



East Greenwich Zoning Board of Review

MINUTES Tuesday, April 27, 2021, 7:00 PM Meeting

Virtual Via ZOOM

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

Absent: Richard Land, Chairman

Staff: Lisa Bourbonnais, Town Planner, Carole Malaga, stenographer, and Michael Ursillo, Legal Counsel.

Mr. Mulhearn, acting as Chair of the Board, called the meeting to order at 7:05 PM and introduced the members and staff present. He then read the Board's procedures into the record.

Zoning Board of Review Hearings – 7:00 PM

1. **Jason D. Iannuccilli, M.D. & Shawna H. Iannuccilli** for property located at 5 Cole Circle; Map 62 A.P. 10 Lot 390 (Zoned Residential, R-30). The Applicant seeks a dimensional variance from Table 2 of Chapter 260 of the Town Code; Zoning Ordinance, Dimensional Regulations by Zone and Section 8(F) of the same chapter pertaining to the siting of accessory structures. The petition seeks to retain an installed 14'x20' shed within the west side setback where accessory structures shall only be permitted in rear yards in the building envelope.

The applicants were on hand to represent their petition. They explained their desire to place a shed in proximity to their driveway. The shed has already been installed on site near the lot line shared by their home at 5 Cole Circle and the adjacent property at 6 Cole Circle. The side yard setback required in this R-30 Zone is 30 feet but the shed is sited about 11 feet closer to the line than that. Mr. Iannuccilli referenced pictures attached to the application which show that the shed is architecturally compatible with their house and the neighborhood. He also noted the site characteristics which could also be discerned from the photos. This includes a sloping rear yard which is well vegetated at the back to serve as a buffer. The buffer maintenance requirement was imposed when their property was initially platted.

Acting Chair Mulhern noted that the Board had received three letters of support from nearby property owners who had no opposition to the shed remaining in its current location. Ms. Bourbonnais interjected that two additional letters of support had been received over the last couple of days from direct abutters and all those letters are in the file for the record.

There was no one else on hand to speak in favor of or in opposition to the proposal. The board discussed the application briefly and Mr. Mulhern made note of its consistency with the general standards of review as spelled out in Section 260-91 of the Town's Zoning Code and Section 45-24-41 of the Rhode Island General Laws. In particular, he asserted that the shed's placement would have no impact on the character of the neighborhood and cited the unique characteristics of the lot including the downward slope at the rear and extensive vegetative buffer there. On a motion by Ms. Sceery and seconded by Mr. Golden, the application was approved via roll call vote. The vote was unanimous and there were no conditions attached.

2. **11 Main Street LLC** for property located at 11 Main Street; Map 085 A.P. 001 Lot 242 (Zoned Commercial Downtown, CD-1). The Applicant seeks Dimensional Variances from Chapter 260 of the Town Code; Zoning Ordinance, Table 2 – Dimensional Regulations by Zone, specifically from the maximum lot coverage – pavement. Additionally, relief is required from Article VI, Off-Street Parking Regulations, Section 260-20 Required Off-Street Parking Spaces; Section 260-23A(1) Minimum Aisle Width, Section 260-25B(1) Amount of Landscaping, Section 260-25D(1) & (2) Required Setbacks/Buffers. Finally, relief is needed from Article VII, Signs, Section 260-27(A) Definition of a Monument Sign. The Applicant seeks to convert the former restaurant use to office space to house the world headquarters for Smartapp.com. The change of use necessitates relief since there is lack of on-site parking and dimensional non-conformities already exist.

On hand to represent the petition were: Attorney Nicholas Goodier; Engineers Joe Casali and William Lavery; Architect Eric Zueña; and business owner Mike Colapietro. Mr. Goodier began the presentation by noting that a number of dimensional variances are required for the project to proceed and most of these represent pre-existing conditions which will not be made worse by the current proposal. In fact, the reversion to office use here in lieu of a restaurant represents a less intense use of the property. Mr. Goodier provided some background on the location of the property and its characteristics. He also provided information on the proposed building occupant, SmartApp, which is a company that makes project management software for the construction industry. He added that the historic district

commission has already reviewed the plans and had no objections to the layout or design. He emphasized that the CD (“Commercial Downtown”) zoning allows the proposed use by right and this project will actually make the property more conforming with current codes than the previous occupant. He then introduced Joseph Casali and Eric Zueña to walk through the site plan and floorplans with the Board.

The representatives were sworn in and provided a PowerPoint presentation on the site features that highlighted the architectural features and the site characteristics that necessitate relief. Mr. Casali emphasized with regards to parking that the employees here are expected to arrive on site by a number of means including bicycles, motorcycles, scooters, and via carpool. The number of employees here is not expected to exceed 30, which definitely generates less parking demand than the previous restaurant which had upwards of 150 seats.

The entrances to the site, including the patio area, will be gated for security and the wooden fence at the rear lot line will be removed and replaced with new fencing. Other site features include a dumpster enclosure, a bike rack and new garage doors on the rear of the building for a loading area. The most impressive new features will be the front patio which will provide an outdoor workspace as well as a glass rooftop atrium addition. Regarding the patio, Mr. Casali explained that the lot coverage ratio for this zone is capped at 80% by Code and they are proposing 85.8% coverage which includes the patio - but that feature will actually have open joints with sand underneath and may or may not be considered impervious surface. In other words, the lot coverage relief being sought is out of an abundance of caution. He moved on to address the monument sign which will not meet the front setback requirements at the corner of Division and Main Street but is very important to their brand. While the corner is a sensitive one given that it is the gateway to downtown East Greenwich and the historic district, the applicants felt they are giving it the prominence it deserves with their proposed landscaping and other investments there.

Mr. Zueña, the project architect, emphasized that the design intent is to turn the building into an international showcase and he felt strongly that his clients were breathing new life back into an old structure. The large and character defining windows will all be replaced and the upper story office space being created inside gives great deference to maintaining that glazing pattern and appearance from the outside.

Mr. Golden asked if any existing parking arrangements with other Main Street restaurants existed that would encumber some of the on-site spaces in the off hours.

The applicants responded that there are no leased parking spaces here and no agreements for any other businesses to use this site.

In addressing the parking issue, the applicants noted that they have another facility nearby at 1315 Division Rd. in West Warwick and they will be maintaining that location. Their training sessions and much of their production workforce will still be based there. They feel strongly that the reversion to offices here was the highest and best use of the property and is an effective juxtaposition in terms of parking demand as it provides some balance to the many other evening users. (Restaurants at the northern end of Main Street have peak traffic demand hours after the work day ends).

Board members discussed the application briefly noting that it was a welcome sight to see a proposal for adaptive reuse of a building which has been vacant for a long time. Acting Chair Mulhern then offered a number of findings based both on the testimony heard at tonight's hearing as well as on the staff report provided to the Board in advance. The members concluded that the application met the relevant standards as spelled out in Section 260-91 of the Town's Zoning Code and Section 45-24-41 of the Rhode Island General Laws. They observed, in particular, that the proposal is not in any conflict with the Town's Comprehensive Community Plan or the purpose or intent of the zoning ordinance. They also found that the denial of the relief would amount to more than a mere inconvenience as the existing historic structure cannot be reused without some deviations from current code requirements. No one was on hand to object to the proposal and the chair called for a motion.

On a motion by Ms. Alger, seconded by Ms. Sceery, the application was approved (via roll call vote) unanimously with no conditions attached.

Zoning Board of Review Business

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

- January 26, 2021 meeting
- February 23, 2021 meeting
- March 23, 2021

On a motion by Ms. Alger seconded by Ms. Sceery, all 3 sets of minutes were approved on a 5 to 0 vote.

Motion by Ms. Sceery, second by Mr. Golden, at 7:46 PM to adjourn. The motion was unanimously supported.

Minutes respectfully submitted by Lisa Bourbonnais, Planning Director. Please contact the Planning Department for further information.