A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, July 12, 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  
Lorraine Caruso Byrne  
Salvatore DeLuise  
Walter Augustyn  
Constance Beck – Alternate  
Julie Finn – Alternate

Absent: Robert DeGregorio – Vice-Chairman

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

A motion was made by Paul DePetrillo, seconded by Julie Finn, and passed unanimously by the Board to sit as the Zoning Board of Appeals.

The Chairman stated the Board received a letter from Richard Cascella requesting to withdraw his application for the appeal of Hallene Road, Plat 311, Lots 191 & 138, Appeal #10815.

A motion was made by Lorraine Caruso Byrne, seconded by Salvatore DeLuise, and passed unanimously by the Board to approve the minutes from the Special Hearing on
May 19, 2022 for the appeal of 2055 Warwick Avenue, Plat 328, Lots 408, 409, 410, 411 & 412, Appeal #10806.

A motion was made to adjourn the Board of Appeals.

Regular Meeting

The Chairman asked if there were any petitions to be withdrawn or continued.

A request for a continuance was submitted for 14 Lippitt Avenue, Petition #10794 requesting a one month continuance to the August 9, 2022 meeting. A motion was made by Julie Finn, seconded by Lorraine Caruso Byrne, and passed unanimously by the Board to continue this petition until the August 9, 2022 meeting.

Petition #10811 Ward 5 25 Slater Ave.

The petition of Kathleen & Michelle Cesaro, 25 Slater Ave., Warwick, RI, requests a dimensional variance to construct a 24’ x 25’ addition for an accessory dwelling unit (ADU). Proposed ADU being larger than allowed at 600 sq. ft. (Allowed 422 sq. ft.). Assessor’s Plat 358, Lot 39, zoned Residential A-7. (Continued from the June 14, 2022 meeting).

Kathleen Cesaro, Petitioner, 25 Slater Ave., Warwick, RI, was present and sworn in by the Chairman.

Lisa Baker, Contractor – RI Renovations, 26 Waldo Rd., 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 the proposal is to construct an accessory dwelling unit (ADU) with a breezeway between the main dwelling and the ADU.

The Chairman asked the petitioner if she agreed with the stipulations. The petitioner agreed to all stipulations placed on the approval.

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

Mark Platinum, 28 Slater Ave., Warwick, RI, was present in opposition of the petition, and sworn in by the Chairman. Mr. Platinum asked if there would be additional people living there, and if they would have adequate parking.
Nancy Putnam, 28 Slater Ave., Warwick, RI, was present in opposition of the petition, and sworn in by the Chairman. Ms. Putnam had concerns with the four vehicles parked in the driveway. She stated they have had trouble in the past getting out of their driveway, and with the new construction, it would block them even more. She stated the road is very narrow.

The petitioner stated they have had issues in the past, just backing out of the driveway is narrow. She stated the construction vehicles can park on her vacant abutting lot.

The Chairman asked if there was anyone else present in opposition or in favor of the petition. There being none, Julie Finn made a motion based upon the petitioner agreeing to the stipulations placed on the approval, and the testimony as presented by the Petitioner. The motion was seconded by Walter Augustyn, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10816 Ward 1 11 Canonchet Lane

The petition of Christopher Eden & Natalie Abernathy, 11 Canonchet Lane, Warwick, RI, requests a dimensional variance to construct an 18’ x 24’ three-story addition. Proposed addition consisting of a garage on the first floor, a master bedroom on the second floor with a 4’-6” x 18’ cantilevered balcony, and an office on the third floor with a 13’ x 18’ roof deck. Proposed addition having a side yard setback of 5.4’ (15’ required), and a front yard setback of 15.9’ (25’ required). Also seeking a dimensional variance to relocate the existing shed 5’ from the side yard (8’ required), and 6’ from the rear yard (10’ required). Assessor’s Plat 292, Lot 194, zoned Residential A-10. A motion was made by Robert DeGregorio, seconded by Paul DePetrillo, and passed unanimously by the Board to adjourn the meeting at 7:51 P.M.

Christopher Eden & Natalie Abernathy, Petitioners, 11 Canonchet Lane, Warwick, RI, were present and sworn in by the Chairman.

Mr. Eden stated they would like to construct an addition to their home. There will be a garage on the 1st floor, a master bedroom on the 2nd floor, and an office on the 3rd floor. He stated their current home was built back in 1950 and they lack the basic amenities such as a closet in their bedroom now. They are looking to expand and are seeking a variance from the front and side yard setback. The lot is very small. They’ve made some adjustments to the plans based on a prior meeting, so they are looking for 5’ of relief on the side and 15’ from the front.

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

The petitioner’s site plan depicts a stairway encroachment on the City right-of-way, this encroachment shall be permanently removed.
The petitioner stated that is their front door, they purchased the home that way, but they don’t see how they could modify it. He stated he does agree, but that is their only access to that front door that is elevated up.

Mr. Geagan stated he understands that it has been there for a long time, but when this is brought to our attention, we have to address them. This is an encroachment on the right-of-way and it is a liability to the City. The City offered two options, leaving it up to the petitioner’s to either remove the encroachment, or apply to the City Council to abandon that portion of the right-of-way.

Lorraine Caruso Byrne asked the petitioner if the location of the existing shed is where it’s shown on the site plan. The petitioner responded yes, but they are looking to relocate the shed.

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

Michael Donahue, 1 Naushon Ave., Warwick, RI, was present in opposition and sworn in by the Chairman.

Mr. Donahue stated they will have a thirty-foot tower sitting 5’ off the property line. He thinks the side yard variance request is a little too close given the size of the proposed addition, it changes the character of the neighborhood, and he would like the Board to consider that when they deliberate.

Robert Sloan, 1 Naushon Ave. #3, Warwick, RI, was present in opposition and sworn in by the Chairman.

Mr. Sloan stated when they purchased their condo five years ago they took solace in the fact there was a 15’ side yard setback, and they don’t think it would be an enhancement to have a tower built five feet from the property line. It’s too high and too close.

The Chairman asked if there was anyone else present in opposition or in favor of the petition. There being none, Paul DePetrillo made a motion to approve, seconded by Walter Augustyn, and denied by the Board with a 3-2 vote.

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

This Petition was DENIED.
### Petition #10817
**Ward 3**

**127 Julian Rd.**


Genevieve Cicerone, Petitioner, 127 Julian Rd., Warwick, RI, was present and sworn in by the Chairman.

The petitioner stated she is seeking relief to install an in-ground pool.

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

### Petition #10818
**Ward 1**

**154 Merry Mount Dr.**

The petition of Ronald & Janet Fera, 154 Merry Mount Dr., Warwick, RI, requests a dimensional variance to construct an 18’-6” x 28’ bedroom addition having a side yard setback of 9.5’ (15’ required). Subject property being a pre-existing undersized lot, having 9,062 sq. ft. (10,000 sq. ft. required). Assessor’s Plat 306, Lot 299, zoned Residential A-10.

Ronald Fera, Petitioner, 154 Merry Mount Dr., Warwick, RI, was present and sworn in by the Chairman.

The petitioner stated they are proposing to construct a master suite addition on the first floor. The addition won’t meet the side yard setback of 15’.

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

### Petition #10819
**Ward 4**

**600 Cole Farm Rd. Unit A-3**

The petition of Paul & Julie Zito, 335 Albion Rd., Lincoln, RI, requests an amendment to a previously granted Petition #10741, approved October 12, 2021, to construct a new 2,780 square foot single family dwelling having more than one non-residential use on a lot. Petitioner is requesting to amend the approval to construct the new dwelling 12’ further to the east (away from Unit A-4) than previously approved by this Board. Assessor’s Plat 315, Lot 136, zoned Residential A-10.
Julie Zito, Petitioner, 600 Cole Farm Rd., Warwick, RI, was sworn in by the Chairman.

The petitioner stated they received a prior approval from this Board to construct a new dwelling. The petitioners are requesting an amendment to that approval to shift the house over 12’ to the east, than was previously approved.

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

The Chairman asked if there were any questions from the public.

Jeffrey Hughes, 600 Cole Farm Rd., B-10, Warwick, RI, was present and sworn in.

Mr. Hughes questioned having more than one residential structure on the lot. It was explained that because the property is located within Cole Farm Association, it is one large lot with a number of dwellings.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Lorraine Caruso Byrne made a motion based on the petitioners agreeing to the stipulations, and the testimony presented. The motion was seconded by Julie Finn, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10820  Ward 4  Dundas Ave.

The petition of Eric Claros, 10 Tero Dr., Coventry, RI, requests a dimensional variance to construct a new 24’ x 32’ single family dwelling. Proposed dwelling having a front yard setback of 16.5’ (40’ required), a right side yard setback of 11’, and a left side yard setback of 10’ (30’ required for both sides). Subject property being an undersized lot with 45’ of frontage & lot width (150’ required for both). Assessor’s Plat 334, Lot 196, zoned Residential A-40 (previously zoned Residential A-7). (This property was granted Zoning Board approval - Petition #10702 in May 2021 – which expired May 13, 2022)

Eric Claros, Petitioner, 10 Tero Dr., Coventry, RI, was sworn in by the Chairman.

The petitioner stated there was a petition previously approved in 2021 for this lot, but it has expired. He will not be changing what was previously approved, it will be the same footprint, same dimensions. The dwelling won’t meet the front or side yard setbacks.

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

The petitioner agreed to the stipulations presented by the Board.

The Chairman asked if there was anyone present in opposition or in favor of this petition.
Ann Marie Ethier, 39 Dundas Ave., Warwick, RI, was present in opposition and sworn in by the Chairman.

Ms. Ethier stated she abuts the subject property. She submitted 4 pictures, marked as Public Exhibits A-D. After viewing the survey, it was determined Ms. Ethier was not an abutter to this lot and lived further down the street.

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

Ms. Derrig stated she has lived there for many years and they needed multiple lots to build their house. She stated these are all very old summer cottages on small lot. She said doing this for an investment, is not a hardship, they are proposing to build a 2,000 sq. ft. home, that should be a 1,200 sq. ft. home. These large houses are taking away from the neighborhood, and really hurting the home owners in the area who had to build their houses the right way.

Joseph Magazzu, 16 Dundas Ave., Warwick, RI, was present in opposition and sworn in by the Chairman.

Mr. Magazzu stated he is echoing what Leslie and the others said. He has concerns with the lot being undersized. He was curious what the Board’s rationale was last year when they approved this large house on such a small lot.

Lorraine Byrne Caruso stated one of thing they look at is whether this is the least relief necessary. This is a very big house on a small lot. She said this is a three-story structure with only 10’ on one side and 11’ on the other side.

The petitioner stated this property is in a flood zone so he can’t have living space on the first floor.

Mrs. Byrne-Caruso asked the petitioner what the size of other houses in the area are like.

The petitioner stated the house across from the subject property is a three-story house, but the lot is double the size of his. There are a few newer dwellings at the end of the street that are also three-story with the garage on the first floor, and some of the other houses are ranch houses, but because of the wetlands and flood zone, CRMC says he has to be elevated, so he doesn’t have the option to build at grade level.

The Chairman asked if there was anyone else present in opposition of in favor of the petition. There being none, Lorraine Caruso-Byrne made a motion to approve the petition, seconded by Walter Augustyn, and denied by the Board with a 3-2 vote.
(Paul DePettrillo voted to approve, Salvatore DeLuise voted to deny, Walter Augustyn voted to deny, Lorraine Caruso Byrne voted to approve, and Julie Finn voted to deny).

This Petition was DENIED.

**Petition #10821**

Ward 5

Second Point Rd.

The petition of Richard Bousquet, 2001 Victory Hwy, Coventry, RI, and Harrington Realty, LLC, 39 Dees Circle, Warwick, RI, requests a dimensional variance to construct a new single family dwelling having a front yard setback of 25’ from Second Point Ave. (40’ required), a front/corner side yard setback of 20’ (40’ required) from Wheeler St.), a side yard setback of 8’ (30’ required), and a rear/side yard setback of 19.8’ (30’ required). Subject property having a less than required lot area of 4,274 sq. ft. (40,000 sq. ft. required), having a less than required frontage & lot width along Second Point Road of 52.72’ (150’ required), and having a less than required secondary frontage along Wheeler Street of 77.85’ (120’ required). Assessor’s Plat 359, Lot 156, zoned Residential A-40.

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

Attorney Shekarchi stated this is a straightforward application, they have a recorded lot of record. The lot was created many years ago in 1923. There has been no merger of any of the abutting lots, it maintains its grandfathered rights. They are here asking for dimensional relief. They feel they meet all the burdens, and there will be no negative impact on the environment.

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

Attorney Shekarchi stated his clients are in agreement with the stipulations.

The Chairman asked if the Board had any questions.

Lorraine Caruso Byrne stated this property is in an undeveloped area because it’s wet. The survey submitted doesn’t show the elevations, the flood zone, or soil types. How is the Board supposed to know if this is a buildable lot.

As part of the Building Permit process there will be a groundwater table test. The plans submitted and part of the Boards packet shows the home will meet flood zone requirements, and they will also consult with a Biologist and CRMC if necessary, but that is usually done at the permit process.

Ms. Caruso Byrne stated this is an extremely small lot. She asked if he recalled what he paid for it.
Attorney Shekarchi stated Mr. Harrington is in contract to buy the lot from the owner. He thinks the lot was inherited, but in all due respect the value is irrelevant. It’s a recorded lot of record, it hasn’t been merged and the rights pass with the property to build a home there. It’s just a matter of what size home and how much relief the Board wants to grant.

Terry Harrington, Petitioner, 39 Dees Circle, Warwick, RI, was present and sworn in by the Chairman.

Mr. Harrington stated to construct a 24’ x 36’ single family home, so in a 24’x 36’ house you need room for a kitchen, dining room, living room and lavette, and to create the second floor you need the room to create three bedrooms, two baths and proper closets.

Ms. Byrne stated traditional homes on these size lots are much smaller. The petitioner stated they are in a flood zone so the living space has to be on the 2nd and 3rd floor. The first level of the structure is a garage, no living space at all.

Ms. Byrne also had concerns with possible drainage problems.

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

Heather Lacki, 19 Henzie St., Warwick, RI, was present in opposition of the petition.

Ms. Lacki stated this lot is diagonal from hers. She has the same concerns about drainage and the size of the lot. They already have drainage issues. She stated the wooded area across the street is a protected wetland. They already have major traffic issues. She is concerned about sewer installation being in a low lying area, as well as putting additional pressure on the system.

Jack Davis, 15 Henzie St., Warwick, RI, was present in opposition and sworn in by the Chairman.

Mr. Davis stated they have tremendous water runoff issues. He has concerns with the flood plain issues, he is concerned about the size of the lot, and increased traffic. The proposed dwelling doesn’t fit with the lot because it’s a tiny lot.

Barbara Corning Davis, 15 Henzie St., Warwick, RI, was present in opposition and sworn in by the Chairman.

Mrs. Davis agrees with everything Heather and Jack said about the water and the drainage problems. She is very concerned about a large house on such a small lot. It would really change the character of the neighborhood. If the Board allows the variance for this density change, it’s going to snowball and open the flood gates for other houses to be built. She would like to see the wetland protected as well.
Sandra Kallas, 194 Second Point Rd., Warwick, RI, was present in opposition and sworn in by the Chairman.

Ms. Kallas feels the infrastructure on Second Point Road has been overridden with people, and there is a lot of pedestrian traffic. There are numerous water issues with the bog across from the property, but drainage is an extreme problem. She has two sump pumps in her house because of the groundwater. She also had concerns with water pressure by adding another new house. She stated the lot is too tiny to have this extreme dwelling on it. It is absurd.

Attorney Shekarchi stated one of the Board Members and the neighbors brought some good points up. He'd recommend continuing this petition until the August meeting to let Mr. Harrington have a report done on the size of the house in comparison to the other houses in the neighborhood, have an Engineer do a report to give them some assurance about the drainage, and have the wetland biologist double check and be sure there are no issues with the abutting properties.

Walter Augustyn made a motion to continue the petition until the August 9, 2022 meeting, the motion was seconded by Julie Finn and passed unanimously by the Board to continue this petition.

Petition #10822        Ward 2        305 Sumner Ave.

The petition of Antonio Lourenco, 305 Sumner Ave., Warwick, RI, requests a dimensional variance to construct a one-story 18’ x 28’ attached garage to the existing non-conforming single family dwelling. Proposed garage having a front yard setback of 21’ (25’ required). Assessor’s Plat 295, Lot 498, zoned Residential A-7.

Antonio Lourenco, Petitioner, 305 Sumner Ave., Warwick, RI, was present and sworn in by the Chairman.

Robert Clark, 134 Sturbridge Dr., Warwick, RI, was present and sworn in by the Chairman.

The petitioner stated he would like to construct a 600 sq. ft. garage attached to the house. The house was originally granted a variance for the setback, and the garage also needs a variance for the front yard setback.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Lorraine Caruso Byrne made a motion based on the testimony presented to the Board. The motion was seconded by Julie Finn, and passed unanimously by the Board that the petition be GRANTED.
A motion was made by Walter Augustyn to approved the June 14, 2022 Regular Meeting Minutes, seconded by Julie Finn, and passed unanimously by the Board.

A motion was made by Walter Augustyn, and seconded by Lorraine Caruso Byrne to adjourn the meeting at 7:45 P.M.

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

Paul DePetrillo, Chairman