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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PROVIDENCE, SC. CITY OF PROVIDENCE  
COMMITTEE ON ORDINANCES

\* \* \* \* \*  
IN RE: PUBLIC HEARINGS ON THREE  
APPLICATIONS TO THE CITY OF PROVIDENCE  
COMMITTEE ON ORDINANCES OF THE CITY COUNCIL  
\* \* \* \* \*

H E A R D before the City of Providence, Rhode  
Island Committee on Ordinances of the City Council on  
May 15, 1989 at 5:30 p.m.

COMMITTEE MEMBERS PRESENT

ALSO PRESENT

Mr. Thomas Glavin, Chairman  
Ms. Balbina A. Young  
Mr. Donald J. Lopes  
Mr. Malcolm Farmer, III  
Mr. Michael Clement,  
First Deputy City Clerk

APPEARANCES

ERNEST BARONE, ESQUIRE . . . . . FOR MR. DALY AND  
MR. NATALE  
JOHN McGANN, ESQUIRE . . . . . FOR JOHNSON & WALES  
JOHN J. GARRAHY, ESQUIRE . . . . . FOR BENEFICENT HOUSE

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PUBLIC HEARINGS

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1                    CITY OF PROVIDENCE, RHODE ISLAND

2                    COMMITTEE ON ORDINANCES OF THE CITY COUNCIL

3                    MAY 15, 1989

4                    MR. GLAVIN: Good evening, ladies and gentlemen.

5                    This is a public hearing of the Committee on Ordinances  
6                    of the Providence City Council relative to amendments to  
7                    the Zoning Ordinance. We have three petitions this  
8                    evening that we will hear public testimony on that are  
9                    requesting zoning changes within the city. My name is  
10                   Councilman Thomas M. Glavin; I'm the Chairman of the  
11                   committee. I'm hoping that some of the rest of the  
12                   members of my committee will be arriving shortly.

13                   Regardless of that, we can still conduct the public  
14                   hearing, whether I have a quorum or not. I am hoping  
15                   more committee members would show momentarily; but, in  
16                   the meantime, I would like to begin the process and just  
17                   emphasize that this is a public hearing; it is not a  
18                   debate. We're looking for people to come forward and  
19                   state their opinion on the petition, either in favor or  
20                   in opposition, and we're not looking for cross  
21                   examination of the petitioners or whatever. Just  
22                   basically give a short opinion on what you feel, and  
23                   then the committee will take the testimony under  
24                   advisement; and we will make a decision probably within

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1 the next few weeks.

2 Councilwoman Balbina Young just arrived, and I do  
3 believe most of the other members will be coming  
4 shortly. At this time, I'm going to begin with the  
5 first matter which is Peacedale Associates, by their  
6 Attorney, Maureen Hobson, to change from a C-3 Downtown  
7 Commercial Zone, and there is some question as to  
8 whether this is C-3 or R-3. First of all, it's General  
9 Industrial Zone Lots 172 and Lot 189 on City Assessor's  
10 Plat 68, located along Ark Court.

11 Now, the Clerk of the committee, Michael Clement  
12 here, will have a piece of paper. We would ask anyone  
13 interested in speaking relative to this petition, either  
14 in favor or in opposition, to come forward now, sign the  
15 sign-up sheet, sign up your name and address, and then  
16 we will give you about four or five minutes to do that;  
17 and we will begin the hearing in approximately five  
18 minutes. Thank you.

19 ( LONG PAUSE. )

20 MR. GLAVIN: Has everyone who is interested in  
21 speaking on this petition had an opportunity to sign the  
22 sheet? If so, I will ask Councilman Lopes to join us on  
23 the podium, and we will begin the hearing. Again, for  
24 those of you who may have come later, my name is Thomas

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1 Glavin, the Chairman of the Committee of Ordinances. To  
2 my left is Councilman Dan Lopes; to my right is  
3 Councilwoman Balbina Young. We will begin, as we  
4 normally do, with the Petitioner Francis DiPrete, of  
5 Peacedale Associates, 1228 Westminster Street. Please  
6 come forward. You can use that microphone right there,  
7 please.

8 MR. DiPRETE: Our application for --

9 MR. GLAVIN: Just turn the switch on. And please,  
10 for the record, everyone who is going to speak, if you  
11 could just state your name and address for the record,  
12 please.

13 MR. DiPRETE: My name is Francis DiPrete. I  
14 maintain an office at 1228 Westminster Street in  
15 Providence, and I'm an associate of Peacedale  
16 Associates. We have a purchase option on the property  
17 being referred to in this petition, and the reason for  
18 our entering into a contract was to find a location for  
19 a small family business. I've been working with several  
20 customers that maintain small shops and rental spaces in  
21 the City of Providence, and they asked me to procure a  
22 location for them, and this was the motivation for my  
23 search.

24 There are two lots in question here that nearly

1        abut the industrial zone, and we feel -- it was our  
2        opinion that the property could use some improvement, as  
3        could the neighborhood. What we will be providing for  
4        the city, if this request were granted, is additional  
5        tax revenue for the district, somewhat of a  
6        beautification. This would be small owner-occupied  
7        facilities of roughly 2,000 square foot buildings and  
8        additional area for parking, and we would plan to use  
9        the space for one or two businesses. We're not trying  
10       to compete with Union Paper or Main Machinery which is  
11       in the area. We're trying to locate small independent  
12       businesses within the City of Providence that could  
13       perhaps extend some employment to the abutting and  
14       nearby property owners; but again, this is not a heavy  
15       industrial use, and that's the nature of the request. I  
16       will be happy to answer any questions you might have.

17                MR. GLAVIN: Mr. DiPrete, how many businesses are  
18       you going to construct on those two sites, those two  
19       parcels?

20                MR. DiPRETE: Originally, we're thinking of one,  
21       using one lot for the building and one lot for parking,  
22       roughly 8,000 square feet.

23                MR. GLAVIN: And what will the building -- what  
24       will the business be doing; what type of business would

1           it be?

2           MR. DiPRETE: These are mostly hands-on craftsman  
3           type people. The primary customer is a husband and wife  
4           that wants furniture, fine custom furniture. It's not a  
5           production facility, but they do start to finish  
6           particular replica pieces for the older homes on the  
7           East Side, specific use products, mostly woodwork.

8           MR. GLAVIN: I just wanted to note for the record  
9           that I believe your petition says present zoning is C-3,  
10          but I believe the present zoning is R-3, am I correct?

11          MR. DiPRETE: Okay, I did not prepare the papers;  
12          and, to the best of my knowledge, it is in a residential  
13          area.

14          MR. GLAVIN: I just want to make sure we have the  
15          right two lots. Does anyone have any questions of Mr.  
16          DiPrete? Okay, thank you, Mr. DiPrete.

17          MR. DiPRETE: Thank you.

18          MR. GLAVIN: Albert Gemma, 22 Ramitan (sic) Avenue.

19          MR. GEMMA: Raritan.

20          MR. GLAVIN: I'm sorry?

21          MR. GEMMA: Raritan, sir. Is it possible to see  
22          the plans for this?

23          MR. GLAVIN: Can you speak into the microphone,  
24          please. For the record, state your name and address

1           MR. GEMMA: My name is Albert Gemma. I live at  
2 22 Raritan Avenue in Providence, but I own the lot  
3 directly across the street from Lot 189 on Whipple  
4 Street. I am at present building a two-family house, a  
5 duplex, and I would like to see the plans for what is  
6 intended for this Lot 189 and the lot on Ark Court.

7           MR. GLAVIN: Does Mr. DiPrete have any renderings  
8 or anything, any drawings that you have to present to  
9 this committee?

10          MR. DiPRETE: Not as yet.

11          MR. GLAVIN: Okay, fine, they're not available, Mr.  
12 Gemma.

13          MR. GEMMA: Was that a hundred foot radius or a  
14 200-foot radius?

15          MR. GLAVIN: Mr. Gemma, what is that?

16          MR. GEMMA: The owners that were notified was  
17 notified on a hundred foot radius from the corners of  
18 the lots on Ark Court only. Although the petition reads  
19 Lot 189, it makes no mention of Whipple Street. I just  
20 wondered if that was filed in error.

21          MR. GLAVIN: I was going to point out at the end of  
22 the testimony that there seems to be a few flaws in the  
23 petition itself, to be quite honest with you. I think,  
24 according to State Law, they're supposed to provide a



1 radius -- a radius map of 200 feet from the parcels, and  
2 the radius map that's been provided to the committee is  
3 only a one hundred foot radius map, so that's seriously  
4 deficient.

5 MR. GEMMA: And only of the lots in Ark Court.

6 MR. GLAVIN: That's correct, and it does not  
7 contain Lot 189.

8 MR. GEMMA: Yeah, I think that -- I think the  
9 petition should be thrown out and not considered at all,  
10 just based on that alone. You know, it's an R-3 zone,  
11 and they want to go commercial -- not commercial,  
12 industrial, which was, you know, they most likely -- as  
13 the gentleman previously mentioned, they use the lot on  
14 Whipple Street for parking; and so there will be trucks  
15 driving back and forth there. And I'm building a duplex  
16 right directly across the street from that; you know,  
17 I'm going to be hurt tremendously. I would not have  
18 done this had I known. I don't know.

19 MR. GLAVIN: Is that all? So, basically, you're  
20 saying that you don't think it would be healthy for the  
21 neighborhood to have this zoning change approved?

22 MR. GEMMA: Beg your pardon?

23 MR. GLAVIN: In other words, basically, you are  
24 trying to tell us that you do not feel that this would

1 be in the best interest of the neighborhood to have this  
2 property changed from R-3 to M-1, is that what you're  
3 basically saying?

4 MR. GEMMA: Yes.

5 MR. GLAVIN: Does anybody on the committee have any  
6 questions? Thank you, Mr. Gemma.

7 MR. GEMMA: Okay.

8 MR. GLAVIN: Next is Edward Muldoon, 39 Fillmore  
9 Street.

10 MR. MULDOON: My name is Edward Muldoon. I live at  
11 39 Fillmore Street with my wife Helen, who is the owner  
12 of the house, and I'm speaking for my wife Helen.  
13 Between my wife Helen and I, we've lived in that  
14 neighborhood for 49 years, and the house I live in is  
15 dated 1881. It's in the Historical Society, and I've  
16 spent thousands of dollars to keep the house in the  
17 Preservation Society, and my back lot is abutting to  
18 that land that he's speaking of building a building on.  
19 I own the lot that abuts that property, and I'm not in  
20 favor of this at all.

21 MR. GLAVIN: Thank you, Ed. Questions? Helen  
22 Muldoon, do you want to speak, or he basically said it  
23 all? Robert Vennerbeck.

24 MR. VENNERBECK: It's Vennerbeck, and 10 years ago

1           today, I bought the house at 30 Whipple Street, and I  
2           think it's a pretty nice place now; and it's always been  
3           my impression that that was an R-3 zone all the way down  
4           to -- except for the few buildings at the bottom of the  
5           hill; and I would strongly oppose a change from R-3 to  
6           any form of industrial zone. If it is indeed a C-3  
7           zone, the Zoning Ordinance that I've got here seems to  
8           indicate that he could already use it for a small  
9           carpentry or furniture shop, and I don't see any need  
10          for a change on that account either. In terms of  
11          notification, the good neighbors or the good friends and  
12          neighbors of mine across the street, who are actually  
13          closer to the lot on Whipple Street than I, received no  
14          notification on this whatsoever, and I'm concerned about  
15          that lack as well.

16                 MR. GLAVIN: Thank you. And the last speaker is  
17                 Jean Mello, 38 Lerry Street.

18                 MS. MELLO: Yes, I just built a new home on Lerry  
19                 Street.

20                 MR. GLAVIN: For the record, state your name for  
21                 the record.

22                 MS. MELLO: Jean Mello, 38 Lerry Street. I really  
23                 would not like to see industry go into a residential  
24                 area. I would like to ask Mr. DiPrete if he's talking

1 about furniture stripping.

2 MR. DiPRETE: No stripping, no finish.

3 MS. MELLO: No stripping and no finish? What about  
4 upholstery?

5 MR. DiPRETE: No, it's mostly woodwork.

6 MS. MELLO: Well, as stated, I still would not like  
7 to see industry go into a residential area.

8 MR. GLAVIN: Thank you very much. Is there anyone  
9 else who has not had an opportunity to speak regarding  
10 this issue who would like to at this time?

11 MR. GLAVIN: I have a letter here from the City  
12 Planning Commission dated May 2nd, 1989. It was  
13 addressed to the Committee on Ordinances. It is rather  
14 lengthy, but basically it states that -- I had the wrong  
15 letter in front of me, I'm sorry. "The proposed  
16 Comprehensive Plan to the Zoning Map designates this  
17 area for residential use. Excluding the existing  
18 commercial lot on the corner of Oregon and Whipple  
19 Streets, the introduction of use would be detrimental to  
20 the surrounding residential area and would not conform  
21 with the Comprehensive Plan and the zoning proposed for  
22 the area. The Commission voted to advise the Committee  
23 on Ordinances that this petition be denied", and it's  
24 signed by John Brunero, Deputy Director, Department of

1 Planning and Development.

2 Other than the fact that I believe that the  
3 petition was poorly put together and the fact that it  
4 did not meet requirements of the proper radius  
5 terminology, I believe the petition as originally  
6 stated had the incorrect lot number. It had Lot 172  
7 and 190. I believe the correct lot is 189. I think  
8 that whoever -- just as a comment -- whoever prepared  
9 the petition did a very poor job. The committee will  
10 not vote on this tonight. We will take this under  
11 consideration, and you will be advised of the  
12 Committee's decision. Thank you for attending.

13 The next matter to be heard this evening is John J.  
14 Daly and Lawrence A. Natale, by their attorney Ernest  
15 Barone, to change from R-3 General Residence Zone to a  
16 C-4 Heavy Commercial Zone, Lot 45 on City Assessor's  
17 Plat 1, located along Nashua Street. Anyone interested  
18 in speaking, either in favor or in opposition, the Clerk  
19 will have a piece of paper and pencil there, if you'd  
20 like to sign up, please. Thank you.

21 ( LONG PAUSE. )

22 MR. GLAVIN: Okay, has everyone had an opportunity  
23 who is interested in speaking regarding the Daly/Natale  
24 petition? Anyone else interested in signing up? At

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1 this time, I would begin with Ernest Barone, 43 High  
2 Service Avenue.

3 MR. BARONE: I'm the attorney for the petitioners  
4 in this case, Lawrence A. Natale and John J. Daly.

5 MR. GLAVIN: Do you want to pick that microphone  
6 up?

7 MR. BARONE: Can you hear me?

8 MR. GLAVIN: Not too well. It will come right out  
9 of that holder. There you go.

10 MR. BARONE: I'm the attorney for John J. Daly and  
11 Lawrence A. Natale. We've filed a petition for a zone  
12 change of one lot, Lot 46 on Assessor's Plat 1. I  
13 believe it's lot 45, I'm sorry. If you look at the  
14 Zoning Map that will be filed, the adjacent land is  
15 already zoned C-4 along the street and down the  
16 southerly side of Nashua Street. My clients are the  
17 owners of an insurance agency called Natale/Daly  
18 Insurance Agency, which is in a building on Lot  
19 Number 46, which is already zoned C-4 and has been for  
20 some time. They are also the owners of Lots Number 64,  
21 48, 49, 50, 45, 39 and 40 in that block, so that they  
22 own eight out of the 14 lots that are in that block.

23 What they want to do, because of the growing size  
24 of their insurance agency, is convert the single-family

1 house on Lot 46 into office space so that they can put  
2 additional secretaries and insurance agents in it. The  
3 reason we've requested C-4 rather than a more limited  
4 commercial C-1 or C-2 is only because the rest of the  
5 area is already C-4; and, rather than have a C-1 zone or  
6 a C-2 stick out on the Zoning Map, it was more or less  
7 for the aesthetics of the Zoning Map and keeping it  
8 consistent; but the purpose is merely to put an  
9 insurance agency there.

10 It doesn't look like it will impact on anyone's  
11 property. The land to the left is a vacant lot. It  
12 would impact on that land certainly in some way, but the  
13 property itself is going to be improved and upgraded to  
14 house commercial offices rather than the low-income type  
15 housing that it has now. So, the neighborhood should be  
16 improved without a change in the general appearance of  
17 the neighborhood. Also, my client is willing to put  
18 shrubbery along the vacant lot, if the adjoining  
19 landowner would be disturbed at all by the commercial  
20 use of the space.

21 Lots 50, 49, 48, 64, although they may be impacted  
22 by the change of the zoning, really is property owned by  
23 my client anyway, and they have no objection to their  
24 own petition. The area to the south of Nashua Street,

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1 as I said, is already C-4, and it is virtually a stone's  
2 throw away from North Main Street. So, it's a heavy  
3 commercial area anyway, and the number of neighbors  
4 directly affected would be minimal. And there's no  
5 change in use, so that, in effect, it's just an  
6 extension of what's already going on there, and it  
7 shouldn't have any greater impact than that which it  
8 already has. So, for those reasons, we'd ask that that  
9 one lot be changed over to C-4 zoning to permit my  
10 clients to bring in their extra secretaries and upgrade  
11 the property.

12 MR. BARONE: Thank you.

13 MR. GLAVIN: Thank you, Mr. Barone. Does anyone  
14 have any questions of Attorney Barone?

15 MS. YOUNG: Just one. You mentioned that low  
16 income housing would be removed from this area, once you  
17 purchased this building.

18 MR. BARONE: No, what I'm saying is that there is a  
19 house on that property that is in poor repair right now,  
20 and it's a single-family dwelling that brings in only a  
21 minimal amount of income; and, because of the low income  
22 that it does bring in, it doesn't justify the upgrading  
23 of the property. So, it really is an eyesore on the  
24 neighborhood.



1 MS. YOUNG: Is it occupied right now?

2 MR. BARONE: I believe it's been occupied on and  
3 off. It seems like it's one of those properties where  
4 somebody will move in and then vacate the property, and  
5 then you have to bring in a new tenant; so that, really,  
6 it's a nuisance both to the landlord and to the  
7 surrounding neighbors. Really, it's in the best  
8 interest of everybody involved to terminate its  
9 residential use and upgrade the building itself, you  
10 know, paint it and fix the exterior and carpet the  
11 interior and the like, so that it has a nice use and a  
12 higher commercial value for my clients. We're in the  
13 insurance business and own the adjoining building.

14 MS. YOUNG: Who owns this house, your client?

15 MR. BARONE: My clients already own not only that  
16 house, but they own houses on lots 50, 49, 48, 64, and,  
17 further on down the same block, 39 and 40

18 MS. YOUNG: So, basically, your client is  
19 responsible for this house being in a rundown condition  
20 that it's in, if they own it, is that correct?

21 MR. BARONE: They own the property.

22 MS. YOUNG: Yes.

23 MR. BARONE: They own the building which houses the  
24 insurance company. All they want to do, because the

1 insurance business is growing and they need more space  
2 for their secretaries and to bring in an extra agent,  
3 they just want to terminate the use of that particular  
4 building as a single-family residency, clean up the  
5 yard, put some shrubbery in, a little bit of parking in  
6 the back to conform to the zoning requirements that  
7 we've filed, and upgrade the building so it looks  
8 better; and the whole neighborhood, the appearance of  
9 the whole neighborhood would be improved.

10 MS. YOUNG: Thank you.

11 MR. GLAVIN: Councilman Lopes.

12 MR. LOPES: Excuse me.

13 MR. GLAVIN: Mr. Barone.

14 MR. BARONE: Yes, I'm sorry.

15 MR. LOPES: Yes, I have a question. The parcels  
16 that you're talking about, how many people are you  
17 talking about living in these houses?

18 MR. BARONE: It's just a single-family dwelling,  
19 that's all.

20 MR. LOPES: Yeah, but you also are including other  
21 parcels along with this petition?

22 MR. BARONE: No, there is only one parcel.

23 MR. LOPES: You own the parcel?

24 MR. BARONE: What I've alleged is that they are the

1 owners of all of the parcels -- of a certain number of  
2 parcels in that block, but that they're only requesting  
3 a zone change on this particular parcel. The reason I  
4 listed all of those parcels is to show that, if it  
5 impacts on anybody, this zoning change impacts on them  
6 for the most part because they own so much of the  
7 property there.

8 MR. LOPES: Presently, is there anyone living in  
9 that single-family house?

10 MR. BARONE: Let me ask. There's one family in  
11 there right now.

12 MR. LOPES: And what's going to happen to them when  
13 you decide to renovate this building?

14 MR. BARONE: Well, I know my clients are the owners  
15 of quite a number of tenements in the City of  
16 Providence, rentable properties; so, there should be no  
17 problem, if this family had any problem in relocating,  
18 even renting another parcel owned by my clients. I  
19 don't think relocation of this family would pose any  
20 problem whatsoever.

21 MR. LOPES: Well, the only problem I have is the  
22 fact that you mentioned yourself that the property is  
23 run down or needs repair. The fact that you own these  
24 parcels and allow them to run down so that you'll be

1           able to say that you want to displace people seems sort  
2           of a problem for the City that we've been trying to  
3           fight lately.

4           MR. BARONE: I think --

5           MR. LOPES: No, you stated it yourself that the  
6           house is run down, and you also stated something about  
7           low income people.

8           MR. BARONE: No, no, I didn't mean to cast  
9           aspersions on low income people or to say that they've  
10          run down the property. I'm saying that the property is  
11          a low-rental type property, and it's in a deteriorated  
12          condition, and it would be more profitable to improve  
13          the property. If they can improve the property and  
14          realize a better return on the property, it would make  
15          more sense for them to invest in the renovation of the  
16          property, which would enhance the looks of the entire  
17          neighborhood.

18          MR. LOPES: Okay.

19          MR. GLAVIN: Thank you, Mr. Barone. Next speaker  
20          is Councilman James Petrosinelli who wants to speak in  
21          this area.

22          MR. PETROSINELLI: Mr. Chairman, I got a petition.

23          MR. GLAVIN: Just tell us. Give it to Michael.

24          MR. PETROSINELLI: Mr. Chairman, Committee Members,

1 my name is James Petrosinelli, Councilman, Ward 4, for  
2 the area in question. Mr. Chairman, it seems to me I've  
3 been here for 15 years coming to zoning and ordinance  
4 meetings, and it seems that counselors and developers  
5 draw better pictures for real estate developments than  
6 Leonardo DaVinci could do. With shrubberies and big  
7 parking lots, we've seen them come and go. But, Mr.  
8 Chairman, I'd like to give you a synopsis of the area,  
9 since a mandate changed the boundaries of the area and  
10 it became part of my ward. After the mandate was  
11 carried out, I says I'd like to take a look at the area.  
12 So, I took a ride down; and, just as soon as I got off  
13 the bridge, I made the right coming onto Nashua Street,  
14 and I was in another world. It was disastrous. We got  
15 fumes being blown out of exhaust fans all over the  
16 neighborhood; we had dumpsters from some jewelry shop  
17 half on the sidewalk and half out in the street, like  
18 they have a license to do this. There were all junk  
19 cars all over the street. There was a Volkswagen, must  
20 have been there for years out in the street on the  
21 sidewalk. A little further down, there was a trailer  
22 park that sold 40-foot trailer boxes, and there was 14  
23 of them in one parking lot. Across the street from  
24 there was another lot where this person that sold the

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1 trailer parks -- the trailer trucks had an office in one  
2 of them, had tires all over, rims. It was real dirty, a  
3 real waste. The street was full of oil and grease, and  
4 it was just -- you know how it builds up to a gummy  
5 dust.

6 Now, on the other side on Concord Street, which  
7 drops about 30 feet, the house on Concord Street was  
8 looking up at the trailer trucks; and I called Merle  
9 DiConte, and I asked him if we could do anything, if we  
10 could move them; and there was no way we could get them  
11 out of there because it was C-4. Well, anyway, we  
12 started cleaning it up. We got rid of junk cars; we  
13 moved -- we moved the trailers. They moved out. I  
14 harassed them; I got to say the truth, and they moved  
15 out. The neighborhood is coming back. We've got condos  
16 on Concord Street, on Collier Street; we've got the  
17 playground there; we've got more lighting; we've got a  
18 cleaner area. It's coming back.

19 Mr. Chairman, if you allow this petition to go  
20 through, it's going to be -- it will be a criminal  
21 offense. We've got enough in the neighborhood. In  
22 fact, the other night we had a meeting of the Zoning  
23 Board, and they knocked down a request for a body shop,  
24 and I was pleased with that; and they saw it the way I

1 saw it. The neighborhood is coming back. It's being  
2 built up. People are remodeling their homes. I think,  
3 for once, that people are being conscientious. In fact,  
4 they call me on the phone now, and they're asking for me  
5 to clean up the streets, clean up different areas.  
6 Those that are parked overnight, they want them -- they  
7 want them towed away. So, they're taking pride in their  
8 neighborhood; and I think I wholeheartedly object to  
9 this application. Thank you.

10 MR. GLAVIN: Thank you, Councilman Petrosinelli.  
11 The next speaker is Maureen Montalbano, 23C Concord  
12 Street. Again, everyone who is going to testify, please  
13 just state your name and address into the microphone for  
14 the record. Thank you.

15 MS. MONTALBANO: My name is Maureen Montalbano. I  
16 live at 23C Concord Street, Providence, and I'm opposed  
17 to this change in the zoning of the area. First of all,  
18 we live in the condominiums that are right next to the  
19 area in discussion, and these are all brand new  
20 condominiums. My concern is that property value will be  
21 decreased if commercial zoning is put up there. Now  
22 they're saying -- you know, they're saying they might  
23 use it now for a building for insurance purposes, but  
24 what happens if they change their mind and it changes

1 again to a different situation, where they're selling  
2 and there are tractor trailers in addition to what's  
3 already there. You know, we have little children in the  
4 neighborhood, and that's our back yard, and I really  
5 hate to see that. I think the insurance company is  
6 looking at a situation where they're probably not making  
7 a lot of money on the housing that's already there and  
8 feel it might be more profitable for them to change it  
9 to commercial. It's a very small residential area, and  
10 I think we need to keep it that way.

11 I think if they're doing it with one lot, it could  
12 turn into one lot at a time. They got approval for this  
13 lot, and then the rest of their commercial property, I  
14 mean rental property, residential property, could change  
15 to commercial. I think you also need to keep in mind  
16 that this area is changing on the other end and that a  
17 bus terminal is being moved down to the other end of the  
18 street. So, we're facing all that additional traffic  
19 from that. I just think that we just need to keep that  
20 area residential. We are all people that have recently  
21 moved here, and I'm planning on staying there for  
22 sometime; and I really hate to see the area change to  
23 more commercial than what it is. I mean we are  
24 practically living on North Main Street as it is. Thank



1           you.

2           MR. GLAVIN: Thank you very much. Michael Rudolf,  
3           19C Concord Street.

4           MR. RUDOLF: My name is Michael Rudolf. I live at  
5           19C Concord Street. I live in the same condominium as  
6           Maureen, and I have the same feelings about changing it  
7           to C-4. Most of Nashua Street is already commercial,  
8           and the Councilor talked about tractor trailer trucks,  
9           well, they're still there, and either they moved them or  
10          they never took them out. They're still there, and  
11          they're right in our back yard; and of all the eight  
12          properties that this insurance company owns, basically,  
13          most of them are three tenement houses, and they are all  
14          run down, and they're all deteriorated. My feeling is  
15          that they're just waiting to change them all to  
16          commercial one at a time. If you went down there and  
17          looked at them, they're all -- the doors are missing  
18          from the front, no front doors, windows, and it's just  
19          really run down. They don't take care of the property  
20          around the houses. It's just a mess. It brings the  
21          value of the land down. If they want to invest money in  
22          it, they should invest in fixing up the houses. They  
23          can get their money return that way. Thank you.

24          MR. GLAVIN: Thank you. Edward Shaw.

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1           MR. SHAW: I'm Edward Shaw. I live at 31C Concord  
2 Street. I think it should be rejected simply because he  
3 wants a C-4 but he says he wants only a C-1. What does  
4 he really want? Does he want a C-1 now and then, three  
5 or four months later, put in a heavy construction,  
6 industrial-type thing? I think he's trying to trick us  
7 by saying one thing but writing another. I moved there  
8 specifically in the City. I'm a teacher in the City. I  
9 am a veteran, so I can move out; but I don't want to  
10 move out. If I get heavy industrial, I will probably  
11 move out. That's what he's asking for in the petition.  
12 Thank you.

13           MR. GLAVIN: Thank you, Mr. Shaw. Marianne Duarte.

14           MR. BARONE: May I approach and perhaps amend our  
15 petition to alleviate these problems that the tenants  
16 are raising, the neighbors are raising?

17           MR. GLAVIN: If you will wait until this last  
18 person has an opportunity to speak, I'll address your  
19 question after that.

20           MR. BARONE: Thank you.

21           MS. DUARTE: My name is Marianne Duarte. I live at  
22 31A Concord Street. This is my first time I've invested  
23 in property. I invested in it because I believed the  
24 area was on the upswing, and the houses that they want

1 to do are in such rundown condition, there's no excuse  
2 that a landlord can allow the property to get so  
3 deteriorated. I did not invest all this money to be  
4 surrounded by tons and tons of buildings and traffic.  
5 Like she said, we're going to have the bus terminal. We  
6 didn't even hear anything about that. We have no say so  
7 in that now; it's all over. And I just invested too  
8 much money. I worked too hard and, you know, I don't  
9 make 50, \$60,000 a year. What little I do make, I'm  
10 proud what I have achieved, and I don't want to see it  
11 turned into commercial. Thank you.

12 MR. GLAVIN: Thank you very much. Has anyone who  
13 has not had an opportunity to speak, would they like to  
14 address the committee now regarding this issue? Anyone  
15 who has not had an opportunity to speak? Mr. Barone, do  
16 you wish to address the committee here?

17 MR. BARONE: Mr. Chairman, it seems that one of the  
18 concerns of the neighbors is that we're looking for a  
19 C-4 zoning, and they feel that they're somehow being  
20 duped by our application for C-4 heavy commercial,  
21 rather than C-1 or C-2. For the purpose that we  
22 indicated, we're willing to amend the petition down to  
23 C-1 or C-2. The only reason I requested C-4 is because  
24 the rest of the Zoning Map was C-4 in that area; and,

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1 rather than have C-4, R-3, and then one little C-1 stuck  
2 in there, I thought it would harm the aesthetics of the  
3 Zoning Map. But if it would alleviate the fears of the  
4 surrounding neighbors that this is, in fact, going to be  
5 a white collar office-type use, then we would move to  
6 amend our petition to C-1 or C-2, whichever would be  
7 appropriate for the use that we've indicated.

8 MR. GLAVIN: All right, Mr. Barone, I believe -- I  
9 can understand your thinking in submitting the petition  
10 for C-4 based upon the fact that so many of the lots are  
11 C-4. However, obviously, as you're probably well aware,  
12 if this committee chose to grant the petition, the  
13 number of uses that could be allowed under C-4 are  
14 tremendously more adverse than would be allowed under  
15 Limited Commercial-1. Unfortunately, I believe we can  
16 only act upon the petition that we publicly advertised  
17 and that is before us at this particular time. What I'd  
18 recommend is that you maybe discuss this matter with the  
19 Councilperson from the area whose taken the time to come  
20 down here and represent the people and the neighbors who  
21 have taken time out of their schedule to come down here,  
22 and see if they would be amenable to a subsequent  
23 petition, either to this committee for a zoning change  
24 to a C-1 or, if not, a petition to the Zoning Board of

1 Review for a use variance to allow this property to be  
2 used for use as an office.

3 I think, based upon previous court rulings, we  
4 cannot allow you just to amend the petition now and just  
5 rule on it. I think that you have to go through an  
6 entire new public hearing process; and so, that would  
7 definitely require that you at least file a new petition  
8 with us. We'd be more than happy to consider that  
9 petition if you file it. We would have to advertise it  
10 again in accordance with State Law and, at that time,  
11 give the people an opportunity to come down and publicly  
12 comment. If you chose not to apply for the new zoning  
13 change, you could, of course, take and apply for a use  
14 variance.

15 MR. BARONE: Is there a rule here that, if this  
16 zoning petition is acted on and denied, that we have to  
17 wait one year before refileing or requesting a more  
18 limited?

19 MR. GLAVIN: I believe that if it is denied, you  
20 have to wait -- one year is it? Yes, one year before  
21 you can resubmit the application, yes.

22 MR. BARONE: Well, can this petition be held in  
23 abeyance while we file a new petition?

24 MR. GLAVIN: Yes, we're not going to act upon the

1 petition tonight. Like I said, if you'd like to speak  
2 to the Councilperson and the people in the neighborhood,  
3 if the Councilman has no objection, we can continue this  
4 matter, not formally deny it, for you to see if you want  
5 to resubmit a new application, if there is going to be  
6 reconsideration on the part of the neighborhood people;  
7 and I think that the committee might be willing to  
8 consider that.

9 MR. BARONE: Can this be continued 30 days then?

10 Can I request --

11 MR. GLAVIN: Well, we won't be deciding this for at  
12 least two weeks. We have no intention of making a  
13 decision on this petition. So, we're not going to make  
14 a decision on these petitions until the next committee  
15 meeting, which probably won't be for two or three weeks.  
16 So, it does give you an opportunity to speak with  
17 Councilman Petrosinelli and some of the area residents,  
18 if you wish to see if they may be amenable to a new  
19 petition being filed at that time. There will be no  
20 decision made on this one; and if the committee is  
21 contacted by the Councilperson who lives in the area and  
22 they feel that there may be an accord reached, I think  
23 that we could possibly consider postponing this  
24 indefinitely and considering the new petition.

1 MR. BARONE: Okay then.

2 MR. GLAVIN: Okay, thank you very much. The  
3 committee will take this matter under advisement, and we  
4 will act probably in the next meeting of this committee  
5 in two or three week's time. The last matter appearing  
6 on the docket this evening is Johnson & Wales College to  
7 change from R-4 Multiple Dwelling Zone to a C-3 Downtown  
8 Commercial Zone, Lot 634 on City Assessor's Plat 24,  
9 located along 262-264 Pine Street. Anyone interested in  
10 speaking in favor or in opposition of this petition may  
11 kindly come forward and sign the sheet, please; and if  
12 Councilman Petrosinelli and Mr. Barone would discuss  
13 this matter outside the chambers, it would be greatly  
14 appreciated. Thank you very much.

15 ( PAUSE. )

16 MR. GLAVIN: Okay, these names look so familiar.  
17 Is there anyone else who is interested in speaking  
18 regarding this petition? Okay, John McGann, Esquire,  
19 20 Washington Place, representing Johnson & Wales  
20 College, the Petitioner, if you will.

21 MR. MCGANN: Members of the committee, I think  
22 you're familiar with the travel of this case, and the  
23 only difference today is that the petition has been  
24 amended. You recall that the original petition was for

1 a zone change to C-4. After enumerable discussions and  
2 meetings with the committee, the petition has been  
3 amended to C-3, C-3 with modifications. The  
4 modifications referred to are designed to take care of  
5 the concerns of Beneficent House which is the adjoining  
6 property. Those concerns have to do with the height of  
7 any property that is put on that lot, as well as any  
8 parking constraints. That's the purpose for the  
9 petition for a change to C-3 with modifications. At the  
10 present time, we're awaiting and discussing with  
11 Beneficent House with respect to what their desires are  
12 for a height requirement as well as a parking  
13 requirement. Other than that, you've heard testimony,  
14 and we've had meetings enumerable times, and nothing  
15 else has changed except the formal petition.

16 MR. GLAVIN: John J. Garrahy, Esquire, 2700  
17 Hospital Trust.

18 MR. GARRAHY: Mr. Chairman, thank you. I am  
19 representing Beneficent House. As John mentioned, the  
20 committee is very familiar with this application.  
21 Johnson & Wales has submitted a modification which  
22 requests a change to C-3 with modifications. Beneficent  
23 House, for the record, remains concerned with the height  
24 of any proposed structure which would be going in there



1 and with the parking situation that could occur. Under  
2 a C-3 zoning situation, as I understand it, if the  
3 building were to be less than six stories in height,  
4 there would be no parking requirements; that is a  
5 concern of Beneficent. We are continuing to work with  
6 Johnson & Wales to try to arrive at a solution which is  
7 mutually acceptable to both of us, and I believe those  
8 discussions would continue this week, and I guess we  
9 would ask the committee to postpone any decision on this  
10 matter until we get back to the committee with regard to  
11 those discussions.

12 MR. MCGANN: Yes, it's my understanding that the  
13 committee was going to -- no decision would be made, in  
14 any event, and that it would be rescheduled or continued  
15 for another two weeks; and I think that would give us  
16 ample time to achieve anything that we were going to  
17 achieve.

18 MR. GLAVIN: Okay, there's no one else interested  
19 in testifying on this matter. This is a matter that is  
20 fairly familiar to the Committee on Ordinances. As I  
21 have expressed in the past, I would hope that maybe the  
22 two parties in this matter can maybe work towards some  
23 mutual common ground, and we probably will be having  
24 another committee meeting in two to three weeks. You

1 will be notified at that time, and we will consider the  
 2 petition at that time; and, hopefully, you will have  
 3 some information to relate to us that maybe will clarify  
 4 our deliberations on this petition. Again, is there  
 5 anyone else interested in speaking on this petition?  
 6 Thank you very much.

7 MR. MCGANN: Thank you.

8 MR. GLAVIN: There being no further parties to come  
 9 forth and testify, I would call this meeting adjourned,  
 10 and thank you all very much.

11 ( Hearing Adjourned. )

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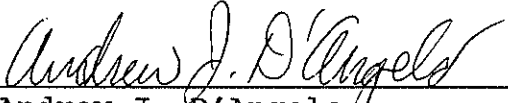
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I do hereby certify the foregoing pages to  
be a complete, true and accurate transcript,  
according to my stenographic notes, of the Public  
Hearings held before the City of Providence Committee  
on Ordinances on May 15, 1989.

  
\_\_\_\_\_  
Andrew J. D'Angelo,  
Court Stenographer