

DONALD G. MORASH, JR.  
CHAIRMAN



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MAYOR

**CITY OF WARWICK**  
**ZONING BOARD OF REVIEW**  
**WARWICK, RHODE ISLAND 02886**  
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**WARWICK ZONING BOARD OF REVIEW**  
**MINUTES OF THE AUGUST 11, 2020 MEETING**

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, August 11, 2020 at 6:00 P.M. via Zoom Webinar. 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  
Paul DePetrillo  
George Shuster – Alternate  
Julie Finn – Alternate

Absent: Beverly Sturdahl

Also present: Peter Clarkin Esq., City Solicitor  
Daniel Geagan, Warwick Planning Department  
Amy Cota, Secretary

The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED.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

Petition #10668

Ward 8

685 Bald Hill Rd.

The petition of Link Commercial Properties, LLC, 144 Metro Center Blvd., Warwick, RI, Silva Brothers Realty, LLC, 88 Valentine Circle, Warwick, RI, and JP Morgan Chase NA, 1111 Polaris Parkway, Columbus, OH, requests a dimensional variance to demolish the existing commercial structure and construct a new 3,295 sq. ft. bank with a drive-up ATM. Proposed structure having less than required setback to a residential zoning district from the northeastern portion of the lot, less than required landscaped buffer from the residential zoning district, and having less than required aisle width along the west side of the proposed building. Assessor's Plat 263, Lot 59, zoned General Business (GB).

K. Joseph Shekarchi, Esq. was present and representing the petitioners.

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

Mr. Shekarchi stated the petitioner is proposing to demolish the existing commercial structure and will construct a new 3,295 sq. ft. Chase Manhattan bank with a drive-up ATM.

The petitioners agreed to work with the City Landscape Project Coordinator to construct a sign that includes the East Natick Village Association.

The petitioners agreed to the stipulations placed on the approval by the Planning Department.

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 Julie Finn, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10654

Ward 8

641 Bald Hill Rd.

The petition of Kenneth Persechino & Lakewood Realty Trust, 734 Hartford Ave., Providence, RI, requests a dimensional variance to divide the existing commercial structure into six (6) office units. Subject property being and existing non-conforming commercial structure, having less than required parking spaces; less than required minimum size of parking spaces; less than required setbacks of parking spaces from the existing structure, property lines, and to the abutting residential zoning district; less than required landscaping along the front property line; less than required landscape buffer along the rear property line abutting the residential zoning district; less than required parking lot buffers, screening, and loading spaces. Assessor's Plat 263, Lot 69, zoned General Business (GB).

Joseph Brennan, Esq. was present and representing the petitioner.

Daniel Geagan read the recommendations into the record.

Mr. Brennan stated the building was previously occupied by Harris Furs, a retail establishment. The proposal is to convert the existing structure into six office units.

Mr. Brennan stated they have been working with the Planning Department, and are in agreement with the stipulations being placed on the approval.

The petitioners agreed not to have any medical offices within the building, due to the limited number of parking spaces available. The petitioner is seeking relief for having less than required parking.

The petitioner's removed the required landscape buffer in the rear of the lot that separates this lot from the abutting residential neighborhood. The petitioner's agreed to work with the City Landscape Project Coordinator to develop a landscape plan.

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 Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10653

Ward 2

446 Post Rd.

The petition of Richard C. DeFusco, R.L.A., Ayoub Engineering, Inc., 414 Benefit St., Pawtucket, RI, and Postwar, LLC, c/o One Energy, Inc., 420 Lakeside Ave., Marlborough, MA, for a special use permit to demolish the existing gas station and related structures on the parcels for the construction of a retail gas facility, with a new 86' x 47' convenience store, a fast food component with a drive-thru, a 96' x 26' canopy over four (4) fuel dispensers. The petitioner is seeking a dimensional variance for having less than required front yard setbacks from the convenience store, the canopy and the drive-thru access lane, less than required side yard setback to the dumpster enclosure, and less than required front landscaped buffer and frontage. Assessor's Plat 293, Lots 4, 7 & 8, zoned General Business (GB).

Joseph Brennan, Esq. was present and representing the petitioner.

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

Mr. Brennan stated the petitioner received approval from this Board for this same petition in May 2018, but the approval expired.

The City did object to, and has received many complaints regarding the deplorable conditions of the property, as well as the lack of compliance with basic property maintenance codes over the last three years.

Due to the lack of compliance, the Zoning Board placed a sunset clause on the approval to have the property cleaned up within 60 days of this approval, and all of the structures to be demolished within 120 days.

The abutting neighbors had concerns with the location of the menu speaker box, as well as the brightness of the menu board. The petitioners agreed to have a traffic study done to determine the best location for both the speaker box and menu board.

The petitioners agreed to work with the abutting residential neighbors to provide some landscape buffering and a fence.

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 with stipulations, adding the additional stipulation of the sunset clause, seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10666

Ward 1

Fillmore St.

The petition of M & M Land Company, LLC, 33 College Hill Rd., Warwick, RI, requests a dimensional variance to construct a 1,288 sq. ft. single family dwelling with a 12' x 12' deck, on an undersized non-conforming lot, having less than required lot area, frontage, lot width, and front yard setback. Assessor's Plat 293, Lot 555, zoned Residential A-7.

Joseph Brennan, Esq., was present and representing the petitioner.

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

Mr. Brennan stated the petitioner is here seeking relief to construct a new single family dwelling on an undersized lot, having less than required lot area, frontage, lot width, and front yard setback. The subject lot has 50' of frontage and lot width, and the requirement is 70'.

The proposed dwelling will not meet the required setback from the front property line along Washington Street.

The Planning Department placed stipulations on the approval. The Zoning Board is giving the petitioner the option to move the house closer to the front property line along Washington Street, to meet a side yard setback of 12' from lot #554, rather than an 8' setback.

The petitioner will relocate the driveway to Fillmore Street for safety purposes.

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

Michael Jarvis, 60 Fillmore St., Warwick, RI, was present and sworn in by the Chairman.

Mr. Jarvis had concerns with visibility and traffic concerns with the playground across the street from the subject lot, as well as the lot being undersized.

Ronald Denson, 129 Atlantic Ave., Warwick, RI, was present and sworn in by the Chairman.

Mr. Denson had concerns with the size of the proposed dwelling, and suggested a smaller ranch house.

The Chairman asked if there was anyone else in opposition or in favor of the petition. There being none, Everett O'Donnell stated there are existing single family dwellings on the same size lot as the proposed lot, and made a motion to approve the petition, seconded by Paul DePetrillo and passed unanimously by the Board that the Petition be GRANTED WITH STIPULATIONS.

Petition #10664

Ward 9

Winnisquam Dr/Major Potter Rd.

The petition of AJC Development, 316 Love Lane, Warwick, RI, and Peter J. Lewis, Trustee, 115 Castle Rocks Rd., Warwick, RI, requests a dimensional variance to construct a new single family dwelling on an undersized lot. Assessor's Plat 223, Lot 174, zoned Residential A-15.

Joseph Brennan, Esq. was present and representing the petitioners.

Mr. Brennan stated the petitioners received Master Plan Approval for a Major Subdivision to subdivide (2) two lots, merged by use, to create (2) two lots; (1) one 19,796 sq. ft. lot with an existing single family dwelling, and (1) one new 14,111 sq. ft. lot for the development of a new single family dwelling on a lot with less than required land area.

The petitioner will be acquiring the proper permits to relocate the septic system and sprinkler system to the abutting lot which they service, Lot #152.

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

Petition #10663

Ward 5

96 Verndale St.

The petition of Joseph T. Bucu and Nicole Bucu, 96 Verndale St., Warwick, RI, requests a dimensional variance to construct a concrete pad for a generator, having less than required side yard setback. Assessor's Plat 339, Lot 515, zoned Residential A-7.

Fredric Marzilli, Esq. was present and representing the petitioners.

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

Mr. Marzilli stated this is a simple petition. His client would like to install a concrete pad to place a generator on. The concrete pad won't meet the required side yard setback of five feet (5'), but will be 2' from the side yard property line.

The Planning Department placed stipulations on the approval, which the petitioner agreed to.

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 Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10665

Ward 1

15 Bayside Ave.

The petition of Robert & Ann McCann, 15 Bayside Ave., Warwick, RI, requests a dimensional variance to construct a 743 sq. ft. family room addition, and a 236 sq. ft. covered walkway. Proposed addition having less than required side yard setback. Assessor's Plat 292, Lot 502, zoned Residential A-10/Historical.

Daniel K. Flaherty, Esq. was present and representing the petitioner.

Mr. Flaherty stated the petitioners are proposing to construct a 743 sq. ft. family room addition, and a 236 sq. ft. covered walkway, both having less than required side yard setbacks.

The petitioner applied for and received approval from the Historic District Commission for the proposal.

There were a few neighbors present in opposition of the petition.

Eileen Lambert, 10 Lawn Ave., Warwick, RI, was present in opposition and sworn in by the Chairman.

Ms. Lambert stated she has lived next door to the subject property for 55 years. She has not heard from the petitioners at all to review the plans, and requested the petition be continued until she has time to review the proposed plans.

Everett O'Donnell, Vice-Chairman stated the abutters will have several weeks to speak with the neighbors and review the plans without holding up the project.

Mr. Flaherty stated the proposal originally called for a 3' rear yard setback but the petitioners moved it to meet a 5' setback. He stated they would have no objection to planting arborvitaes along the rear property line.

Janice Vadnais, 24 Lawn Ave., Warwick, RI, was present in opposition of the petition.

Ms. Vadnais stated she believes it will be very difficult to match the materials to the existing structure, and it is just overwhelming. Attorney Flaherty responded that the petitioners were required to get Historic District Commission approval for that reason.

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 Paul DePetrillo and passed unanimously by the Board that the petition be GRANTED.

Petition #10660

Ward 3

997 Sandy Lane

The petition of Xu Jie, 325 Southeast 21st St., Cape Coral, FL, and Sandy Property, LLC, 553 Main St., E. Greenwich, RI. The petitioner is proposing to renovate the existing tenant space, previously occupied by Coffee Beans and Bagels for a new nail salon. Petitioner requests a special use permit to have more than one non-residential use (mixed use) on the same lot. Also seeking a dimensional variance for having less than required off-street parking (701.7), and less than required off-street area for turning and exit without the need or ability to use any part of a street (701.4). Assessor's Plat 349, Lot 85, zoned General Business (GB).

Stephen Levesque, Esq. was present and representing the petitioners.

Mr. Levesque stated the petitioners are proposing to convert the previously occupied bagel and coffee shop to a new nail salon. The proposal would be a change in use. The petitioner is also seeking a special use permit to have more than one non-residential use (mixed use) on a lot. The petitioner is also seeking a dimensional variance for having less than required parking spaces, and turn-around without the ability to use any part of a street.

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 Paul DePetrillo and passed unanimously by the Board that the petition be GRANTED.

Petition #10662

Ward 4

600 Cole Farm Rd. #A-43

The petition of Richard Amaral, 600 Cole Farm Rd. #A-43, Warwick, RI, and Cole Farm Association, 600 Cole Farm Rd., Warwick, RI, requests a special use permit to have more than one residential structure on the same lot. Existing dwelling demolished in 2013, proposal is to construct a new single family dwelling. Assessor's Plat 315, Lot 136-9143, zoned Residential A-10.

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

Richard Amaral, Petitioner, 600 Cole Farm Rd. A-43, Warwick, RI, was present and sworn in by the Chairman.

The petitioner stated there was an existing single family dwelling that was demolished in 2013. The proposal is to construct a new single family dwelling.

The petitioner has received approval from the Cole Farm Association.

The Chairman asked, and the petitioner confirmed he was in agreement with the stipulations placed on the approval.

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 Paul DePetrillo and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10667

Ward 5

46 Burnett Rd.

The petition of Kevin Clynes, 46 Burnett Rd., Warwick, RI, requests a dimensional variance to construct a three story addition to the front of the existing dwelling. Existing garage and proposed addition having less than required side yard setback. Subject property being a legal undersized non-conforming lot. Assessor's Plat 380, Lot 183, zoned Residential A-15.

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

Kevin Clynes, Petitioner, 46 Burnett Rd., Warwick, RI, was present and sworn in by the Chairman.

Joseph Kilduff, 405 Meshanticut Valley Parkway, Cranston, RI, was present and sworn in by the Chairman.

This petitioner previously received approval from this Board in April 2018, but the construction was never started and the approval expired.

The Planning Department supports and maintains their original recommendation for denial due to the size of the addition, as well as not meeting the burden of the least relief necessary.

The proposal is to construct a three story addition to the front of the existing dwelling.

The petitioner received a RI CRMC Maintenance Assent (#2016-05-018) for replacement of the existing porch with a bluestone patio, but exceeded the scope of the project by constructing a patio and a walkway over the leach field, distribution box and septic tank without the proper approvals. The petitioner testified he had the proper permits from CRMC for the walkway and patio, but the city received an email from CRMC on August 10, 2020, stating this work exceeded the scope of the maintenance permit.

One of the Board Members felt if the Board were to approve this petition tonight, they weren't being consistent with all of their decisions. There was a similar petition heard a month earlier, on July 14, 2020, where the applicant was proposing an addition, seeking the same side yard setback as this petition, but the Board denied that petition. He also felt this addition was much larger than what they denied last month.

The Chairman asked if there was anyone present in favor or in opposition of the petition. There being none, Everett O'Donnell made a motion to approve the petition, subject to the stipulations to obtain the proper DEM Permits prior to being issued a Building Permit, seconded by Paul DePetrillo, and GRANTED by a 4-1 vote by the Board. (Salvatore Deluise voted to approve, Paul DePetrillo voted to approve, Everett O'Donnell voted to approve, George Shuster voted to deny, and Donald Morash voted to approve.)

The Chairman entertained a motion to approve the minutes of the July 14, 2020 meeting. A motion was made by George Shuster, seconded by Salvatore Deluise and passed unanimously by the Board. The meeting was adjourned by the Chairman at 8:50 P.M.

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

Donald G. Morash, Jr., Chairman