A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, May 10, 2022 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 Paul DePetrillo.

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

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

**Absent:**
- Julie Finn – Alternate

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

A motion was made by Robert DeGregorio to approve the April 12, 2022 Regular Meeting Minutes, seconded by Lorraine Caruso Byrne, and passed unanimously by the Board.

A motion was made by Salvatore DeLuise and seconded by Lorraine Caruso Byrne, and passed unanimously by the Board to sit as the Zoning Board of Appeals.

Robert DeGregorio, Vice-Chairman, recused himself from this petition. Constance Beck voted in place of Mr. DeGregorio.
The appeal of Christine Vieira, P.O. Box 9212, Warwick, RI and Janet Aurelio, 38 Ansonia Road, Warwick, RI, appealing the decision of the Planning Board dated March 11, 2022 approving the application for Preliminary Plan Approval of a Major Subdivision/Land Development Project heard by the Warwick Planning Board at the regularly scheduled meeting held on March 9, 2022 for demolition of an existing building and construction of a new gas station, Assessor’s Plat 328, Lots 408, 409, 410, 411 & 412, zoned General Business (GB).

The Chairman received a letter from the appellants Janet Aurelio and Christine Vieira, dated Friday, May 6, 2022, requesting a continuance.

Elizabeth Noonan, Esq. was present and representing the appellees, Colbea Enterprises, LLC.

A Brief in Opposition to the appeal was submitted by the appellees attorney, Elizabeth Noonan, Esq. on behalf of Colbea Enterprises, LLC.

Attorney Noonan stated Colbea was prepared to go forward tonight but there was a request for a continuance. She stated she forwarded her correspondence to the Board stating their objection for the record, however, if the Board sees fit to continue it, they would request a special meeting date if possible, and otherwise it would push the hearing out another month.

A motion was made by Salvatore DeLuise, and seconded by Walter Augustyn and passed unanimously by the Board to continue this appeal until Thursday, May 19, 2022 at 6:00 p.m., at 3275 Post Rd., Warwick, RI (Warwick City Hall – Council Chambers – 2nd Floor).

A motion was made by Lorraine Caruso Byrne, and seconded by Constance Beck, and passed unanimously by the Board to adjourn the meeting of the Zoning Board of Appeals at 6:15 p.m.

The Chairman stated the Board will now convene to the regular Zoning Board meeting, and asked if there were any petitions to be withdrawn or continued.

The Chairman received a letter from Attorney Andrew Bilodeau submitted via email to request a one month continuance for the following petition.
Petition #10794  Ward 5  14 Lippitt Avenue

Glenn & Patricia Marina, c/o Bilodeau Capalbo, 1350 Division Rd., Suite 102, West Warwick, RI, requests a dimensional variance to construct a new single family dwelling. Proposed dwelling having less than less than required front yard setback of 10’ (30’ required), and a rear yard setback of 12.2’ (30’ required). Assessor’s Plat 335, Lot 265, zoned Residential A-15.

A motion was made by Robert DeGregorio, seconded by Salvatore DeLuise, and passed unanimously by the Board to continue this petition until the June 14, 2022 meeting.

Petition #10792  Ward 4  Bloor Street

The petition of Anthony Abatiello, 600 Cole Farm Rd., A-47, Warwick, RI, requests a dimensional variance to construct a new 36’ x 26’ single family dwelling with a two-car garage below. Subject property having a less than required lot area 12,150 sq. ft. (40,000 sq. ft. required), frontage and lot width of 135’ (150’ required). Proposed dwelling having a less than required front yard setback of 25.2’ (40’ required), and a rear yard setback of 22.8’ (40’ required). Assessor’s Plat 334, Lot 167, zoned Residential A-40 (formerly zoned A-7).

Anthony Abatiello, petitioner/owner, 600 Cole Farm Rd. #A-47, Warwick, RI, was present and sworn in by the Chairman.

Mr. Abatiello stated he is petitioning the Board to construct a new single family dwelling on a lot with less than required lot area and setbacks.

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

Leslie Derrig, 84 Dundas Ave., Warwick, RI, was present in opposition of the petition and sworn in by the Chairman.

She stated one of the concerns of the neighborhood is all these variances being granted to build on small camp size lots. All of the lots in the neighborhood were designed for summer camps, they weren’t designed for big homes. What their seeing now is people coming in and putting these oversized homes on these lots. She stated the zoning district was changed in 1988 from A-7, which required 7,000 square feet, to an A-40 zoning district, which requires 40,000 square feet. Many of them in the neighborhood have had to follow these requirements, her house is in fact on three lots, and she doesn’t think it’s fair that these variances are taking away the neighborhood. They are constructing these houses so close together. She stated at some point we need to recognize these variances do not have to happen if they build a house to the requirements, because it’s destroying what the neighborhood is about.
William Baxter, 70 Bloor Street, Warwick, RI, was present in favor of the petition, and sworn in by the Chairman.

Mr. Baxter stated he is in favor of this petition. He is all for the petitioner building on this property. He doesn’t see it as a huge variance compared to what has been constructed in the area. He said it would increase the value of his house not to have a junk yard next door. He does ask that the side yard setbacks don’t get violated because his lot is small. He said it’s long overdue. The lot is full of garbage, so it would be a great improvement.

Walter Augustyn questioned the proposed height of the new dwelling.

The petitioner, Mr. Abatiello stated it will be below the 35’ height requirement.

Robert DeGregorio made a motion due to the unique characteristics of the property, and it being the least relief necessary. Walter Augustyn suggested a stipulation be placed on the approval that the height of the dwelling be no higher than 35’. The motion was then seconded by Lorraine Caruso Byrne, and passed by a 4-1 vote that the petition be GRANTED W/STIPULATIONS.

(Paul DePetrillo voted to approve, Robert DeGregorio voted to approve, Walter Augustyn voted to approve, Lorraine Caruso Byrne voted to approve, and Salvatore DeLuise voted to deny).

Petition #10793       Ward 9       153 Beachwood Dr.

The petition of Richard A. DeFusco & Karen A. Gregory, 20 Saw Mill Dr. #206, No. Kingstown, RI, requests a dimensional variance to install a 10’ x 12’ shed. Proposed shed having a less than required side yard setback of 6’ (10’ required), and a rear yard setback of 6’ (10’ required). Assessor’s Plat 203, Lot 327, zoned Residential A-15.

Richard DeFusco & Karen Gregory, Petitioners, 20 Saw Mill Drive, #206, North Kingstown, RI, were present and sworn in by the Chairman.

Ms. Gregory stated they would like to install a 10’ x 12’ shed with less than required side and rear yard setbacks.

The Chairman asked if there was anyone present in opposition, or in favor of the petition. There being none, Robert DeGregorio made a motion due to the unique characteristics of the subject property, and being no prior action of the petitioner. The motion was seconded by Walter Augustyn, and passed unanimously by the Board that the petition be GRANTED.
Petition #10795  Ward 7  311 Buttonwoods Ave.

The petition of Christian Brethren of Warwick, Inc., 311 Buttonwoods Ave., Warwick, RI, requests a use variance to replace the existing free-standing sign with a new 6’ x 6’ free-standing sign. Also seeking a use variance for the proposed free-standing sign containing a bulletin/notice board. Proposed sign being larger than allowed @ 36 sq. ft. (1.5 sq. ft. required). Assessor’s Plat 363, Lot 46, zoned Residential A-7.

A motion was made by Robert DeGregorio to deny this petition without prejudice based on failure to appear. The motion was seconded by Lorraine Caruso Byrne, and passed unanimously by the Board that the petition be DENIED WITHOUT PREJUDICE.

Petition #10796  Ward 5  6 Longmeadow Ave.

The petition of Michael & Chiara Armetta, 6 Longmeadow Ave., Warwick, RI, requests a dimensional variance to construct a new deck in the same footprint as the existing deck (same size & location), and construct a 3’ x 4 addition to the deck for the new electrical panel to meet flood zone requirements. Proposed deck having less than required front yard setback of 8.7’ (30’ required). Subject property being an existing undersized, non-conforming lot. Assessor’s Plat 355, Lot 511, zoned Residential A-7 & A-15.

Lisa & Jon Baker, contractor’s for the petitioners, were present and sworn in by the Chairman.

Lisa Baker stated the proposal is to remove the existing deck, and replace it with a new deck that will be the same size, and in the same location. They will be adding a small 3’ x 4’ addition to the deck to relocate the electrical meter to meet flood zone requirements.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio stated they are replacing the deck in kind, the hardship is due to the unique characteristics of the subject property, and is no prior action of the applicant, and made a motion to approve the petition, seconded by Salvatore DeLuise, and passed unanimously by the Board that the petition be GRANTED.

Petition #10797  Ward 1  26 Metcalf St.

The petition of William McCormick, 26 Metcalf St., Warwick, RI, requests a dimensional variance to construct a 20’ x 20’-2” family room addition in the rear of the existing dwelling. Proposed addition having a less than required side yard setback of 5’ (8’ required). Assessor’s Plat 303, Lot 535, zoned Residential A-7.

William McCormick & Lauren McCormick, Petitioners, 26 Metcalf Street, Warwick, RI, were present and sworn in by the Chairman.
Mr. McCormick stated they are proposing to construct an addition that will be 5’ from the side property line.

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

Ralph Racca, 18 Metcalf Street, Warwick, RI, was present in opposition of the petition, and sworn in by the Chairman.

Mr. Racca stated he is not opposed to their project, he is opposed to the side yard setback of 5’ when 8’ is required. He stated the existing garage is in violation of the setback. The lot is 70’ wide and all the houses in that area have 8’ setbacks between them. When he looks out his dining room window, he sees the side of their garage that is not well maintained. They are taking a 20’ long garage and creating a 47’ long structure at the 5’ setback. He stated there is sufficient room on the lot to accommodate what they are trying to do while maintaining the 8’ setback. The proposed addition is excessive for the lot and detrimental to the value of his property and it creates a corridor between the two properties that won’t be maintained. He requests that the Board reject this proposal as submitted.

After further discussion between the Board Members, the petitioners and the abutting neighbor in opposition, a motion was made by Robert DeGregorio to continue this petition until the June 14, 2022 meeting to give the neighbors time to come to a compromise. The motion was seconded by Salvatore DeLuise, and passed unanimously by the Board that the petition be CONTINUED.

Petition #10798 Ward 7 10 Brownlee Blvd.

The petition of KCMN, LLC & Mediflor Organics, 10 Brownlee Blvd., Warwick, RI, requests a dimensional variance to construct an addition to expand the existing commercial structure/use. Proposed addition having less than required rear yard setback. Subject property having less than required parking spaces. Assessor’s Plat 245, Lots 309-313, zoned Light Industrial (LI).

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

Attorney Brennan stated they are an existing tenant looking to expand with an addition. He stated the applicant spoke with his neighbors to reduce any concerns, and they have worked out the drainage issues.

The proposed addition will have a side/rear yard setback of 3.8’ (15’ required). The addition will be no closer than the existing structure.

Lorraine Caruso Byrne had a question about the septic system. The application stated they have a septic system, but it’s not shown on the plan.
Nicholas Lacroix, Petitioner, 48 Collins Ave., Warwick, RI, was present and sworn in by the Chairman.

Mr. Lacroix stated the addition will not cover the septic system.

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, with the stipulation they must maintain a minimum landscaped area of 12%. He stated the hardship is due to the unique characteristics of the land, and it's the least relief necessary. The motion was seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10799  Ward 6  50 Sea View Dr.

The petition of Maureen & Allen Johnson, 50 Sea View Dr., Warwick, RI, requests a dimensional variance to construct an addition to extend the roof over the footprint of the existing first floor. Proposed addition having less than require front yard setback of 9.3’ (25’ required). Assessor’s Plat 360, Lot 40, zoned Residential A-7.

Allen Johnson, Petitioner, 50 Sea View Dr., Warwick, RI, was present and sworn in by the Chairman.

Mr. Johnson stated they are proposing to extend the roofline of the 2nd floor to match the first floor by extending the roof 8’ to the front.

The Chairman asked if there was anyone present in opposition or in favor of this petition. There being none, Robert DeGregorio stated there will be no changes to the existing footprint, it’s the least relief necessary, and made a motion to approve the petition. The motion was seconded by Lorraine Caruso Byrne, and passed unanimously by the Board that the petition be GRANTED.

Petition #10800  Ward 8  144 Metro Center Blvd.

The petition of Link Commercial Properties, LLC, 144 Metro Center Blvd., Warwick, RI, and Hugo Adames/Talent Factory, 67 Love Lane, Warwick, RI, requests a special use permit to have a public gathering hall/theater/auditorium. Assessor’s Plat 268, Lot 13, zoned General Industrial (GI).

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

Attorney Shekarchi stated his client has leased out office space with the hopes of converting it to a public gathering hall, That would allow him to have dance recitals, group dance exercises, a meeting area, birthday parties, first communions, bar mitzvahs, political events, etc. They are not asking to change the footprint at all, and they aren’t
asking for any dimensional relief. His client has gone before the Board of Public Safety and received approval for a liquor license. He will meet all fire, health, safety codes, and handicap accessibility. They are before the Board tonight to ask for a special use permit to have a public gathering hall. We would be happy to answer any questions the Board may have.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated this would be an improved use, and it is authorized by a special use permit approved by this Board. The motion was seconded by Lorraine Caruso Byrne, and passed unanimously by the Board that the petition be GRANTED.

Petition #10801 Ward 6 175 Hollis Ave.

The petition of Doreen Pouler, 175 Hollis Ave., Warwick, RI, requests a dimensional variance to install a 15’ x 30’ above ground pool. Proposed pool having less than required front yard setback of 13.2’ (25’ required from front property line along Shand Ave.). Assessor’s Plat 362, Lot 405, zoned Residential A-7.

Doreen Pouler, Petitioner, 175 Hollis Ave., Warwick, RI, was present and sworn in by the Chairman.

Ms. Pouler stated she had a 15’ x 30’ above ground pool that had a hole in it, so last year she took it down. She is looking to replace it with a new 15’ x 30’ above ground pool. The pool won’t meet the required front/corner yard setback.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated she is replacing an existing pool, and the hardship is due to the unique characteristics of the shape of the lot. The motion was seconded by Walter Augustyn, and passed unanimously by the Board that the petition be GRANTED.

Petition #10802 Ward 9 100 Beachwood Dr.

The petition of F. Charles Haigh & Denise Haigh, 100 Beachwood Dr., Warwick, RI, requests a dimensional variance to construct a 12’ x 24’ covered porch. Proposed porch having less than required side yard setback of 6.5’ (20’ required), and less than required setback to the Coastal Feature of 31.5’ (50’ required). Subject property being a pre-existing undersized, non-conforming lot. Assessor’s Plat 203, Lot 20, zoned Residential A-15.

F. Charles Haigh, Petitioner, 100 Beachwood Dr., Warwick, RI, was present and sworn in by the Chairman.
The petitioner stated they are proposing to construct a 12’ x 24’ covered porch at the rear of the existing single family dwelling. Proposed porch having less than required side yard setback, and less than required setback to the Coastal Feature. He stated he spoke with all his neighbors.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated this is a small lot. The hardship is not the result of any prior action of the applicant, and the porch won’t alter the general characteristics of the surrounding area. The motion was seconded by Lorraine Caruso Byrne, and passed unanimously by the Board that the petition be GRANTED.

Petition #10803 Ward 7 40 Paul Ave.

The petition of Odessa Cozzolino & Matthew Leathers, 40 Paul Ave., Warwick, RI, and Nathaniel Carden, 8 Ernest Ave., Boston, MA, requests a dimensional variance to demolish the existing single family dwelling and construct a new 2,830 sq. ft. single family dwelling. Proposed dwelling having less than required front yard & side yard setbacks, Subject property having less than required frontage, lot area & width. Assessor’s Plat 365, Lots 14 & 5, zoned Residential A-40 (previously zoned Residential A-7).

Nathaniel Carden, Architect, 8 Ernest Ave., Boston, MA, was present and sworn in by the Chairman.

Mr. Carden stated he is the architect working with the owners on this project. He stated the property is currently zoned Residential A-40, which doesn’t have reasonable regulations for this lot. The lot was created prior to 1988 and was previously zoned Residential A-7. The proposal is to demolish the existing single family dwelling to construct a 2,830 sq. ft. single family dwelling having less than required front & side yard setbacks for an A-40 zoning district, on a lot with less than required frontage, lot width and lot area. They are committed to investing in the community. They have spoken with the neighbors that surround the site to resolve any questions.

Walter Augustyn asked what the overall height of the new dwelling would be, and how they will control run-off. Mr. Carden stated the height of the new dwelling will be 34’-6” from average grade. They are still in the process of designing the drainage but they do have a raingarden proposed for the site which would handle all of the roof run-off, and they are planning a trench drain in the driveway which would help alleviate any run-off to the street.

Lorraine Caruso Byrne asked if they received CRMC approval yet. Mr. Carden stated they haven’t yet, they need Zoning Board approval first, but he has reviewed the regulations from CRMC, and from what he can tell the proposed work doesn’t conflict with any of their regulations. The petitioner agreed to a stipulation being placed on the approval, that prior to the issuance of a Building Permit, CRMC approval will be obtained.
The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated they are demolishing the existing dwelling to construct a new single family dwelling that won’t alter the general characteristics of the surrounding area. The petitioner agreed to the stipulations placed on the approval. The motion was seconded by Salvatore DeLuise, and passed with a 4-1 vote that the petition be GRANTED WITH STIPULATIONS.

(Paul DePetrillo voted to approve, Robert DeGregorio voted to approve, Salvatore DeLuise voted to approve, Lorraine Caruso Byrne voted to approve, and Walter Augustyn voted to deny)

Petition #10804 Ward 9 1210 Ives Rd.

The petition of Joshua & Ashley Cullion, 1210 Ives Rd., Warwick, RI, and Estes Twombly/Titrington Architects, 79 Thames St., Newport, RI, request a dimensional variance and is seeking relief from Section 601.1 (D) to construct a pool cabana with an indoor/outdoor kitchen, a sitting/changing room, a bathroom, laundry, and a covered patio. Assessor’s Plat 208, Lots 12 & 14, zoned Residential A-40.

Ashley Cullion, Petitioner, 1210 Ives Rd., Warwick, RI, was present and sworn in by the Chairman.

Ms. Cullion stated they just built their house a year ago and they love it. They are proposing a pool house to go with the new pool. The pool house will meet all dimensional requirements, the only relief they are seeking is to have a kitchenette, and by kitchenette she means a refrigerator, sink, ice machine, microwave and all those things necessary for a pool house.

Robert DeGregorio asked the petitioner if she had any plans on renting out the pool house. Ms. Cullion responded absolutely not. Mr. DeGregorio asked if she had any objection to that being stipulated on the approval. She agreed to the stipulation.

Walter Augustyn asked if the petitioners were adding plumbing with a septic system.

Adam Titrington, Architect, 79 Thames St., Newport, RI, was present and sworn in by the Chairman.

Mr. Titrington stated their septic should be sufficient, as it does have an approval for an extra bedroom.
The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none a motion was made by Robert DeGregorio with the stipulation the pool house shall not be used as a rental apartment. The motion was seconded by Walter Augustyn, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10805        Ward 8        189 Toll Gate Road

The petition of Little Imaginations, d/b/a Progress Learning & Gina Mahoney, 189 Toll Gate Rd., Warwick, RI, requests a dimensional variance, and an amendment to a previously approved conditional special use permit approved by this Board on May 16, 2000 to construct a building to be utilized as a daycare. Petitioner is seeking a dimensional variance to construct an addition to the existing daycare having less than required front & side yard setbacks. Assessor’s Plat 246, Lot 330, zoned Office (O).

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

Attorney Shekarchi stated there is an existing daycare center on the subject property seeking a very modest expansion. There is a greater demand with more and more people returning to the work force since Covid. This is a very unique property, it has two buildings on it, (1) one building is a medical office building, and (1) one building is the daycare center.

They are proposing an addition in the rear of the daycare center, and will be cleaning up the property as part of this expansion. They’ve had numerous staff meetings with the Building Department and Planning Department to work out the concerns with this application. The petitioners have spoken to all the neighbors around them and they are fully supportive of the project.

Walter Augustyn had a question about the 2 egress doors in the new addition shown on the plan. Attorney Shekarchi stated he has Mr. Mahoney present, and he can answer that question.

John Mahoney, Petitioner, 300 Trunk Hill Rd., Hope, RI, was present and sworn in by the Chairman.

Mr. Mahoney stated there will be two means of egress as part of the addition. A door in two of the classrooms that will exit into the current play yard.

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

Michaela Gardner, 194 Tanner Ave., Warwick, RI was present and sworn in by the Chairman.
Ms. Gardner just had a question. She asked if the addition would be on the medical building side. Mr. Mahoney stated it will be on the opposite side.

The Chairman asked if there was anyone else present in opposition or in favor of the petition. There being none, based on testimony, and the hardship due to the unique characteristics of the property, Robert DeGregorio made a motion, seconded by Salvatore DeLuise, and passed unanimously by the Board that the petition be GRANTED.

A motion was made by Salvatore DeLuise, seconded by Walter Augustyn, and passed unanimously by the Board to adjourn the meeting at 8:00 P.M.

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

Paul DePetrillo, Chairman