

DONALD G. MORASH, JR.  
CHAIRMAN



JOSEPH J. SOLOMON  
MAYOR

**CITY OF WARWICK**  
**ZONING BOARD OF REVIEW**  
**WARWICK, RHODE ISLAND 02886**  
**(401) 921-9534**

**WARWICK ZONING BOARD OF REVIEW**  
**MINUTES OF THE DECEMBER 10, 2019 MEETING**

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, December 10, 2019 at 6:00 P.M. in the City Council Chambers, Warwick City Hall, 3275 Post Road, Warwick, Rhode Island. The meeting was called to order by Chairman Donald Morash, Jr.

The Secretary called the roll and noted the following members present:

Present:	Donald G. Morash, Jr. – Chairman Everett O'Donnell – Vice-Chairman Salvatore Deluise Beverly Sturdahl George Shuster - Alternate Julie Finn – Alternate
Absent:	Paul DePetrillo
Also present:	Peter Clarkin Esq., City Solicitor Daniel Geagan, Warwick Planning Department Amy Cota, Secretary Mary Ellen Hall, Stenographer

The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED. There being none, the Chairman called the first petition.

The Chairman entertained a motion to approve the minutes from the October 8, 2019 hearing. A motion was made by Everett O'Donnell, seconded by Beverly Sturdahl and passed unanimously by the Board that the minutes be accepted.

Due to a scheduling conflict for the attorney representing National Grid, the Board heard their two petitions first.

The following two petitions for National Grid were heard together by the Zoning Board together. Both are substations, and were represented by George Watson, Esq.

Petition #10630  
Petition #10631

Ward 9  
Ward 9

700 Cowesett Rd.  
344 Centerville Rd.

The petitions of The Narragansett Electric Company d/b/a National Grid, 40 Sylvan Rd., Waltham, MA, requests a special use permit to replace the existing security barbed wire fence surrounding the Kent County Substation, and a dimensional variance for proposed barbed wire fence exceeding the maximum height allowed by Ordinance.

Assessor's Plat 232, Lot 1 - (700 Cowesett Rd.) zoned Residential A-40.  
Assessor's Plat 243, Lot 5 - (344 Centerville Rd.), zoned Residential A-15.

George Watson, Esq., was present and representing the petitioner.

Thomas O. Sweeney was presented as an expert witness. A motion was made by Everett O'Donnell, seconded by George Shuster, and passed unanimously by the Board that Mr. Sweeney be accepted as an expert witness.

Attorney Watson stated they are here seeking relief to increase the height of the fence at both of these locations, from eight feet (8') to nine feet (9'). The reason this needs to be increased is to comply with National Grid's safety code, as well as the National Electric Safety Code.

The site currently has a seven foot (7') fence (mesh panel) topped with three rows of barbed-wire fence, for a total height of eight feet (8').

The proposal is to install an eight foot (8') fence (mesh panel) topped with three rows of barbed-wire fence, for a total height of nine feet (9').

The attorney stated this is being done to comply with the new safety codes.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Everett O'Donnell made a motion to approve the petition, seconded by Salvatore Deluise and passed unanimously by the Board that both petitions be GRANTED.

Petition #10629

Ward 7

149 Arnolds Neck Dr.

The petition of Doris & David McDowell, 149 Arnolds Neck Dr., Warwick, RI, requests a dimensional variance to convert the existing garage to a master bed-room/bath-room with a 15' x 8' addition to the front for a new entryway; Construct a new covered front porch, having less than required front and side yard setbacks; Construct a new 4' x 18' addition to the rear of the existing sunroom, to be converted to a dining room, having less than required side yard setbacks; Construct a 6' x 18' proposed rear porch, having less than required side yard setbacks. Subject property being an existing non-conforming lot. Assessor's Plat 365, Lot 191, zoned Residential A-10.

Daniel Geagan from the Planning Department read the recommendations into the record.

Kevin Prest, 84 Reynolds St., E. Greenwich, RI, Designer for the petitioners, was present and sworn in by the Chairman.

The Chairman asked Mr. Prest if he was aware of the comments/stipulations, and if they had any issues with them. Mr. Prest stated he was aware of the comments.

The Chairman asked if they spoke with their neighbors. Mr. Prest stated the applicants have spoken to the neighbors nearby.

George Shuster stated he had a few concerns. First he wanted to confirm the carport shown on the survey was no longer being proposed. Mr. Prest confirmed the carport is not part of this application. Mr. Shuster then stated he understands the constraints of the property, but he does have a concern with the proposed 2' setback. Mr. Prest stated they are not going any closer than what the existing dwelling is setback at already. Mr. Shuster asked if the new walls will be fire-rated. Mr. Prest confirmed they will be.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Everett O'Donnell stated the petitioner spoke with his neighbors, there has been no objection, and made a motion to approve the petition, seconded by Beverly Sturdahl and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10632

Ward 3

289 Lake Shore Dr.

The petition of Scott Janelle, 289 Lake Shore Dr., Warwick, RI, requests a dimensional variance to legalize the location of the existing 10' x 12' shed, and construct a 10' x 12' addition to the existing storage shed with an (8') eight foot overhead door and wood floor. Existing shed & proposed addition to the shed having less than required side yard setback. Assessor's Plat 327, Lot 32, zoned Residential A-40.

Scott Janelle, Petitioner, 289 Lake Shore Dr., Warwick, RI, was present and sworn in by the Chairman.

Daniel Geagan from the Planning Department read the recommendations into the record.

The Chairman asked the petitioner if he started constructing the addition to the shed without a permit. The petitioner stated because the shed is free-standing, he didn't think he needed a permit.

The Chairman asked if he spoke with his neighbor on that side of the property. He confirmed he did speak with them, and they had no issues with it.

The proposed shed will have an 8' wide by 80" tall overhead door. The shed will be used for storage of his motorcycles.

George Shuster asked if there was a reason why the petitioner can't build the shed on the opposite side of where the shed is being proposed. Mr. Janelle stated the yard is 40' wide with a huge tree in the center of the yard. He would like to keep the location of the shed where it is to be sure the motorcycles are secure.

The Board and the City has concerns with the Class I Survey submitted with the application that shows an encroachment of the petitioner's outdoor fire pit and fence onto the rear abutting property. The petitioner stated this has been in court for the past three years.

George Shuster stated the encroachment is in no way authorized by the action of this Board, and is not included or recognized as part of this decision.

The Chairman asked if there was anyone present in opposition of the petition.

Donna Richards, 22 Model Ave., Warwick, RI, was present, in opposition of the petition and sworn in by the Chairman.

Ms. Richards stated she is the owner of the property that Mr. Janelle is encroaching upon. She stated the shed is an eyesore, wasn't permitted, and is too close to her property. The petitioner stated the shed is an eyesore right now, but it isn't completed and won't be an eyesore once it is complete. He stated he does maintain his property, and keeps it clean. The Chairman confirmed the shed will meet the required setback along the rear property line shared by Ms. Richard. The relief being sought is from the side property line, not the rear lot line.

The Chairman asked if there was anyone else present in opposition or in favor of the petition. There being none, Everett O'Donnell made a motion to approve the petition, seconded by Beverly Sturdahl and passed with a 4 to 1 vote (George Shuster voted to deny), that the petition be GRANTED WITH STIPULATIONS.

Petition #10633Ward 6233 Promenade Ave.

The petition of Steve Lawrence, 1070 Kingstown Rd., Wakefield, RI, and Cheryl Hutchinson, 233 Promenade Ave., Warwick, RI, requests a dimensional variance to construct a second floor master bedroom/bathroom addition over a portion of the existing first floor; Construct a new 8' x 19'-6" covered porch on the east side of the property; Replace the existing entry porch on the south side of the property with a new 8'-3" x 5.7' entry porch. Proposed second floor addition having less than required front and side yard setbacks. Proposed 8' x 19'-6" covered porch on the east side of the property having less than required front yard setback. Proposed 8'-3" x 5.7' front entry porch on the south side having less than required front and side yard setbacks. Assessor's Plat 373, Lot 201, zoned Residential A-15.

Steven Lawrence, Petitioner, 10 Fourth Street, Narragansett, RI, was present and sworn in by the Chairman.

The Chairman noted the neighborhood is tight quarters, and asked the petitioner if they have approval from the Buttonwoods Beach Association for the proposed. The petitioner stated he does have approval.

The Chairman stated the Board received a letter in favor of his proposal from his neighbor, Roberta Merkle.

The Chairman asked if there was anyone present in favor or in objection of the petition. There being none, Everett O'Donnell made a motion to approve the petition, seconded by George Shuster, and passed unanimously by the Board that the petition be GRANTED.

Petition #10634Ward 91270 Ives Rd.

The petition of James R. Langevin, 1270 Ives Rd., Warwick, RI, requests a dimensional variance to subdivide (1) one 5.2 acre lot, to create (2) two new lots; (1) one new 1.92 acre lot for the development of a single family dwelling; and (1) one 3.29 acre lot with an existing single family dwelling, having less than required frontage and lot width. Assessor's Plat 208, Lot 16, zoned Residential A-40.

John C. Revens, Jr., Esq., was present and representing the petitioner.

Mr. Revens stated the petitioner received Master Plan approval of a Major Subdivision, to subdivide one 5.2 acre lot, to create (2) new lots. One lot containing an existing single family dwelling, and one new lot for the development of a single family dwelling.

The proposed new single family dwelling will comply with all dimensional regulations for the zoning district in which the property is located. The relief being sought is for having less than required frontage and lot width.

Michael McCormick, Professional Land Surveyor was presented as an expert witness. A motion was made by Everett O'Donnell and seconded by Beverly Sturdahl and passed unanimously by the Board that Mr. McCormick be accepted as an expert witness.

Robert DeGregorio, 333 Centerville Rd., Warwick, RI, was presented as an expert witness.

Everett O'Donnell made a motion to accept Mr. DeGregorio, seconded by George Shuster, and passed unanimously by the Board that Mr. DeGregorio be accepted as an expert witness.

The Chairman asked if there was anyone present in objection of the petition. Paul Anderson, Esq. was present with concerns about the proposed driveway. Attorney Revens stated they are proposing to resolve this issue by relocating the driveway to the opposite side of the lot, pending final approval from the Planning Board, and the RI Department of Transportation (RIDOT).

The Chairman asked if there was anyone else present in opposition or in favor of the petition. There being none, George Shuster made a motion to approve the petition, seconded by Everett O'Donnell, and passed unanimously by the Board that the petition be GRANTED.

Petition #10635

Ward 3

1688 Post Rd.

The petition of Tech 911, Inc., 1688 Post Rd., Warwick, RI, and Manzi Family Limited Partnership, 1724 Post Rd., Warwick, RI, request a use variance to install a 100" x 36" (25 sq. ft.) LED message board on the side wall of the existing commercial structure. Proposed sign being prohibited by the Warwick Zoning Ordinance. Assessor's Plat 322, Lot 290. Zoned General Business (GB).

Daniel Geagan from the Planning Department read the recommendations into the record.

Nicholas Lambros, Esq., was present and representing the petitioners.

Christopher Diaz, owner of 911 Tech, 1 Wendy Hill Lane, Coventry, RI, was present and sworn in by the Chairman.

The Chairman stated his observation of the existing building was the numerous other signs on the building, which are not legal because they were never permitted.

Attorney Lambros stated he spoke to the petitioner earlier about this, and the petitioner has agreed to remove all the signs.

The Chairman asked if there was anyone there to speak in opposition or in favor of the petition. George Shuster stated to the extent they are amenable to approving this sign, it shall be required that the petitioner bring all the signage into conformance, either by removal of the signs, or through a separate application to this Board. The petitioner agreed. A motion was made by Everett O'Donnell, and seconded by Beverly Sturdahl, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

A motion was made by Everett O'Donnell, seconded by Beverly Sturdahl and passed unanimously by the Board that the meeting be adjourned at 7:15 P.M.

BY ORDER OF THE ZONING BOARD OF REVIEW, WARWICK, RHODE ISLAND

Donald G. Morash, Jr., Chairman