

PAUL DEPETRILLO  
CHAIRMAN



FRANK J. PICOZZI  
MAYOR

**Posted 10-13-22**

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

**MINUTES OF THE SEPTEMBER 13, 2022 MEETING**

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, September 13, 2022 at 6:00 P.M. in the City Council Chambers, Warwick City Hall, City Council Chambers, 3275 Post Road, Warwick, Rhode Island. The meeting was called to order by Chairman Paul DePetrillo.

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

Present: Paul DePetrillo - Chairman  
Robert DeGregorio – Vice-Chairman  
Walter Augustyn  
Salvatore DeLuise  
Constance Beck – Alternate

Absent: Lorraine Caruso Byrne  
Julie Finn – Alternate

Also present: David Petrarca, Esq., City Solicitor  
Daniel Geagan, Warwick Planning Department  
Mary Ellen Hall - Stenographer  
Amy Cota, Secretary

The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED.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

**EXTENSION OF GRANT**

Petition #10728

Ward 3

2245 Post Rd.

The petition of Gold Coast Properties RI, LLC, 16115 SW 117th Ave., Unit 7A, Miami, FL, and New England Institute of Technology, 1 New England Tech Blvd., E. Greenwich, RI, requests a dimensional variance to construct a new four-story, 122 guest room hotel. Proposed hotel being higher in height than allowed by Ordinance. Assessor's Plat 323, Lot 8, zoned General Business (GB). *\*\*Petition was previously approved by this Board on 8/31/21\*\**

This request for an extension is continued until the October 11, 2022 meeting.

**EXTENSION OF GRANT**

Petition #10725

Ward 6

Buttonwoods Ave.

The petition of Stephanie Simmering, 65 Cayman Isles Blvd., Englewood, FL, and David Splaine, 1126 Buttonwoods Ave., Warwick, RI, requests a dimensional variance to reconfigure (2) two existing lots to create (2) two new lots; (1) one new 12,693 sq. ft. lot with a pre-existing non-conforming single-family dwelling, having less than required land area, frontage, lot width, and setbacks; and (1) one new 24,304 sq. ft. for the development of a new single-family dwelling, having less than required land area, frontage, and lot width. Proposed dwelling having less than required front yard setback. Assessor's Plat 374, Lots 11 & 12, zoned Residential A-40 (previously zoned Residential A-15). *\*\*Petition was previously approved by this Board on 9/14/21, but was held up by an appeal in Superior Court\*\**

David Splaine, Petitioner, was present and sworn in by the Chairman.

Mr. Splaine stated the Master Plan approval was appealed in Superior Court, which held up the applicant from applying for their permit. He is asking for a one year extension.

A motion was made by Robert DeGregorio, seconded by Walter Augustyn, and passed unanimously by the Board that a one-year extension be GRANTED.

**REGULAR AGENDA**

Petition #10829

Ward 9

20 Del Rio Ct.

The petition of Jordan Saint Onge, 20 Del Rio Ct., Warwick, RI, requests a dimensional variance to construct a 25' x 10' covered front porch. Proposed porch having a front yard setback of 20' (30' required). Assessor's Plat 205, Lot 56, zoned Residential A-15.

Jordan Saint Onge, Petitioner, 20 Del Rio Ct., Warwick, RI, was present and sworn in by the Chairman.

The petitioner stated they would like to construct a 25' x 10' covered front porch.

The Chairman asked if there was anyone present in opposition or in favor of this petition. There being none, Robert DeGregorio made a motion to approve the petition, seconded by Constance Beck, and passed unanimously by the Board that the petition be GRANTED.

Petition #10834

Ward 1

45 Remington St.

The petition of John G. Sommer, 49 Remington St., Warwick, RI, requests a dimensional variance to replace the existing porch and stairs on the front existing dwelling, with a 15' x 6' covered front deck & new stairs. Proposed deck & stairs having a front yard setback of 14.1' (25' required).

Petitioner is also proposing to replace the existing porch on the rear dwelling with a 14' x 5' covered deck, and construct a dormer addition. Proposed dormer addition having a 4.1' rear yard setback (20' required), and a left side setback of 0.5' (8' required). Proposed covered deck having a side yard setback of 0.6' (5' required) and a rear yard setback of 4.1' (20' required). Subject property being two (2) pre-existing legal non-conforming single family dwellings on one lot. Assessor's Plat 292, Lot 346, zoned Residential A-7/Historic.

John Sommer, Petitioner, 49 Remington St., Warwick, RI, was present and sworn in by the Chairman.

The petitioner stated this is a petition to improve two single family dwellings on one lot. They are proposing to remove the existing wrap-around enclosed porch on the front house, and construct a new open front porch. In regards to the back house, they will be removing the enclosed porch, rebuilding a new open porch, and constructing a dormer addition. There are two existing bedrooms on the second floor, and they would like to add a bathroom.

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

Charles St. Jean, 39 Remington St., Warwick, RI, was present and sworn in by the Chairman.

Mr. St. Jean was present in support of the application.

The Chairman asked if there was anyone else present to speak in opposition or in favor. There being none, Robert DeGregorio made a motion to approve the petition, seconded by Salvatore DeLuise, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10836

Ward 6

189 Ottawa Ave.

The petition of Mark & Heather Hartshorn, 24 Green St., Watertown, MA, request a dimensional variance from the Table 2A Dimensional Regulations, to construct a mudroom, a garage and a side porch addition to a non-conforming dwelling. Proposed garage, mudroom and side porch having less than required front yard setback (40' required), proposed garage having a side yard setback of 5' (15' required). Assessor's Plat 375, Lots 192 & 193, zoned Residential A-40 & Residential A-7.

Mark & Heather Hartshorn, Petitioners, 24 Green St., Watertown, MA, were present and sworn in by the Chairman.

Mr. Hartshorn stated they bought a cottage and they want to add a porch, a mudroom and a garage, but want to retain the integrity of the original cottage look.

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

Petition #10837

Ward 6

85 Horse Neck Ave.

The petition of Jaroslaw Regent, 85 Horse Neck Ave., Warwick, RI, requests a dimensional variance to construct a carport. Proposed carport having a side yard setback of 3' (5' required), and a front yard setback of 3.9' (25' required). Assessor's Plat 360, Lot 623, zoned Residential A-7.

Jaroslaw Regent & Kardina Badura, Petitioner, 85 Horse Neck Ave., Warwick, RI were present and sworn in by the Chairman.

Mr. Regent stated he would like to construct a carport.

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

Petition #10838

Ward 6

456 Pequot Ave.

The petition of JMR Properties, LLC, 40 Malbone St., Warwick, RI, requests a dimensional variance to demolish the existing single family dwelling to construct a new 46' x 28' two-story single family dwelling on two pre-existing undersized lots, having a lot area of 6,400 sq. ft. (7,000 sq. ft. required). Assessor's Plat 376, Lot 321 & 322, zoned Residential A-7.

Jeffrey Caffrey, Esq., was present and representing the petitioner.

Attorney Caffrey stated they are here for a dimensional variance. They have two 3,200 square foot lots that will be merged to construct one single family dwelling. He stated he has Allan Gammons here tonight to testify as a Real Estate expert.

A motion was made by Robert DeGregorio, seconded by Paul DePetrillo, and passed unanimously by the Board to accept Mr. Gammons as an expert witness.

Allan Gammons, Berkshire Hathaway Home Services, 10 Greemar Blvd, Newport, RI, was present and sworn in by the Chairman.

Mr. Gammons stated the applicant is looking for relief from square footage. He has two non-conforming 3,200 square foot lots that will be merged. They are looking for relief from the required lot area only. The proposed dwelling will meet all other dimensional requirements.

Mr. Gammons stated the lots in the area are all similar size 3,200 sq. ft. lots. It was platted prior to the Zoning requirements for a Residential A-7 zoning district. This is the least relief necessary. The proposed relief will be in keeping with the intention of the Comprehensive Plan. The current vacant dwelling is in severe disrepair, and beyond being re-built.

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

Lynne Albright, 450 Pequot Ave., Warwick, RI, was present in opposition, and sworn in by the Chairman.

Ms. Albright asked if they were constructing one house on the double lot, and what the position of the house will be. The existing house is 4' from her property, and she wants to confirm the new house will be further away, and if her property would be safe during construction.

Attorney Caffrey stated there will be one house, and it will have a side yard setback of 17' from the property line. He can assure her they will take all means necessary to ensure the safety of her home, and construction would start roughly in December.

Justyne Coogan, 465 Pequot Ave., Warwick, RI, was present in opposition and sworn in by the Chairman.

Ms. Coogan stated she has concerns with the demolition. The house has been vacant for over five years. The house is covered with a tarp and the roof has holes. It is her understanding that the house is full of mold. She stated there was a question of having the Fire Department come in to burn this house as part of their training, and that is a concern as well.

Attorney Caffrey stated there are requirements they are obligated to meet when they demolish a house, and they of course would be looking out for the safety and best interest of all the neighbors. He stated they want to be a good neighbor.

The Chairman asked if the Fire Department will be using the house for training. Attorney Caffrey stated it would probably make sense to just have the applicant come up and testify about that.

Steve Miller, 55 Ocean Spray Ave., Narragansett, RI, was present and sworn in by the Chairman.

Mr. Miller stated he donated the house to the Fire Department to train before he demolishes the house. They don't burn houses anymore, they fill them with smoke to train. There won't be any burning, just cutting holes for practice.

The Chairman asked if there was anyone else present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion to approve the petition, seconded by Constance Beck, and passed unanimously by the Board that the petition be GRANTED.

Petition #10839

Ward 6

Pequot Ave.

The petition of JMR Properties, LLC, 40 Malbone St., Warwick, RI, requests a dimensional variance to construct a 24' x 35' two-story single family dwelling with a covered front porch on a pre-existing undersized lot having a lot area of 3,200 sq. ft. (7,000 sq. ft. required), and having 40' of frontage & lot width (70' required). Assessor's Plat 376, Lot 330, zoned Residential A-7.

Jeffrey Caffrey, Esq. was present and representing the petitioner.

Attorney Caffrey stated the applicant is looking for relief from the required lot area and frontage/width. There was a prior approval from this Board in 2012. The subject property did have a dwelling on it at one time, but it was razed in a fire. The application is in keeping with the general characteristics of the neighborhood. It's the least amount of relief needed, and the proposed dwelling will meet all required setbacks, and won't change the general characteristics of the neighborhood.

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

Eileen Creghan Deblois, 439 Pequot Ave., Warwick, RI, was present in opposition of this petition, and sworn in by the Chairman.

Ms. Deblois stated she has a few concerns. The applicant is seeking 3,800 sq. ft. of relief from the required 7,000 sq. ft. It's a small lot, and building a two story will prevent her from going green/solar. She had suggested an alternative to this space. The owner could donate the land to the City for a write-off, and the City could use it as a park to enhance the area and the community.

Attorney Caffrey stated he will admit solar is not his expertise, however to his understanding the dwelling will meet the required 8' side yard setback. She also has 8' from the property line to her house, so that will leave 16' between the dwellings, so he doesn't believe that will shade her property to where she couldn't take advantage of the solar.

The Chairman asked if there was anyone else present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion to approve the petition, seconded by Salvatore DeLuise, and passed with a 4-1 vote that the petition be GRANTED.

Petition #10840

Ward 8

641 Bald Hill Rd.

The petition of Lakewood Realty Trust & Kenneth Persechino, 734 Hartford Ave., Providence, RI, requests a special use permit to have more than one non-residential use on a lot, retail, office and storage use. Petitioner is seeking removal of two stipulations placed on their prior Zoning Board Petition #10654, dated August 14, 2020. Stipulation #1, that the basement storage area be used to support the existing office units and not leased out to others; and Stipulation #4, to close the curb cut on Brinton Street. The petitioner is proposing to allow the basement to be operated as a storage use for furs, and to allow one (1) previously approved office on the first floor to be utilized as retail fur sales, and one (1) previously approved office on the first floor to be used as an office for fur sales/storage business. Subject property having less than required parking and landscaping, landscaped buffer & parking lot buffers. Assessor's Plat 263, Lot 69, zoned General Business (GB).

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

Attorney Brennan stated the Board has seen this application before. This is the Harris Furs building. The building and lot are both old. They've had to seek dimensional relief from landscaping and parking. He stated they've worked closely with the Planning Department.

Attorney Brennan stated they are here before the Board, for lack of a better term, to bless them as built today so they can continue to operate. They are also seeking the removal of two of the stipulations placed on their prior approval from August 14, 2020. One of the stipulations was that the basement area not be used for any type of business. The fur business is doing very well and they have asked to expand into the basement just for storage of the furs. That would be the only use in the basement, and on the first floor they would have an office area with a very small retail area. They don't get a lot of retail traffic, they are really an appointment based company, so the parking they need is extremely low for their business. The other stipulation they are seeking to have removed, is to re-open the curb-cut on Burton Street. The reason for this is delivery trucks are having a lot of trouble making that turn-around, especially with the canopy overhang.

Attorney Brennan stated he has talked extensively to the Planning Department and he completely understands their reservations for traffic on that residential road. He has spoken closely with the applicant, and although the Planning Department is not in favor of this proposal, they would like to request to re-open the curb-cut, but they would put up large signs to direct traffic away from the residential area.

Attorney Brennan stated in talking with the owners about removing the canopy, the owner has gotten quotes upwards of \$60,000 up to \$100,000 to remove the canopy. That is extremely cost prohibitive for someone to do. So they are here for those three main things.

Sean Henry from the Planning Department read the recommendations into the record.

The Chairman stated he went by the property and agrees the canopy is part of the building and not easy to take down at all, and it would be at a great expense.

Sean Henry stated the Planning Department has reviewed this application and doesn't have an issue with removing the first stipulation, however they do recommend that stipulation #4 regarding the curb-cut remain closed to prevent commercial traffic from unnecessarily being in a residential area. He stated they believe the option or potential solution is to demolish the existing canopy, which no longer functions as part of that structure. However, they do have two existing curb-cuts on Bald Hill Road, and another solution would be to apply for a Physical Alteration Permit from RIDOT to widen the curb-cuts. They feel having that curb-cut open is not ideal to have truck traffic in a residential area.



The Chairman asked how much truck traffic would there be.

Attorney Brennan stated there is not significant truck traffic, and nothing different than what has exists today, but deliveries are becoming much more of a mainstay, and because of the configuration of the parking, as you can see the parking spaces in the rear are angled because if they were straight, you can't make a proper turn-around from the buildings, so it just shows the constraints that are back there that the delivery trucks are having a difficult time making what would be that left to head out to Bald Hill Road. The combination of the parking configuration and the canopy is the problem their facing, which is why they thought putting up signs would be a good compromise. When they agreed previously to close that curb-cut they didn't realize it would be an issue.

Sean Henry stated they are more concerned about trucks in a residential area.

Attorney Brennan stated he has the Architect, David Sisson present to discuss this.

David Sisson, Architect, 345 Taunton Ave., East Providence, RI, was present and sworn in by the Chairman.

David Sisson stated in regard to the opening the curb-cut on Burton Street, the issue on this property is at the northwest corner of the property, before you even get to the canopy. It's based on where the cars are parked. So they have a trade-off of either fewer parking spaces or to eliminate more parking spaces to get the trucks out. They are already deficient on parking, so they are trying to provide as much parking as they can to conform to the Ordinance. He stated as far as the deliveries, they are probably once a day, or once every two or three days, it's not significant traffic. The goal for everyone is not to have commercial traffic in the residential area.

The Chairman stated he has no issue with the curb-cut remaining open.

Salvatore DeLuise stated besides the reason of the residential area, which he doesn't agree with, is the need to keep the curb-cut open also for safety reasons for the trucks to have access to pull in and out of the side street, rather than Route 2, which is a lot more dangerous.

Sean Henry from the Planning Department stated he would just like to clarify, the curb-cut was already closed as part of their 2020 Zoning Board stipulations placed on their approval. They are asking to re-open it. He stated the only access to the property is from the southbound side, so the turn would be the same whether the trucks turn into the parking lot from Route 2 or onto Burton Street from Route 2.

Sean Henry stated if the Board is inclined to re-open the curb-cut, he would suggest a stipulation for signage that states "left turn only".

Attorney Brennan stated they are in agreement with the signage stipulation.

The Chairman asked if there was anyone present in opposition or in favor of this petition. There being none, a motion was made by Paul DePetrillo, seconded by Salvatore DeLuise, and passed with a 4-1 vote that the petition be GRANTED WITH STIPULATIONS.

Petition #10841

Ward 1

820 Post Rd.

The petition of McDonald's Real Estate Company, 110 N. Carpenter St., Chicago, IL, and Bohler Engineering, 45 Franklin St., 5th Floor, Boston, MA, requests a dimensional variance to reduce the existing 75 non-conforming parking spaces by an additional 25 parking spaces. The petitioner is proposing to reconfigure the existing single lane drive-thru to add an additional lane to provide a side by side layout, to include new digital pre-browse boards, order canopies, digital menu boards, and a clearance gate way, along with associated site improvements. Assessor's Plat 294, Lot 241, zoned General Business (GB).

Hamza Chaudary, Esq. from Adler, Pollock & Sheehan, was present and representing the petitioner.

Attorney Chaudary stated they are here today to update and modernize the current drive-thru at McDonald's.

He stated this is similar to the drive-thru project on Bald Hill Rd. The petitioner is proposing to convert the single lane drive-thru into a side by side drive-thru. The new drive-thru will include digital menu boards, a clearance gateway, a cash booth window, and reconstruction of the existing pavement, curbing and concrete walkways. In order to accomplish this, they are proposing to relocate the trash enclosure, and eliminate 25 parking spaces.

Attorney Chaudary stated he has Jeff Fitzgerald here tonight, who is a Licensed Engineer with Bohler Engineering, in order to walk the Board through this project.

Jeff Fitzgerald, Licensed Engineer with Bohler Engineering, was present and sworn in by the Chairman. A copy of Mr. Fitzgerald's CV was submitted and marked as Petitioner's Exhibit #1.

A motion was made by Robert DeGregorio, seconded by Paul DePetrillo, and passed by the Board to accept Mr. Fitzgerald as an expert witness.

Mr. Fitzgerald stated there is a McDonald's on site that has been recently refurbished, and it has about 75 parking spaces. The plan is to convert the single lane drive-thru to a double drive-thru. That will displace 25 parking space. The parcel is over parked for the use, as McDonald's does more than 70% of their business through the drive-thru.

The double drive-thru configuration will lengthen the cue available to customers, makes it quicker to get an order in, and allows the restaurant to more efficiently process the orders. He stated it won't create more traffic, it just allows McDonald's to process orders more efficiently from two order points. There will be more than sufficient parking remaining.

The Chairman asked about the dumpster being relocated. Mr. Fitzgerald stated it is being relocated from where it currently is behind the building to a place where the employees won't have to cross the double drive-thru to get to it, where it will be displacing some of the parking spaces.

Sean Henry from the Planning Department read the recommendations into the record.

Attorney Chaudary submitted truck circulation plan, marked as Petitioner's Exhibit #2.

Attorney Cstated he would like to request a continuance to confer with the owner regarding the proposed stipulations.

A motion was made by Robert DeGregorio, seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be continued until the next meeting, which will be held October 11, 2022 at 65 Centerville Road at 6:00 P.M.

A motion was made by Paul DePetrillo, seconded by Robert DeGregorio, and passed unanimously by the Board that the meeting be adjourned at 8:10 P.M.

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

Paul DePetrillo, Chairman