

From: [R.Champagne](#)
To: [Thompson, Alexis](#)
Subject: [EXTERNAL] Fwd: 138 Prospect Street Paolino/Roscitti
Date: Wednesday, September 4, 2024 12:06:54 PM

Hi Alexis - please add the attached to the matter regarding 138 Prospect street.

Sent from my iPhone

Begin forwarded message:

From: Rick Champagne <rwchampagne@gmail.com>
Date: September 1, 2024 at 4:34:19 PM EDT
To: Robert Azar <razar@providenceri.gov>
Cc: Helen Anthony <helen@helenanthony.com>, jmulligan@providenceri.gov, brett@brettsmiley.com
Subject: 138 Prospect Street Paolino/Roscitti

Hi Bob

I wanted to follow up on the voicemail I left for you Wednesday, August 14. My voicemail was to inquire about three items relevant to the ZBR meeting that evening regarding the proposed development at 138 Prospect Street (Paolino/Rosciti).

My questions surrounded setbacks relative to the Dimensional Variance relief being sought for this property.

- ???
 - ???
 - ???
 - ???
- Is there a setback requirement for pools?
Is there zoning guidance around elevated pools (roof-top) such as the one proposed for this site.
Is there any setback required for the rear lot line for a garage? (I have heard one can build on the lot line and I have also read there is a required 3ft set back)?
Is there any governance around setbacks for buildings with rooftop outdoor space?

Having attended the meeting that evening, I was quite surprised by the DDP's support of the 60% relief from the required set back.

In both the Architect's plan and the DDP's recommendation documentation, there was the citing of properties across the street.

Section 402.B.1 of Providence Zoning Code states that build to zone is calculated

as an average of properties on either side of the subject property on the same side of the street.

Section 402.B.2 starts with “If there are no buildings on the same side of the street...” one can use the average of buildings across the street.

In this situation, there are buildings on either side of the subject property. The average of the two is 26 feet as stated in the request for relief.

The buildings across the street should not have been used based on Zoning Ordinance and by no means do they adequately represent comparators relative to the massing proposed at 138 Prospect Street. If you would like to consider structures with similar massing to determine comparable setbacks, I offer, 104, 106 and 108 Prospect as examples.

The recommendation felt extremely arbitrary, leaving members of the ZBR and abutters with many questions.

In addition, there is a huge disconnect with how approvals are obtained. With a development of this nature in the historic district, approvals are segmented, blinding each review board of other building implications.

The HDC, conditionally approved the project while the ZBR was kept blind to certain elements of the project. The comments at the HDC were “it looks like a chateau” and “it looks like it belongs on Bellevue avenue, set back 150 feet from the street”. When the petitioner’s attorney was asked by the ZBR of how the HDC meeting went, we heard “we received a good deal of helpful feedback” while true, it’s not the full picture. The vote by the HDC was not unanimous!

At the HDC meeting, there was strict focus on the massing and architectural style of the structure with a constant reminder that the relief from setback was an issue for ZBR. Yet the two are inextricably linked together given the massing of the structure. Massing would likely not be an issue on a multi-acre property. Similarly, the setback relief would not be as concerning with a smaller building. Having an 8700+ sq ft home 10ft from the front lot line is an issue. Ten feet is to the foundation, not to mention the overhang of 12-18 inches due to the mansard roof design.

The petitioners effectively limited the review to a narrow focus in the HDC meeting and then focused the discussion narrowly at the ZBR, avoiding engagement on topics that were raised in both reviews but appear to be the purview of neither. In what forum should these concerns be addressed?

We often hear of hardships to garner zoning/dimensional relief. In this situation, the hardship is self-imposed by the developer and architect; most people could *reasonably* find plans or designs that fit in a generously sized lot of over 12,000

feet, not requiring such substantial relief. The constraint is caused by the developers “requirement” of having a three-car garage on the rear of the lot, coupled with such a large house.

One item, to the point of my call, was regarding the elevated swimming pool (20'x5'x6.5') off the rear of the garage. Drawings presented at the HDC clearly show a pool 9' above grade with clear notations of the pool deck on top of the garage. The drawings presented at the ZBR were sanitized of any mention of a pool and just noted a “wooden deck” on top of the garage.

These hearings that are meant to offer transparency appear to be disingenuous when elements of approval are so segmented or hidden and referred to as out of scope. After personally receiving the business card of the architect offering engagement, I sent him an email the following day for clarity on setbacks which went unanswered, and no abutters have heard from the architect nor developer to date.

My ask:

- ☐☐☐ A conversation to answer my questions left on voicemail two weeks ago.
- ☐☐☐ Use properties of similar massing when looking at comparators for set-back relief.
- ☐☐☐ When plans move from group to group with Zoning, make sure all elements (elevated pool in this matter) are present for a full review of not just the plans but the environment in which it will be built.
- ☐☐☐ The plans shared at HDC illustrate some level of connectedness between the main structure and accessory building (three car garage). Some plans call it a “breeze way” with stairs from the upper level. It should be clear, that any future requests for the two to be connected will be denied. If the two were to be connected, a 30 ft setback from the rear lot line should be require and not the 6'8' (or 6'5” depending on which plans you are reviewing. Anticipating future requests, the developer/architect should be made aware at the outset of a future denial.

Thank you for your time and consideration of the above and look forward to hearing from you.

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