

DONALD G. MORASH, JR.  
CHAIRMAN



JOSEPH J. SOLOMON  
MAYOR

**CITY OF WARWICK**  
**ZONING BOARD OF REVIEW**  
WARWICK, RHODE ISLAND 02886  
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**WARWICK ZONING BOARD OF REVIEW**  
**MINUTES OF THE JULY 14, 2020 MEETING**

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, July 14, 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  
Salvatore Deluise  
Paul DePetrillo  
George Shuster – Alternate  
Julie Finn – Alternate

Absent: Beverly Sturdahl  
Everett O'Donnell – Vice Chairman

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The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED.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 #10649

Ward 5

8 Young Ave.

The petition of Robert & Cherie Spagnolo, P.O. Box 2143, E. Greenwich, RI, & ZMP Development, LLC, 26 Briarcliff Dr., Warwick, RI, requests a dimensional variance to construct a new single family dwelling on an undersized non-conforming lot. Proposed lot having less than required lot area. Proposed dwelling having less than required front yard setback (from Meadow View Ave.), and less than required side yard setback. Assessor's Plat 379, Lot 350, zoned Residential A-10.

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

Mr. Shekarchi stated the petitioner is proposing to construct a new single family dwelling on the subject property. It's a pretty straightforward petition.

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

The Chairman asked if there was anyone present in objection or in favor of the petition. There being none, George Shuster 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 #10659

Ward 2

447 Warwick Ave.

The petition of Joseph C. Casimiro, 447 Warwick Ave., Warwick, RI, requests a dimensional variance to construct a 355 sq. ft. addition to connect the two commercial structures for a medical marijuana cultivation facility. Existing structure being non-conforming by dimension, having less than required landscaping along the front property line.

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

Mr. Brennan stated the petitioner has an existing medical marijuana cultivation facility that occupies the two structures. The Department of Business Regulation (DBR) is requesting the petitioner connect the two structures with an addition. The petitioner is proposing to construct an addition to connect the two existing buildings.

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

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

Jared Silva, 38 Arthur St., Warwick, RI, was present in objection of the petition

Joyce Wolf, 29 Arthur St., Warwick, RI, was present in objection of the petition. She had concerns with the traffic on the street she lives on, which is a dead-end road.

George Shuster asked Mr. Brennan about the landscaping relief they are requesting. Mr. Brennan stated the Zoning Ordinance requires a 10' wide buffer along the front, and a 10' buffer between the street and parking lots, and the petitioner won't meet the requirements.

The Chairman asked if there was anyone else present in opposition. There being none, George Shuster made a motion as presented with two additional stipulations.

1. That the applicant obtain a Landscape Architect plan to be approved by the City's Landscape Coordinator.
  2. The applicant shall install a sign directing people away from Arthur Street.
- The motion was seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10661

Ward 8

341 Providence St.

The petition of Dan's Management Company, 251 Smith St., Providence, RI, and Whitney Group, 187 No. Main St., Providence, RI, requests a dimensional variance to construct a new commercial structure (Dunkin Donuts). Subject property having less than required parking spaces. Assessor's Plat 254, Lots 11 & 14, zoned General Business, Residential A-10 and Residential A-40.

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

Mr. Shekarchi stated the petitioners previously received approval from this Board in December 2018, but the approval has expired.

The petitioners were issued a foundation permit from the Warwick Building Department prior to the approval expiring.

The proposal is to construct a new Dunkin Donuts on the lot with an existing Subway Sandwich shop.

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

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

Dawn Greene, 21 Elmer Ave., Warwick, RI, was present and sworn in by the Chairman.

Debbie Smith, 36 Elmer Ave., Warwick, RI, was present and sworn in by the Chairman.

Richard Belhumeur, 1120 Tollgate Rd., Warwick, RI, was present and sworn in by the Chairman.

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

Petition #10650

Ward 4

40 Home Ave.

The petition of Anna West, 40 Home Ave., Warwick, RI, requests a dimensional variance to install a new above ground pool with a deck. Proposed pool and deck having less than required front yard setback (from Symonds Ave.), and less than required side yard setback. Assessor's Plat 333, Lot 138, zoned Residential A-7.

Anna & Larry West, 40 Home Ave., Warwick, RI, were present and sworn in by the Chairman.

Mr. West stated they have recently taken in foster children and he would like to replace the pool and relocate the pool deck to the opposite side. The petitioner stated due to being located on a corner lot, they don't meet the front corner/side yard setback requirement.

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

William Hurley, 86 Symonds Ave., Warwick, RI, was present in opposition of the pool and sworn in by the Chairman.

Mr. Hurley had concerns with the elevation of his property being higher than the petitioners. He stated his entire view out of his front windows is people in bathing suits.

The petitioners agreed to install a few arborvitaes to help with screening the pool. The Petitioner shall plant a line of arborvitaes or similar along Symonds Avenue property line between the deck and the fence, which shall be maintained as long as the pool is there.

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

Petition #10648

Ward 5

6 Longmeadow Ave.

The petition of Lisa Baker/RI Renovations, 26 Waldo Rd., Warwick, RI, and Michael & Chiara Armetta, 6 Longmeadow Ave., Warwick, RI, requests a dimensional variance to remove the existing second floor, and construct a new second floor addition over the entire footprint of the first floor, with a new balcony off of bedroom three, and a new balcony off of the study. Proposed additions having less than required front yard and side yard setbacks. Assessor's Plat 355, Lots 511 & 512, zoned Residential A-7 and Residential A-15.

Michael Armetta, Petition, 6 Longmeadow Ave., Warwick, RI, was present and sworn in by the Chairman.

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

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

George Shuster stated the applicant is well aware of the challenges on that property.

There is an existing single family dwelling located on the subject property. The petitioner is proposing to construct a second floor addition, with two new second floor balconies, and to reconfigure the layout. The first floor of the dwelling shall not be used as a second dwelling unit, and shall be maintained as a recreation room with a bathroom only.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, George Shuster made a motion to approve the petition with stipulations, seconded by Julie Finn and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10651

Ward 7

96 Hillard Ave.

The petition of Richard Carey, III, 96 Hillard Ave, Warwick, RI, & Timothy Oliver, 74 Doane St., Cranston, RI, requests a dimensional variance to construct a 36' x 18.5' accessory dwelling unit addition to the existing single family dwelling. Proposed accessory dwelling unit being larger than allowed, and having a separate entrance. Assessor's Plat 267, Lot 68, zoned Residential A-7.

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

Elizabeth Carey, 96 Hillard Ave., Warwick, RI, was present and sworn in by the Chairman.

The petitioner stated she would like to construct an accessory dwelling unit that is larger than allowed with a separate entrance, and a second curb cut for a second driveway.

The petitioner agreed to the stipulations placed on the approval, and to remove the second driveway and curb cut.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, George Shuster made a motion subject to the stipulations, with the exception that the second set of stairs can remain, seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED WITH AMENDED STIPULATIONS.

Petition #10652

Ward 5

16 Crawford Ave.

The petition of Susan B. Collier, 16 Crawford Ave., Warwick, RI, requests a dimensional variance to construct a second floor addition for a new master bed/bath, and a laundry room. Proposed addition having less than required front yard setback, side yard setbacks, and rear yard setback. Subject property being an undersized non-conforming lot. Assessor's Plat 382, Lots 316 & 179, zoned Residential A-40.

Susan Collier, petitioner, 16 Crawford Ave., 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 she is in agreement with the stipulations. Ms. Collier objected to the Administrative Subdivision to merge the two lots together.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, George Shuster made a motion to approve the petition with stipulations, subject to removing the stipulation to merge the lots, seconded by Julie Finn and passed unanimously by the Board that the petition be GRANTED WITH AMENDED STIPULATIONS.

Petition #10654

Ward 6

278 Capron Farm Dr.

The petition of Loans for Investment Properties, LLC, 536 Atwells Ave., Providence, RI, and Thomas Mitson, 289 Adelaide Ave., Providence, RI, requests a dimensional variance to construct a second floor addition over the existing first floor. Proposed addition having less than required front yard, and front/corner side yard setback. Assessor's Plat 369, Lots 79, 80, 81. Zoned Residential A-7.

Arthur Yatsko, 452 Heath Ave., Warwick, RI, was present and sworn in by the Chairman.

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

The petitioner agreed to the stipulations placed on the approval by the Planning Board.

The petitioner is proposing to construct a second floor addition over the existing first floor, having less than required front and front/corner side yard setbacks. The deck is existing, they will be adding a bulkhead for basement access. There is a large wetland feature located on the lot.

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

Petition #10655

Ward 9

171 Charlotte Dr.

The petition of Richard Charest, 171 Charlotte Dr., East Greenwich, RI, and Christine Charest, 19 Lincoln Dr., No. Smithfield, RI, requests a dimensional variance to construct a 24' x 17' second floor bonus room addition over the existing attached garage. Proposed addition having less than required front yard, and side yard setbacks. Subject property being an undersized non-conforming lot. Assessor's Plat 201, Lot 57, zoned Residential A-15.

Richard Charest, Petitioner, 171 Charlotte Dr., Warwick, RI, was present and sworn in by the Chairman.

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

The petitioner agreed to the stipulations placed on the approval.

The petitioner is proposing to construct a second floor bonus room above the existing attached garage, having less than required setbacks.

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

Petition #10657

Ward 7

45 Juniper Ave.

The petition of Jeanne C. Pass, 45 Juniper Ave., Warwick, RI, requests a dimensional variance to construct an 8' x 12' bathroom addition. Proposed addition having less than required front and side yard setbacks. Subject property being an existing under-sized non-conforming lot. Assessor's Plat 367, Lot 139, zoned Residential A-15.

Jeanne Pass, Petitioner, 45 Juniper Ave., Warwick, RI, was present and sworn in by the Chairman.

The petitioner stated she would like to add a bathroom addition to her home. The proposal is to construct an 8' x 12' bathroom addition.

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

Petition #10658

Ward 9

2 Alger Ave.

The petition of Ralph Fontaine, 2 Alger Ave., Warwick, RI, requests a dimensional variance to construct a second floor addition over a portion of the first floor. Proposed addition having less than required front yard, side yard and rear yard setbacks. Assessor's Plat 221, Lot 112, zoned Residential A-15.

Ralph Fontaine, Petitioner, 2 Alger Ave., Warwick, RI, was present and sworn in by the Chairman.

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

The petitioner stated his ceilings are very low and they are proposing to reconstruct the existing ceilings and repair the roof. The footprint will remain the same.

The petitioner shall receive CRMC approval.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, George Shuster made a motion to approve the petition with stipulations, seconded by Julie Finn, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.



Petition #10656

Ward 5

33 Surf Ave.

The petition of Nien Nguyen, 512 Summer St., Brockton, MA, requests a dimensional variance to construct a 24' x 12' family room addition to the rear of the dwelling, and to construct a second story deck to the front of the existing single family dwelling. Proposed rear addition having less than required side yard setback. Proposed front porch having less than required front yard setback. Subject property being an existing under-sized non-conforming lot. Assessor's Plat 380, Lot 174, zoned Residential A-7.

Nien Nguyen, 33 Surf Ave., Warwick, RI, was present and sworn in by the Chairman.

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

Mark Zuena, Contractor, 1 Central Pike, Foster, RI, was present and sworn in by the Chairman.

Mr. Zuena stated the petitioner will be replacing the septic system.

The petitioners stated they purchased this dwelling over twenty years ago to move into when they retired.

There were a few neighbors present in opposition of the petition. They had concerns with the addition blocking their view, working without permits and having lead around the doors and windows, not having an abatement for the lead paint. They also had concerns with the addition being converted into bedrooms for their family.

Councilman Ladouceur was present and has received many complaints regarding this property. He stated he is concerned with what is taking place over there, as not all of the issues are zoning issues. He spoke of the sewers being expanded to this area. He stated he had concerns when the cedar shingles were applied, if the contractor is a lead certified contractor. There is no lead-free certificate for this property. Since removing the last layer of siding, there were no lead paint protocols observed and no one around there received notification from the Department of Health. His second concern was the northwest corner of the property has a foundation from the early 1900's a very mushy cinderblock, and he questions whether a second floor addition should even be put on this dwelling. He also feels the size of the proposed 12' x 24' size of the family room addition dwarfs the original footprint for the floor of that home. To his knowledge, that property is going to remain a one-bedroom dwelling, one and a half bath property. He has received information that it is going to be a large family that is going to reside in that house, his concern is whether or not this "so-called family room" is going to at some point in time will get converted into additional bedrooms that will certainly exceed the size of the septic system that will

be put in that yard. He feels classifying this addition as a family room is concerning for what will happen down the road whether that will be converted into bedrooms down the road. They also recently installed a new shed without the proper permits. He requested if the Board does approve this petition, a stipulation be placed on the approval for the Zoning Department to inspect the property in one year to verify it remains a one-bedroom home.

The contractor stated the Department of Health has been out to the property, and they have said he is in compliance. The Department of Environmental Management (DEM) has been out to the property and told him he is in compliance and he may proceed. There is no health risk. He has had two inspections regarding the structure, he has a structural engineer on board. The current permit is only for the existing structure, nothing before the Board tonight. The contractor had no issues with placing a stipulation on the property that it shall remain a one bedroom, one and a half bathroom residence.

Mrs. Nguyen asked if she could respond. She stated as for the comments that she has a large family. She stated the home she is renovating is for her and her husband only. They are in the 70's and will be retiring there alone, away from the noise and family. She also stated she has been in her neighbor's yard, and she feels she wouldn't be blocking his view, and feels this isn't a good reason. She has been in contact with DEM over the years and says she has been waiting to hook up to sewers for fifteen years, and DEM keeps telling her they are coming. She stated she is seventy years old and doesn't have a lot of time left, so she decided to go ahead and replace the septic system. She will be maintaining this as a one-bedroom home.

Quynh Botti, daughter of petitioners, 27 Pond View Dr., Stoughton, MA, was present and sworn in by the Chairman.

Ms. Botti stated her parents bought this house 25-30 years ago, and they have been paying taxes just like all the other neighbors. They are renovating it to make it livable for them. They are keeping their home in Brocton, and her father will stay in Brocton most of the time. We did recently have a barbeque to remember when we bought this long ago, so I am not sure if the neighbors assumed they were all moving in. She stated the home is a very small home so they are only renovating to make it more livable. Her parents didn't know they needed a permit for the shed they recently installed. The man who built the shed told her she didn't need a permit.

The contractor stated they are not raising the roofline any higher, and the proposed addition in the rear will only be a one-story addition. They aren't seeking relief for the height, just the side yard setback.

The neighbors present in opposition of the petition were:

Al & Carol Robert, 56 Brinton Ave., Warwick, RI, was present and sworn in by the Chairman.

John Belanger, 37 Surf Ave., Warwick, RI, was present and sworn in by the Chairman.

Glen Hebert, 53 Surf Ave., Warwick, RI, was present and sworn in by the Chairman.

Keith Robert, 56 Brinton Ave., Warwick, RI, was present and sworn in by the Chairman.

George Shuster stated there is a unique character of the property, it's a very small house and lot. He stated the changes won't alter the characteristics, it is the least relief necessary, and he feels the petitioners are not making a mansion out of a cottage. Mr. Shuster made a motion to grant the relief for the rear addition, but denied the construction of the front deck, subject to the remaining stipulations, seconded by Julie Finn. Based on a 3-2 vote (Salvatore Deluise voted to deny, Paul DePetrillo voted to deny, Julie Finn voted to approve, George Shuster voted to approve, Donald Morash, Jr., voted to approve), the petition was DENIED.

The Chairman entertained a motion to approve the minutes of the March 10, 2020 meeting. A motion was made by George Shuster, seconded by Julie Finn and passed unanimously by the Board. The meeting was adjourned by the Chairman at 9:40 P.M.

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

Donald G. Morash, Jr., Chairman