicant, being Community Living of RI, Inc., represented the application. Mr. Giusti explained he is working with the new tenant on finding a creative solution on adding additional parking spaces as there is insufficient parking for the current demand of the new office use. Mr. Giusti noted an expansion of the parking area is proposed by adding eight (8) spaces along the southerly side yard within the setback where there are already existing parking spaces which received relief in years past.

Mr. Golden queried if any vegetation will be removed for the parking expansion. Mr. Giusti said there is some existing oak trees that will need to be removed.

Mr. Land was appreciative of the comprehensive staff report, particularly regarding the history of the property. He found the proposed location of the parking spaces to be ideal relative to the existing site and the needed demand of the building to be used in a productive manner. The original building's use is no longer feasible as a museum and an office use in this location along Route 2 is an appropriate use and the need for additional parking is obvious. Mr. Land pointed out the ZBR is often faced with variances related to parking along this stretch of Route 2 in which applicants get relief because the ZBR recognizes the need to maintain a reasonable level of parking relative to the whole use of various properties. He finds this particular application to be a very reasonable request coupled with one that fits within the confines of the space. Mr. Land asserted he would be voting in favor of the project and believes in light of all the characteristics it meets the request for an additional dimensional variance, that 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. Land pointed out with the change of use from a museum to office, coupled with the additional parking spaces, the Applicant is still deficient of required number of parking spaces by two spaces. The ZBR was comfortable to amend the application to incorporate the additional relief of

two spaces from the minimum parking requirement. Mr. Giusti was amenable to the amendment on behalf of the Applicant.

Mr. Land opened the hearing for public comment. No public comments.

Motion by Mr. Mulhearn to approve the application as presented and amended to include relief from the minimum parking requirements along with the condition The East Greenwich Department of Public Works shall review and approve final site plan engineering, especially as it pertains to grading and drainage, stormwater management and erosion and sediment control. Seconded by Ms. Sceery.

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

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

1. Minutes: Review/action on the following sets of minutes:
  - a. October 27, 2020 meeting
  - b. November 24, 2020 meeting
  - c. January 26, 2021 meeting

Minutes tabled to the following meeting.

Motion to adjourn by Mr. Mulhearn. Seconded by Mr. Golden. Approved 5–0.

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.