

PAUL DEPETRILLO
CHAIRMAN



FRANK J. PICOZZI
MAYOR

POSTED 10/25/23

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

MINUTES OF THE SEPTEMBER 12, 2023 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, September 12, 2023 at 6:00 P.M. in the 1st Floor Conference Room, City Hall Annex, 65 Centerville 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: Robert DeGregorio – Vice-Chairman
Salvatore DeLuise – Secretary
Lorraine Caruso Byrne
Walter Augustyn
Constance Beck – Alternate

Absent: Paul DePetrillo - Chairman
Julie Finn - Alternate

Also present: David Petrarca, Esq., City Solicitor
Sean Henry, Warwick Planning Department
Pam Newberg - Stenographer
Amy Cota, Secretary

The Chairman asked if there were any petitions to be withdrawn or continued. The Clerk stated Petition #10922 for 278 Capron Farm Drive is requesting a one-month continuance to the October 10, 2023 meeting. The Vice-Chairman stated Petition #10923 for 90 Herbert Street was also requesting a one-month continuance to the October 10, 2023 meeting.

The Chairman called the first petition:

Petition #10921

Ward 6

139 Gordon Ave.

The petition of Shoreline Properties, 400 South County Trail, Exeter, RI, and Montauk Shores Realty, LLC, 200 Metro Center Blvd., Warwick, RI, requests a dimensional variance to subdivide one lot to create two (2) new lots. One (1) lot having an existing single-family dwelling with a rear yard setback of 10' (20' required), and one (1) lot to construct a new 26' x 42' single family dwelling. Proposed dwelling having a rear yard setback of 10' (20' required). Assessor's Plat 361, Lot 746 (Parcel A & B), zoned Residential A-7.

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

Attorney Shekarchi stated this petition was on last month's agenda but was continued due to an advertising issue.

Attorney Shekarchi stated this is an application for one new single-family home. The applicant could meet all the requirements and avoid Zoning Board approval to construct a new home. It was at the request of the Planning Department that he reconfigure the lot line to a more traditional lot line that triggers relief from the rear yard setback. He stated the petitioners received City Council approval to abandon Pearl Street.

The Vice-Chairman asked if the Board had any questions. There being none, he asked if there were any questions from the public.

Richard Russell, 117 Gordon Avenue, Warwick, RI, was present and sworn in by the Vice-Chairman.

Mr. Russell had a few questions for the petitioner, but stated he was not in opposition of the petition.

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

Petition #10924

Ward 1

127 Post Rd.

The petition of Holly Ewald, 127 Post Rd., Unit 2, Warwick, RI, and Lauren Thibeault, 127 Post Rd., Unit 1, Warwick, RI, requests a dimensional variance from Section 405.4, Section 601.1, and Section 304.4. Subject property contains two (2) existing single family dwellings on one lot. The petitioner is proposing to construct a 594 sq. ft. accessory structure for a personal art studio for unit 2. Assessor's Plat 291, Lot 21, zoned Residential A-7.

John Garrahy, Esq. was present and representing the petitioner.

Martha Werenfels, DBVW Architects, 111 Chestnut Street, Providence, RI, was present and sworn in by the Vice-Chairman.

Holly Ewald, Petitioner, 127 Post Rd., Warwick, RI, was present and sworn in by the Vice-Chairman.

Attorney Garrahy stated this is a straightforward application.

The petitioner is proposing to construct a 594 square foot art studio for personal use of the owner. There are currently two (2) single family dwellings on the lot.

Attorney Garrahy stated the structure won't be used as a dwelling, and no living area.

Attorney Garrahy presented Martha Werenfels, Architect, as an expert witness in historic preservation. He submitted a copy of her resume, marked as Petitioner's Exhibit #1.

A motion was made by Lorraine Caruso Byrne, seconded by Salvatore DeLuise, and passed unanimously by the Board that Ms. Werenfels be accepted as an expert witness.

Ms. Werenfels stated one of her specializations is historic preservation. She had a power point presentation of the subject property and proposed art studio. There are two (2) historic houses that have existed for over one hundred years. She stated the proposed 594 square foot art studio will be in keeping with the historic nature of the property and the surrounding area. It will be used for Ms. Ewald's personal use.

Ms. Werenfels stated there was some question when they first submitted plans to the Building Department for the art studio because it contains countertops and a cooktop. Their first reaction was the space looked like another dwelling unit. She stated this is not a dwelling unit, Ms. Ewald is a very accomplished artist and the need for the cooktop is for hot wax, which she uses in her artwork.

Lorraine Caruso Byrne asked if there will be any sales or art shows in the new structure. Ms. Werenfels' stated there will be no sales or shows, it will be personal use only.

There were a few neighbors present with questions about the setback from the stockade fence and from the river.

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

Lauren Thibeault, 131 Post Rd., Warwick, RI, was present in favor, and sworn in by the Vice-Chairman.

Ms. Thibeault stated she is in full support of the proposed art studio

John McCauley, 141 Post Rd., Warwick, RI, was present in favor of the petition and sworn in by the Vice-Chairman.

Mr. McCauley submitted a letter in favor of the proposed art studio, marked as Petitioner's Exhibit #2.

There was no one present in opposition of the petition.

A motion was made by Lorraine Caruso Byrne, seconded by Salvatore DeLuise, and passed unanimously by the Board that the petition be GRANTED W/STIPULATIONS.

Petition #10925

Ward 4

296 Shawomet Avenue

The petition of Li Qun Lin & Wendy Lin, 39 S. Eagle Nest Drive, Lincoln, RI, and Martelly Building & Design Co., 470 Old Fall River Ave., Swansea, MA, requests a dimensional variance to construct a new 30' x 40' single family dwelling on an undersized non-conforming lot. Proposed dwelling having a front yard setback of 25' (40' required), a side yard setback of 10' on both sides (30' required). Subject property having less than required lot area, and a frontage and lot width of 50' (150' required). Assessor's Plat 334, Lot 269, zoned Residential A-40. (Petition #9913 previously approved by this Board in January 2005 & March 2022).

Salvatore DeLuise recused himself from this petition.

Peter Martelly, Petitioner, 470 Old Fall River Rd., Swansea, MA, was present and sworn in by the Vice-Chairman.

Mr. Martelly stated this property received approval from this Board back in 2005 and again in March 2022 to construct a new single-family dwelling. He stated while waiting for CRMC approval, the approval expired. He stated the application is the same as the 2022 application, there are no changes.

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

Jean Langford, 131 Point Ave., Warwick, RI, was present and sworn in by the Vice-Chairman.

Ms. Langford asked if there was a house on the lot currently. Mr. Martelly stated there are a few posts up that will be demolished. Ms. Langford also had concerns with the small size of the lot, and felt the house would be too close to the neighbors dwelling.

Robin Dennis, 290 Shawomet Ave., Warwick, RI, was present and sworn in by the Vice-Chairman.

Ms. Dennis stated she is the abutting neighbor and the proposed structure seems to be oversized for the lot. She stated there is also a height issue with the proposed height at 41' and the size of the structure wouldn't conform to the current aesthetics of the neighborhood, the houses aren't on top of each other.

The Vice-Chairman had some concerns with the proposed height of the structure. David Petrarca, Esq., the City Solicitor stated the petitioner is not seeking height relief, and if the Building Official determines they are over the height limit, they may be back before this Board.

John Ribeiro, 26 Ellery St., Warwick, RI, was present and sworn in by the Vice-Chairman.

Mr. Ribeiro stated he and his wife bought this dream house and now they are hearing their view is going to be blocked. He stated this new house will be higher than the other houses in the area.

The Vice-Chairman explained that unfortunate as it is, no one owns the view, respectively.

Mr. Ribeiro stated he bought the house knowing something would be built there, but it just seems to be higher than what they thought. He stated he doesn't have a problem with something being built, he is just concerned it will be more than it needs to be.

Jean Langford, 131 Point Ave., Warwick, RI, previously sworn in and still under oath stated the houses aren't close together at all, but this one will be like a matchbox. The neighbors won't have any room to breathe.

The Vice-Chairman asked if there was anyone else present in opposition or in favor of the petition. There being none, he stated he tends to agree with the height, it is big, and the rooftop deck, he doesn't know of any others.

After further discussion between the Board, the Vice-Chairman stated he doesn't oppose of a structure being there, he just feels it's very big.

A motion was made by Lorraine Caruso Byrne to deny the application, based upon the evidence presented. The hardship is not due to the unique characteristics, and will alter the general characteristics of the surrounding area. The said hardship is for financial gain, and will impair the intent of the City's Zoning Ordinance. This isn't the least relief necessary, the proposed dwelling could be much smaller. The motion was seconded by Constance Beck, and passed unanimously by the Board that the petition be DENIED.

Petition #10926

Ward 6

212 Pequot Ave.

The petition of John J. Davidson III, 212 Pequot Ave., Warwick, RI, requests a dimensional variance to demolish the existing single-family dwelling to construct a new 40' x 30' single family dwelling. Proposed front porch having a front yard setback of 16.9' (25' required), proposed dwelling having a front yard setback of 22.9' (25' required). Subject property having a lot area of 4,430 sq. ft. (7,000 sq. ft. required). Assessor's Plat 359, Lot 3, zoned Residential A-7.

John Davidson, III, Petitioner, 212 Pequot Ave., Warwick, RI, was present and sworn in by the Vice-Chairman.

The petitioner stated they are looking to demolish the existing single-family dwelling to construct a new single-family dwelling. They are seeking relief from the required front yard setback.

The Vice-Chairman asked if there were any questions from the Board or public. There being none, he asked if there was anyone present in opposition or in favor of the petition.

John Davidson, Jr., 199 Pequot Ave., Warwick, RI, was present in favor of the petition and sworn in by the Vice-Chairman.

Mr. Davidson stated his son grew up in this neighborhood and he doesn't want to leave it, and he and his wife don't want him to leave either.

A motion was made by Salvatore DeLuise, seconded by Constance Beck, and passed unanimously by the Board that the petition be GRANTED.

Petition #10927

Ward 7

2826 Post Rd.

The petition of Malibu Investments, LLC, 339 Quaker Lane, West Warwick, RI, requests a special use permit from Section 304.5 to have more than one non-residential use on a lot and to have a mini self-storage facility (Phase II). The petitioner is proposing to construct a 9,500 sq. ft. multi-use building for six (6) commercial units, construct two (2) 24,000 sq. ft. contractor unit buildings with 23 units in each, and construct one (1) 6,900 sq. ft. mini-self-storage building. Seeking a dimensional variance for having less than required parking spaces, 199 proposed parking spaces (401 spaces required) and having less than required interior landscaping with a proposed 3.7% (5% required). Assessor's Plat 267, Lot 217, zoned General Business (GB).

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

Attorney Shekarchi stated this project goes back quite a few years. They are in full agreement with the Planning Department requirements and have met with them several times. This property was a nursery for many years. This property was designed as a self-storage facility. The City approved this project to be built in phases. The City wanted some retail aspect of this, and some landscaping. This is going back pre-Covid, and then Covid happened and things changed dramatically and the market changed dramatically. His clients have finished Phase I of the project, and they have honored their commitment, but they can't make the rest of the project work as it was approved. They met with the City to see what they would support, so what is before the Board tonight is a negotiated request. Attorney Shekarchi stated he is going to turn it over to Mr. Lavery to explain the project to the Board.

William Lavery, Project Manager with Joe Casale Engineering, was present and sworn in by the Vice-Chairman.

Mr. Lavery stated Phase I has been built as a storage facility with a small office building. He stated the previous approval had a Phase II and a Phase III, they are now proposing to do one final Phase II. There will be a mixed-use structure in the front, a self-storage facility, and two (2) buildings for commercial flex storage, and contractor/trade bays.

The petitioners are seeking a special use permit for more than one non-residential unit on a parcel, and a dimensional variance for parking relief, internal landscaping, and relief from the rear yard setback. The property abuts the Amtrak railroad.

The Vice-Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Salvatore DeLuise made a motion to approved the petition with stipulations, seconded by Lorraine Caruso Byrne, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10928

Ward 4

240 Shawomet Ave.

The petition of Albert Guevremont, 240 Shawomet Ave., Warwick, RI, requests a dimensional variance to construct a three-story addition for an attached garage on the first floor, and an accessory dwelling unit (ADU) on the second and third floor having two beds, and 2 ½ bathrooms. Proposed ADU being larger than allowed and having a separate entrance. Assessor's Plat 334, Lot 14, zoned Residential A-40.

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

Attorney Shekarchi stated he was just hired two days ago and wasn't aware of the Planning Departments objection to this petition until yesterday. He is requesting a one-month continuance to the October 10, 2023 meeting.

A motion was made by Constance Beck, seconded by Salvatore DeLuise and passed unanimously by the Board that this petition be CONTINUED.

A motion was made by Robert DeGregorio, seconded by Lorraine Caruso Byrne and passed unanimously by the Board to approve the July 11, 2023 regular meeting minutes.

A motion was made by Robert DeGregorio, seconded by Lorraine Caruso Byrne and passed unanimously by the Board to approve the August 8, 2023 regular meeting minutes.

The meeting was adjourned at 7:20 P.M.

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

Robert DeGregorio, Vice-Chairman