

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 327

Approved June 6, 1958

Resolved,

That

the following named person, firm or corporation is hereby granted permission to erect, alter or use a building or structure at the location named herein for the sale of petroleum, kerosene, gasoline, coal oil and their products, compounds and components as described and shown in and on the application therefor and accompanying plat, all on file in the office of the Inspector of Buildings subject to the conditions that said person, firm or corporation shall not violate any of the laws of the State of Rhode Island or any of the Ordinances of the City of Providence relative to the erection, use or occupation of said structure and that said person, firm or corporation shall not allow petroleum, kerosene, gasoline, coal oil or their products, compounds or components, to be conveyed over or across any sidewalk by means of any pipe or hose, and upon such special conditions as are hereby enumerated, viz:

Ward 7. William J. Doyle, 138 Atwood Street
Plat 37, lot 101, Four 20,000-gallon Fuel Oil
Storage tanks, making a total storage capacity
of 80,000 gallons upon the premises.

The erection or location of any buildings or structures not shown on the original plat on file with the Inspector of Buildings or any change in the location of buildings or structures from that shown on said plot shall be deemed a violation of this permit.

IN CITY COUNCIL

JUN 5 - 1958

READ and PASSED

Charles A. Diella
President
Howard H. Whelan
Clerk

APPROVED

JUN 6 1958

Walter H. Seymour
MAYOR

RESOLUTION
OF THE
CITY COUNCIL

Page 60

El - 13733

Plat	Lot No.	Owner	Owner's Address
37	44	N.Y., N.H., & H.R.R.	54 Meadow St., New Haven, Conn.
"	96	Angelina Cerabano	76 Atwood St.
"	97	Howard Hart, Jr.	70 Atwood St.
"	99	" " "	" " "
1	100	Doyle Oil Co.	237 Huntington Ave.
"	101	" " "	" " "
"	130	" " "	" " "
"	129	" " "	" " "
"	74	Pruefer Mfg. Co.	185 Union Ave.
"	66	" " "	" " "
"	128	" " "	" " "
104	681	Harry Boghigian	37 Mapleton St., Cranston
"	680	Paolina Masi	2 Polly St.
"	678	Ella Sparr	68 Cumerford St.
"	672	Mary Maguire	195 River Ave.
"	673	Wm. Houston	11 Dora St.
"	674	Leslie Hammond	19 Dora St.
"	671	Michael Mikainis	93 Atwood St.
"	670	" " "	" " "
"	666	" " "	" " "
"	665	Frank Bood	95 Atwood St.
"	662	Araldo Filipinni	103 Atwood St.
"	669	Emma Werner	14 Dora St.
"	667	Henry Newman	90 Cumerford St.

Councilmen Laudate & Egan
PA 4-20000

138 Atwood St.

Plat 37 - Lot 101

William J. Conahan, Jr.
255 Main St.
Pawtucket, R.I.

Plat	Lot no.	Owner	Owner's Address
37	44	N.Y., N.H., & H.R.R.	54 Meadow St. New Haven, Conn.
"	96	Angelina Cerbarano	76 Atwood St.
"	97	Howard Hart, jr.	70 Atwood St.
"	99	" "	" " "
"	100	Doyle Oil Co.	237 Huntington Ave.
"	101	" " "	" " "
"	130	" " "	" " "
"	129	" " "	" " "
"	74	Pruefer Mfg. Co.	185 Union Ave.
"	66	"v " "	" " "
"	128	" " "	" " "
104	681	Harry Boghigian	37 Mapleton St., Cranston
"	680	Paolina Masi	2 Polly St.
"	678	Alfred Sparn	68 Cumerford St.
"	672	Mary Maguire	195 River Ave.
"	673	William Houston	11 Dora St.
"	674	Leslie Hammond	19 Dora St.
"	671	Michael Mikainis	93 Atwood St.
"	670	" "	" " "
"	666	" "	" " "
"	665	Frank Bood	95 Atwood St.
"	662	Araldo Filipinni	103 Atwood St.
"	669	Emma Werner	14 Dora St.
"	667	Henry Newman	90 Cumerford St.



CITY CLERK'S COPY

CITY OF PROVIDENCE, RHODE ISLAND

ZONING BOARD OF REVIEW

112 UNION STREET

March 5, 1958

RESOLUTION NO. 2010

William J. Doyle, Mary Doyle,
Doyle Oil Company, Inc. and
Circle Trans. Inc.
58 Welfare Avenue
Providence, Rhode Island

Dear Sirs and Madam:

At a meeting of the Zoning Board of Review held on Tuesday, March 4, 1958, the following resolution was adopted:

WHEREAS, William J. Doyle, Mary Doyle, Doyle Oil Company, Inc. and Circle Trans. Inc., owners of Lots 100, 101, 129, and 130 on Assessor's Plat 37 on the easterly side of Atwood Street (136-156 Atwood Street) in an Industrial M-1 Zone, on November 27, 1957, filed an application for permission to install four 20,000 gallon underground fuel oil storage tanks on the above described premises for the storage and wholesaling of Bunker Heating Oil, and

WHEREAS, a public hearing was held on this application by the Zoning Board of Review at its meeting held on Tuesday, March 4, 1958, after public notice as provided by the Zoning Ordinance,

RESOLVED: That the Zoning Board of Review does hereby make a variation of the use district regulations under the Zoning Ordinance and does hereby grant the application of William J. Doyle, Mary Doyle, Doyle Oil Co., Inc. and Circle Trans. Inc. in accordance with the plans and plot plan filed with said Board on condition that the lots numbered 100, 101, 129 and 130 be merged into one lot. A copy of said plans and plot plan are hereby made a part of this resolution and filed with the Director of the Department of Building Inspection.

By Order of the Zoning Board of Review.

Anthony Viola
ANTHONY VIOLA
CHAIRMAN

ATTENTION: SECTION 92 A UNDER THE ZONING ORDINANCE REQUIRES THAT YOU APPLY TO THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION FOR A PERMIT WITHIN SIX MONTHS FROM THE DATE OF THE ADOPTION OF THIS RESOLUTION. UNLESS YOU COMPLY WITH SAID REQUIREMENT, THIS RESOLUTION WILL BECOME INVALID.

cc: William J. Counihan, Jr., Atty.
Circle Trans. Inc.

		248.7 L	
Lot		100	Lot
99,	100	24,876	100
		248.7 L	

Atwood St

Plat 37 Lot 100
 on Assessor's Plat 39
 Deed recorded
 April 21, 1958

C. L. Johnson

APPLICATION FOR PERMIT

STORAGE OF PETROLEUM AND PETROLEUM PRODUCTS IN BULK

PROVIDENCE

4/7/58

19

To the Inspector of Buildings:

The undersigned hereby applies for a permit for the storage of Petroleum and Petroleum products in bulk, as hereinafter specified and agrees to observe and conform to all the conditions, limitations and requirements of the building law of the City of Providence.

1. 2 Building District 7 Ward
2. Location 136 Citewood St. Providence, R. I.
3. Plat 37 Lot Number 100
4. Owner William J. Doyle 58 Welfare Ave. Cranston, R. I.
5. Architect Socony Mobil Oil Co., Inc. Engineering Dept. Boston, R. I.
6. Type of Tank (above or below ground) underground
7. Number of Tanks one 5" heads and shell (4)
8. Size of Tanks 20,000 gallons 30 feet 10 inches long.
9. Height of Tanks 10 feet 6 inches
10. Capacity of Tanks 20,000 gallons (each)
11. Ventilation of Tanks 3 inch vent 12 feet high
12. Fire Extinguishing System C. O. 2.
13. Diking of Tanks underground
14. Foundation
15. Material Thickness
16. Flash Point of Products 125 minimum
17. Distance between Tanks 20 feet
18. Distance from Buildings 160 feet
19. Distance from Lot Lines 10 feet
20. Number of Tanks now on Premises none 4 TANKS
21. Total Capacity of Storage on the Premises none 80,000 gals.

Approved:

John D. Quinn
Board of Public Safety.

REMARKS

Approved:

John H. Chandler
Superintendent Engineer.

TOTAL STORAGE TO BE 80,000 gals.
PET. PRODUCTS

Approved:

J. E. Meade
Dep. Director of Public Works.

Name

William J. Doyle

Approved:

Vincent DiMase
Inspector of Buildings.

Address

58 Welfare Ave.
Cranston, R. I.

INSPECTED & APPROVED

BUREAU OF FIRE PREVENTION

CHIEF

No.....

Application for Permit

Location

Permit Granted 19.....

PLAN SHOWING
150 FT. RADIUS OF LOTS 100, 101, 129 & 130 ASS'R'S PLAT 37

TO ACCOMPANY APPLICATION FOR
FOUR 20,000 GALLON STORAGE TANKS
NOVEMBER 21, 1957 SCALE 1"=50'



Doyle oil co.

Doyle oil

Doyle
150' Radius for
gasoline Committee

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body for to amend the zoning map which is a part of the Zoning Ordinance of the City of Providence, by changing from an R-4 Multiple Dwelling Zone to a C-2 General Commercial Zone, Lots 62, 284 and 616 as set out and delineated on City Assessor's Plat 39; said lots being located on the northeasterly corner of Angell Street and Elm Grove Avenue and the northerly side of Angell Street, and designated as 468-480 Angell Street.

Studley Land Co
By Daniel A. Maxwell
Treas
H. J. Baker
Chas. Baker

IN CITY COUNCIL
JUN 5 - 1958

READ: and denied

Reverett Whelan
CLERK

Fred Colagrosso atty.

IN CITY
COUNCIL

DEC 5 - 1957

FIRST MEETING
REFERRED TO COMMITTEE ON

ALTERNATE CLERK

Mr. Jagan
(by request)

FILED
DEC 3 12 51 PM '57
CITY CLERK'S OFFICE
PROVIDENCE, R.I.

CITY COUNCIL
1040

DATE Dec. 3 1957

RECEIVED OF Studley Land Co.

TEN AND 00/100

DOLLARS

Fee for Petition to the City Council for a change in the Zoning of

Lot 62, 284 and 616

PAID at

DEC-3-57 31

39 (468-480 Angell St.)

\$10.00

City of Providence - James M. Gordon, City Collector

The City of Providence — Legislative Department

CITY CLERK'S OFFICE—OFFICIAL MEMORANDUM

Providence, R. I., December 6, 1957

TO: City Plan Commission

SUBJECT: Zoning Change - Angell Street

CONSIDERED BY: Committee on Ordinances

ACTION TAKEN: VOTED: To refer to City Plan Commission for study,
report and recommendation.

Everett Whelan
City Clerk

Plat 39, Lots 62, 284 & 616

Plat 39-

Lot Owner

- 615 Aljoy Realty Co.
194 Chace Ave.
- 284 Hope W. Baker & Alice Baker
480 Angell St.
- 614 Lena E. Cohen & Dorothea ~~JS~~. Epstein
228 Morris Ave.
- 653 Josephine R. Crowell
47 Adelphia Ave.
- 285 Norman I Goldberg & wf. Phyllis G.
10 Elm Grove Ave.
- 91 Albert & Hyman Lisker
58 Weybosset St.
- 264 Douglas C. McGuinagle & wf. Dorothy G.
234 Wayland Ave.
- 617 Edwin F. Sherman Jr. & wf. Martha P.
43 Adelphi Ave.
- 562 Studley Land Company
49 Westminster St.
- 515 " "
- 310 " "
- 618 David K. Upham & wf. Ida
51 Adelphi Ave.

Plat 14

- 345 Matilda Irving
453 Angell St.
- 333 Jane Realty Co.
Lapham Bldg., R.E. Office, 290 Westminster St.
- 341 " "
- 266 Meyer Rubin & Harry G. Seligman
89 Broad St., Boston, Mass.
- 338 Harry G. Seligman & Solomon H. Rubin
c/o Gladdings Co., 291 Westminster St.

Ward 2

Councilmen Lazarus & Worrell



City Plan Commission

EDWARD WINSOR, *Chairman*
JERRY LORENZO

RALPH MATERA

WALTER H. REYNOLDS, *Mayor*
LUCIO E. CARLONE, *Secretary*

PAUL A. SAN SOUZI, *Vice Chairman*
RAYMOND J. NOTTAGE
HARRY PINKERSON

FRANK H. MALLEY, *Director*
DIETER HAMMERSCHLAG, *Chief Planner*

*Suite 103, City Hall,
Providence 3, Rhode Island
January 15, 1958*

Committee on Ordinances
City Hall
Providence, R. I.

SUBJECT: REFERRAL NO. 959 - ZONING CHANGE AT 468-480 ANGELL STREET

Gentlemen:

The subject referral received consideration by the City Plan Commission at a meeting held on Tuesday, January 14, 1958.

This referral is a request for a change in zoning from an R-4 Zone to a C-2 Zone Lots 62, 284 and 616 on Assessor's Plat 39 located at 468-480 Angell Street. The area in question contains 25,900 square feet.

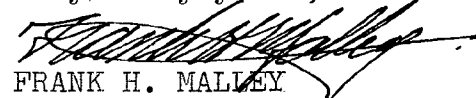
On the field trip it was found that Lots 62 and 616 are vacant and Lot 284 is occupied by a one-family dwelling and a one-car garage.

Similar petitions have been filed with the City Council in the past and every effort has consistently been made to prevent the spread of business into the residential area on the northerly side of Angell Street. Angell Street acts as a buffer with commercial uses on the south and residential uses on the north. Due to the harmonious characteristics of this residential area, and the high desirability of restraining commercial uses to the southerly side of Angell Street,

The Commission

VOTED: To recommend that this petition be denied.

Very truly yours,


FRANK H. MALLEY
DIRECTOR
CITY PLAN COMMISSION

FHM:MMH

c.c. Councilman Frank Lazarus
Councilman Lee A. Worrell

FILED

JAN 16 11 49 AM '58

CITY CLERK'S OFFICE
PROVIDENCE, R.I.

TEL. GABFEE 43188

DICK & CARTY
ATTORNEYS AND COUNSELLORS AT LAW
622 HOSPITAL TRUST BUILDING
PROVIDENCE 3, R. I.

E. HAROLD DICK
JOSEPH B. CARTY
MASTER IN CHANCERY
JOSEPH E. MARRAN, JR.

January 30, 1958

Committee on Ordinances
City Hall
Providence, Rhode Island

Dear Sir:

You are hereby informed that the undersigned has no objections to the granting of the Petition of Studley Land Co. from an R-4 Multiple Dwelling Zone to a C-2 General Commercial Zone.

Very truly yours,

ALJOY REALTY COMPANY
By its Attorney



E. HAROLD DICK

EHD:er

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 328

Approved June 6, 1958

Resolved,

That the following named person, firm or corporation is hereby granted permission to erect, alter or use a building or structure at the location named herein for the sale of petroleum, kerosene, gasoline, coal oil and their products, compounds and components as described and shown in and on the application therefor and accompanying plat, all on file in the office of the Inspector of Buildings and subject to the conditions that said person, firm or corporation shall not violate any of the laws of the State of Rhode Island or any of the Ordinances of the City of Providence relative to the erection, use or occupation of said structure and that said person, firm or corporation shall not allow petroleum, kerosene, gasoline, coal oil or their products, compounds or components, to be conveyed over or across any sidewalk by means of any pipe or hose, and upon such special conditions as are hereby enumerated, viz:

Ward 10. ^{Lot 1} Providence Gas Company, 642 Allens Avenue, ^{Lot 5} Plat 101, Plat 56, ~~Lots 1 and 5~~, Twelve 30,000 ^{DEW} Gallon Liquid Propane Gas Tanks, totalling 360,000 Gallons, making a total Storage Capacity of 2,993,000 Gallons upon the premises.

The erection or location of any buildings or structures not shown on the original plat on file with the Inspector of Buildings or any change in the location of buildings or structures from that shown on said plat shall be deemed a violation of this permit.

IN CITY COUNCIL

JUN 5 - 1958

READ and PASSED

W. C. Langley
W. C. Langley
President
W. C. Langley
Clerk

APPROVED

JUN 6 1958

Walter H. Reynolds
MAYOR

RESOLUTION
OF THE
CITY COUNCIL

APPLICATION FOR PERMIT

STORAGE OF PETROLEUM AND PETROLEUM PRODUCTS IN BULK

PROVIDENCE February 26 19 58

To the Inspector of Buildings:

The undersigned hereby applies for a permit for the storage of Petroleum and Petroleum products in bulk, as hereinafter specified and agrees to observe and conform to all the conditions, limitations and requirements of the building law of the City of Providence.

1. 2nd Building District 10th 9 Ward
2. Location 642 Allens Ave., Providence, R. I.
3. Plat 101 Lot Number 15
4. Owner Providence Gas Co., 100 Weybosset St., Providence, R. I.
5. Architect
6. Type of Tank (above or below ground) above ground
7. Number of Tanks 12
8. Size of Tanks 10' - 5 7/16" Outside Diam x 49'-11 1/2" long
9. Height of Tanks -
10. Capacity of Tanks 12 @ 30,000 gallons = 360,000 gallons
11. Ventilation of Tanks -
12. Fire Extinguishing System -
13. Diking of Tanks None - Not recommended by NBFU
14. Foundation Steel saddles resting on concrete mat which is supported by concrete piles.
15. Material Steel Thickness 15/16"
16. Flash Point of Products Ignition of gas 871°F
17. Distance between Tanks 5'-3 9/16"
18. Distance from Buildings 140' approx. to nearest building
19. Distance from Lot Lines 111 feet 97'-3" R.D.
20. Number of Tanks now on Premises 19
21. Total Capacity of Storage, now on the Premises 2,993,000 gallons

Approved:

John O'Brien
Board of Public Safety.

REMARKS

Approved:

Roger Thayer
Traffic Engineer.

Approved:

J. E. Meade
Commissioner of Public Works.
Dep. Director

Approved:

Vincent Di Mase
Inspector of Buildings.

INSPECTED & APPROVED
BUREAU OF FIRE PREVENTION

CHIEF

Name Providence Gas Company

Address 100 Weybosset Street
Providence, R. I.

Donald Whitcomb
General Superintendent

No.....

Application for Permit

Location

Permit Granted 19

Providence Gas Company requests permission for the additional storage of 360,000 gallons of liquid propane in twelve 30,000 gallon capacity aboveground tanks at its gas manufacturing plant on Allens Avenue. These tanks are to be located adjacent to existing storage tanks which now have a capacity insufficient for possible requirements. Additional equipment would also be installed for vaporizing the liquid propane to provide a gas suitable for mixing with natural gas or as a substitute for natural gas.

The twenty-four hour demand for gas by the Company's customers exceeds the total amount of natural gas available under its contract with Algonquin Gas Transmission Company, its supplier, on very cold days in the winter. On such days, the natural gas supply must be supplemented with oil gas or propane vapor.

In the event of curtailment or complete interruption of the supply of natural gas, a substitute gas must be quickly available. The capacity for providing such a suitable gas should be great enough to cover the probable period of interruption. Gas available in such an emergency would include gas in storage in holders, the maximum possible production of oil gas and gas available from propane storage. Deliveries of propane could not be obtained to replenish material drawn from the existing storage quickly enough to meet such an emergency.

The proposed propane storage is necessary to insure continued full supply of gas to all the Company's customers in the event of a serious reduction in the normal supply of natural gas during extremely cold weather.

The principle of operation for such a plant is similar to that for tank gas installations in suburban homes. Similar

installations are in service in many New England cities and in a large number of other cities throughout the United States. The tanks are of very heavy construction and form part of a closed system for liquid and vapor.

This plant will be designed and its installation will be supervised by engineers thoroughly experienced in this type of work. The installation will be designed and constructed in accordance with NBFU Pamphlet 59, "Standards of National Board of Fire Underwriters for the Design, Installation and Construction of Containers and Pertinent Equipment for the Installation and Handling of Liquefied Petroleum Gases at Utility Gas Plants", together with safeguards recommended by the Providence Fire Department for the existing installations.

Crager

2-26-58

Names and Addresses of Owners of Property Within
150 Feet of Plat 101, Lot No.1 and Plat 56, Lot
No. 5 both in City of Providence, and owned by
Providence Gas Company

Plat	55,	Lot	196	Texas Co.	520 Allens Ave.,	Prov.
"	56	"	2	City of Providence		
"	56	"	6	"	"	"
"	56	"	7	"	"	"
"	56	"	254	"	"	"
"	101	"	2	"	"	"
"	101	"	4	"	"	"
"	101	"	497	"	"	"
Plat	56	Lot	5	Portion leased by Gulf Oil Corporation		
				Park Square Building, Boston 17, Mass.		

*12- @ 30,000 - 360,000 dollars.
legend program for.*

2,993,000 dollars. new on program

642 Allens Ave

2-26-58

Names and Addresses of Owners of Property Within
150 Feet of Plat 101, Lot No. 1 and Plat 56, Lot
No. 5 both in City of Providence, and owned by
Providence Gas Company

Plat	56,	Lot	196	Texas Co.	520 Allons Ave.,	Prov.
"	56	"	2	City of Providence		
"	56	"	6	"	"	"
"	56	"	7	"	"	"
"	56	"	254	"	"	"
"	101	"	2	"	"	"
"	101	"	4	"	"	"
"	101	"	487	"	"	"
Plat	56	Lot	5	Portion leased by Gulf Oil Corporation		
				Park Square Building, Boston 17, Mass.		

Councilman McAsker & Governor

Frank P. Manieri
Secretary



BUILDING ORDINANCE BOARD OF REVIEW

112 UNION STREET, PROVIDENCE 3, RHODE ISLAND

March 20, 1958

RESOLUTION NO. 2035

Providence Gas Company
Mr. Donald Whitcomb,
General Superintendent
100 Weybosset Street
Providence, Rhode Island

Dear Sir:

At a meeting of the Building Ordinance Board of Review held on Wednesday, March 19, 1958, the following resolution was adopted:

WHEREAS, Providence Gas Company, owners of Lot 1 on Assessor's Plat 101 and Lot 5 on Assessor's Plat 56 on the northerly side of Terminal Road (642 Allene Avenue) in the First Fire District under the Building Ordinance, on March 7, 1958, filed an application to be relieved from the requirements of Section 407.3 relating to above ground tanks in the proposed erection of twelve additional 30,000 gallon above ground liquified petroleum tanks, making a total storage capacity of 690,000 gallons of liquified petroleum products on the above described premises, and

WHEREAS, a public hearing was held on this application by the Building Ordinance Board of Review at its meeting held on Wednesday, March 19, 1958,

RESOLVED: That the Building Ordinance Board of Review does hereby grant the application of the Providence Gas Company in accordance with the application and plans filed with said Board. A copy of said plans are hereby made a part of this resolution and filed with the Director of the Department of Building Inspection.

By Order of the Building Ordinance Board of Review.

William H. Kenerson
WILLIAM H. KENERSON
CHAIRMAN

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petition your honorable body

to amend the zoning map which is part of the Zoning Ordinance of the City of Providence by changing those portions of Lots 130, 132, 133, 134, 135, 198 and 199 of Plat 122 of the Tax Assessor of the City of Providence, which said portions are presently zoned C-1, to a C-2 General Commercial Zone, and also to change the remaining portions of the aforesaid lots, and the whole of lots 136 and 137 on the aforesaid Plat, presently zoned R-1, to a C-2 General Commercial Zone, said lots in question being located on the northerly side of Smith Street (#1231-1255 Smith Street) and the southerly side of Lynde Street.

Joseph Sullivan

Frank A. Merlino

*Johnston Laid Co Inc
by J. Lemma, pres*

*Specialty Cleaners Co., Inc.
by Lester Verdi, Pres.*

IN CITY COUNCIL

JUN 5 - 1958

REPORT OF COMMITTEE RECEIVED:
ORDERED THAT THE PETITIONER BE
GRANTED LEAVE TO WITHDRAW.

D. Everett Whelan
CLERK

From Clerk
Reed

IN CITY
COUNCIL

APR 17 1958

FIRST READING
REFERRED TO COMMITTEE ON
ORDINANCES
.....
The undersigned Clerk

FILED
Apr 15 9 29 AM '58
CITY CLERK'S OFFICE
PROVIDENCE, R.I.

The City of Providence — Legislative Department
CITY CLERK'S OFFICE—OFFICIAL MEMORANDUM

Providence, R. I., ~~April 18, 1958~~

TO: City Plan Commission

SUBJECT: Zoning Change - Smith Street

CONSIDERED BY: Committee on Ordinances

ACTION TAKEN: VOTED: To refer, attached petition, for study, report
and recommendation.

Deveria L. L. L.

City Clerk

Petition of Joseph Sullivan, et al, to change those portions of Lots 130, 132, 133, 134, 135, 198, and 199 of Plat 122 of the Tax Assessor of the City of Providence, which said portions are presently zoned C-1, to a C-2 General Commercial Zone, and also to change the remaining portions of the aforesaid lots, and the whole of lots 136 and 137 on the aforesaid Plat, presently zoned R-1, to a C-2 General Commercial Zone, said lots in question being located on the northerly side of Smith Street (#1231-1255 Smith Street) and the southerly side of Lynde Street.

Plat 122

Lot 130

Frank A. Merlino
~~377 Hope Street~~
~~1000 Lynde Ave~~, Prov. R.I.

132

Frank A. Merlino
~~377 Hope Street~~
~~1000 Lynde Ave~~. Prov. R.I.

133

Frank A. Merlino
~~377 Hope Street~~
~~240 Lynde Street~~ Prov. R.I.

134

Frank A. Merlino
377 Hope Street, Prov. R.I.

135

Specialty Leasing Co.
c/o A. A. Kreuthner, 170 Westminster St., Prov. R.I.

198

Joseph A. Sullivan
66 Myadalam Ave, Prov. R.I.

199

Joseph A. Sullivan
(as above address)

347

Charles P. Dickerson
1220 Smith Street, Prov., R.I.

Plot 122
2

Gladys P. Sickerson

122 Smith Street, Providence, R.I.

280

Etta Capomano

98 Olney Ave., No. Prov., R.I.

501

St. Augustine's Church

776 Mt. Pleasant Ave, Prov. R.I.

11

Olney Burial Ground

no address

12

John Legarella, Inc.

106 Leo Avenue, Prov.

498

P. Joseph Pesare & wife Nina

67 Brightwood Ave

W. H. Len.

Providence R.I.

503

Achille J. Ciaramello

1252 South St, Prov, R.I.

496

Biagio Schettini & wife Emilia

1256 Smith St,

H. Len.

Prov. R.I.

495

Vicente Piscitelli & wife Christine

1260 Smith Street

H. Len.

494

Joseph Suriano & wife Anna

1264 Smith St,

H. Len.

Providence, R.I.

P-122

493

Margaret M. O'Neil & Anna
J. Murray, Jr. Sen.
1270 Smith St.

128

William J. Skivonis & wif. Elizabeth
1263 Smith St. Prov. R.I. H. Sen.

127

Arthur J. Menoche & wif Martha
52 Glenbridge Ave. F. H. Sen.
Providence, R.I.

139

Mary M. Murphy, Frank P. Warren
15 Longwood Ave & wif Alice A. H. Sen.

140

William J. Egan & wif Hazel I. H. Sen.
17 Longwood Ave.

138

James P. Conlan & wif. Elsie P. H. Sen.
12 Lynde St.

137

Frank A. Merlino
377 Hope St., Prov. R.I.

136

Johnston Land Co. Inc.
100 Central Ave, Johnston, R.I.

144

Samuel A. Place
~~53 Louis Ave, Providence R.I.~~
47 Audobon Ave, Prov., R.I.

143

Samuel A. Place
? 53 Louis Ave, Providence R.I.

P 122
141

Antonio Bonatelli & wf.
Grace J. Sen.
138 Metropolitan Rd. - No. Prov. R. I.

142

2

Antonio Bonatelli & wf. Grace
J. Sen.

145

Thomas Colanecchio & wf. ^{Viola} J. Sen.
39 Jones St
Providence R. I.

146

Joseph H. Trainor & Helen A.
37 Longwood Ave. Trainor
Providence R. I.

147

Virginia Emirgian
43 Longwood Ave.

148

2

State Land Company, Inc.

149

Attilio Viti & wf. Amelia E.
784 Academy Ave. J. Sen.
Providence R. I.

150

Attilio Viti & wf. Amelia E. J. Sen.
(Same as above.)

151

William Gilstein
109 Ruggles Street, Prov. R. I.

152

Daniel J. Karanagh
75 Longwood Ave,
Providence, R. I.

P 122
153

^K
Daniel J. Savanagh
75 Longwood Ave.,
Providence, R.I.

154

^K
Daniel J. Savanagh
75 Longwood Ave
Providence, R.I.

155

Daniel J. Karanagh & Rita E.
75 Longwood Ave Laroir
Prov. R.I.

156

Daniel J. Karanagh & Rita E.
75 Longwood ~~R.I.~~ Laroir
Providence, R.I.

157

John P. Cannon & Grace J.
85 Longwood Ave Cannon J. Sen.
Providence, R.I.

159

John P. Cannon & w/f J. Grace
85 Longwood Ave J. Sen.
Providence, R.I.

418

~~affairs and wife~~
Grace M. Fiere
104 Gentian Ave,
Providence R.I.

419

~~affairs and wife~~
Grace M. Fiere
104 Gentian Ave,
Providence, R.I.

421

Helen M. & Alice K. McCarthy J. Sen.
94 Gentian Ave

422

Anthony Fusco & w/f Clara J. Sen.
90 Gentian Ave

- 423 George W. Hughes & wife Helen
73 Gentry Ave W. H. Sen.
Providence R.I.
- 424 Michael S. Karakas & wife Carol C.
74 Gentry Ave H. Sen.
Providence R.I.
- 425 Michael S. Karakas & wife Carol C.
74 Gentry Ave H. Sen.
Providence R.I.
- 426 Peter P. Lianieri Jr & wife Ernestine
76 Gentry Ave R. H. Sen.
- 427 Anthony D. Jackson & wife Lucy
~~70 Gentry Ave~~ C. H. Sen.
- 429 Thomas M. Kennedy & wife Lucie C.
~~50 Gentry Ave~~ 76 Gentry Ave
Providence R.I.
- 430 Costanzo S. Luini & wife Mary
60 Gentry Ave C. H. Sen.
Providence R.I.
- 431 John B. Lincoln & wife Laura D.
56 Gentry Ave J. H. Sen.
Providence R.I.
- 433 Jessie V., Elizabeth S. & Barbara A.
711 Springall St. Sen.
50 Gentry Ave. Providence R.I.
- 434 Robert H. Graham & wife Madelyn
46 Gentry Ave H. Sen.
Providence R.I.

P122
435

Joseph T. Callaghan & wife Sarah¹
44 Gentian Ave
Providence, R. I.

436

May C Henry
38 Gentian Ave
Prov. R. I.

437

~~E~~

Anthony P. Le Magistras & wife
Florence & Anna Le Magistras
32 Gentian Ave
H. Len.

438

Frank D'Arcy & wife Nora H. Len.
26 Gentian Ave

439

~~E~~

Frank D'Arcy & wife Nora H. Len.
26 Gentian Ave

440

John J. Regan & wife Mary F. H. Len.
14 Gentian Ave
Prov. R. I.

Plot 124

Lot 136

~~E~~ ~~E~~

James D. Mc Linn & Margaret
114 Gentian Ave D. Mc Linn H. Len
Prov. R. I.

137

Ann E. Fryer, Ida M. Fryer, Edith
Fryer & Ethel Fryer, H. Len.
118 Gentian Ave, Prov. R. I.

149

Wendela C. Carlson
120 Gentian Ave, Prov. R. I.

13

~~E~~

Catherine G. Nolan
200 Isabelle Ave

P.
124-464

Clifford W. Brown
124 Isabella Ave
Prov. R. I.

465

James S. Lagrone
250 Whitford Ave.

466

3.

John
A. Luckina, Eva J. Luckina
Ethel J. Luckina, H. Ten
Isabella Ave, Providence, R. I.
Margaret C. McQuillan, Clara
E. Luckina
212 Isabella Ave.

Councilman meters and galleys

Petition of Joseph Sullivan, et al, to change those portions of Lots 130, 132, 133, 134, 198 and 199 of Plat 122 of the Tax Assessor of the City of Providence, which said portions are presently zoned C-1, to a C-2 General Commercial Zone, and also to change the remaining portions of the aforesaid lots, and the whole of lots 136 and 137 on the aforesaid Plat, presently zoned R-1, to a C-2 General Commercial Zone, said lots in question being located on the northerly side of Smith Street (# 1231-1255 Smith Street) and the southerly side of Lynde Street.

Plat 122

Lot 130	Frank A. Merlino 377 Hope Street, Prov., R.I.
Lot 132	Frank A. Merlino 377 Hope Street, Prov., R.I.
Lot 133	Frank A. Merlino 377 Hope Street, Prov., R.I.
Lot 134	Frank A. Merlino 377 Hope Street, Prov., R.I.
Lot 135	Specialty Cleaning Company c/o A. A. Kreuther, 170 Westminster Street, Prov., R.I.
Lot 198	Joseph A. Sullivan 66 Wyndham Avenue, Prov., R.I.
Lot 199	Joseph A. Sullivan 66 Wyndham Avenue, Prov., R.I.
Lot 347	Gladys P. Dickerson 1221 Smith Street, Prov., R.I.
Lot 2	Gladys P. Dickerson 1221 Smith Street, Prov., R.I.
Lot 280	Etta Capuano 98 Olney Avenue, North Prov., R.I.
Lot 501	St. Augustine's Church 776 Mt. Pleasant Ave., Prov., R.I.
Lot 11	Olney Burial Ground (no address)
Lot 12	John Segrella, Inc. 106 Leo Avenue, Prov., R.I.
Lot 498	P. Joseph Pesare & wife Nina M. Joint tenants 67 Brightwood Avenue, Prov., R.I.
Lot 503	Achille J. Ciaramello 1252 Smith Street, Prov., R.I.
Lot 496	Biagio Schettini & wife Emilia, Joint tenants 1256 Smith Street. Prov., R.I.
Lot 495	Vincent Piscitelli & wife Christine, Joint tenants 1260 Smith Street. Prov., R.I.
Lot 494	Joseph Sarcione & wife Anna, Joint tenants 1264 Smith Street, Prov., R.I.
Lot 493	Margaret M. O'Neil & Anna F. Murray, Joint tenants 1270 Smith Street, Prov., R.I.

Plat 122

Lot 128	William J. Divonis & wife Elizabeth, Joint tenants 1263 Smith Street, Prov., R.I.
Lot 127	Arthur J. Menoche & wife Martha, F., Joint tenants 52 Glenbridge Avenue, Prov., R.I.
Lot 139	Mary M. Murphy, Frank P. Warren & wife Alice A., Joint tenants. 15 Longwood Avenue, Prov., R.I.
Lot 140	William J. Egan & wife Hazel I., Joint tenants 17 Longwood Avenue, Prov., R.I.
Lot 138	James P. Conlan & wife Elsie R., Joint tenants 12 Lynde Street, Prov., R.I.
Lot 137	Frank A. Merlino 377 Hope Street, Prov., R.I.
Lot 136	Johnston Land Co., Inc. 100 Central Avenue, Johnston, R.I.
Lot 144	Samuel A. Place 47 Audobon Avenue, Prov., R.I.
Lot 143	Samuel A. Place 53 Louis Avenue, Prov., R.I.
Lot 141	Antonio Donatelli & wife Grace, Joint tenants 138 Metropolitan Rd., North Prov., R.I.
Lot 142	Antonio Donatelli & wife Grace, Joint tenants 138 Metropolitan Rd., North Prov., R.I.
Lot 145	Thomas Colarecchio & wife Viola, Joint tenants 39 Jones Street, Prov., R.I.
Lot 146	Joseph F. Trainor & Helen A. Trainor 37 Longwood Avenue, Prov., R.I.
Lot 147	Virginia Emirzian 43 Longwood Avenue, Prov., R.I.
Lot 148	State Land Company, Inc.
Lot 149	Attilio Viti & wife Amelia E., Joint tenants 784 Academy Avenue, Prov., R.I.
Lot 150	Attilio Viti & wife Amelia E., Joint tenants 784 Academy Ave., Prov., R.I.
Lot 151	William Gilstein 109 Ruggles Street, Prov., R.I.
Lot 152	Daniel J. Kavanagh 75 Longwood Avenue, Prov., R.I.
Lot 153	Daniel J. Kavanagh 75 Longwood Avenue, Prov., R.I.
Lot 154	Daniel J. Kavanagh 75 Longwood Avenue, Prov., R.I.
Lot 155	Daniel J. Kavanagh & Rita E. Lavoie 75 Longwood Avenue, Prov., R.I.

Plat 122

- Lot 156 Daniel J. Kavanagh & Rita E. Lavoie
75 Longwood Avenue, Prov., R.I.
- Lot 157 John P. Cannon & Grace J. Cannon, Joint tenants
85 Longwood Avenue, Prov., R.I.
- Lot 159 John P. Cannon & wife Grace J., Joint tenants
85 Longwood Avenue, Prov. R.I.
- Lot 418 Alfonso and wife Grace M. Fiore,
104 Gentian Avenue, Prov., R.I.
- Lot 419 Alfonso and wife Grace M. Fiore,
104 Gentian Avenue, Prov., R.I.
- Lot 421 Helen M. & Alice K. McCarthy, Joint tenants
99 Gentian Avenue, Prov., R.I.
- Lot 422 Anthony Fusco & wife Clara, Joint tenants
90 Gentian Avenue, Prov., R.I.
- Lot 423 George W. Hughes & wife Helen M., Joint tenants
73 Gentian Avenue, Prov., R.I.
- Lot 424 Michael G. Karakas & wife Carol C., Joint tenants
84 Gentian Avenue, Prov., R.I.
- Lot 425 Michael G. Karakas & wife Carol C., Joint tenants
84 Gentian Avenue, Prov., R.I.
- Lot 426 Peter P. Granieri, Jr., & wife Ernestine R., Joint tenants
76 Gentian Avenue, Prov., R.I.
- Lot 427 Anthony D. Jackvony & wife Lucy C., Joint tenants
70 Gentian Avenue, Prov., R.I.
- Lot 429 Thomas M. Kennedy & wife Lucie C., Joint tenants
66 Gentian Avenue, Prov., R.I.
- Lot 430 Costanzo G. Luini & wife Mary C., Joint tenants
60 Gentian Avenue, Prov., R.I.
- Lot 431 John B. Lineham & wife Laura D., Joint tenants
56 Gentian Avenue, Prov., R.I.
- Lot 433 Jessie V. Elizabeth G. & Barbara A. McDougall, Joint tenants
50 Gentian Avenue, Prov., R.I.
- Lot 434 Robert H. Graham & wife Madelyn H., Joint tenants
46 Gentian Avenue, Prov., R.I.
- Lot 435 Joseph F. Callaghan, & wife Sarah C., Joint tenants
44 Gentian Avenue, Prov., R.I.
- Lot 436 Mary C. Henry
38 Gentian Avenue, Prov., R.I.
- Lot 437 Anthony R. DeMagistras & wife Florence and Anna
DeMagistras, Joint tenants
32 Gentian Avenue, Prov., R.I.
- Lot 438 Frank D'Orio & wife Nora, Joint tenants
26 Gentian Avenue, Prov., R.I.

Plat 122

- Lot 439 Frank D'Orio & wife Nora, Joint tenants
26 Gention Avenue, Prov., R.I.
- Lot 440 John J. Regan & wife Mary F., Joint tenants
14 Gention Avenue, Prov., R.I.

Plat 124

- Lot 136 Vincent F. McGinn & Margaret D. McGinn, Joint tenants
114 Gention Avenue, Prov., R.I.
- Lot 137 Ann E. Fryer, Ida M. Fryer, Edith Fryer & Ethel Fryer,
Joint tenants
118 Gention Avenue, Prov., R.I.
- Lot 149 Wendela C. Carlson
120 Gention Avenue, Prov., R.I.
- Lot 13 Catherine A. Nolan
200 Isabella Avenue, Prov., R.I.
- Lot 464 Clifford H. Brown
124 Isabella Avenue, Prov., R.I.
- Lot 465 James G. Taglione
250 Whitford Avenue, Prov. R.I.
- Lot 466 Delia E. Luckina, A. Luckina, Eva F. Luckina, Clara E.
Luckina, Ethel I. Luckina & Margaret C. McQuillan,
Joint tenants
212 Isabella Avenue, Prov., R.I.

Councilmen Matera and Gallogly/



City Plan Commission

EDWARD WINSOR, *Chairman*
JERRY LORENZO RALPH MATERA

WALTER H. REYNOLDS, *Mayor*
LUCIO E. CARLONE, *Secretary*

PAUL A. SAN SOUCL, *Vice Chairman*
RAYMOND J. NOTTAGE HARRY PINKERSON

FRANK H. MALLEY, *Director*
DIETER HAMMERSCHLAG, *Chief Planner*

*Suite 103, City Hall,
Providence 3, Rhode Island
May 15, 1958*

Committee on Ordinances
City Hall
Providence, Rhode Island

SUBJECT: Referral No. 984 - ZONING CHANGE AT 1231-1255 SMITH STREET

Gentlemen:

The subject referral received consideration by the City Plan Commission at a meeting held on Tuesday, May 13, 1958.

This referral is a request for a change in zoning from an R-1 and a C-1 Zone to a C-2 Zone portions of Lots 130, 132, 133, 134, 135, 198 and 199 on Assessor's Plat 122 and the whole of Lots 136 and 137 on Assessor's Plat 122 located at 1231-1255 Smith Street. The area in question contains 272,224 square feet of land area.

On the field trip it was found that the area in question is entirely vacant with the exception of Lot 130 at the corner of Smith Street and Longwood Avenue which is occupied by a four-family house and Lots 134 and 135, three and four lots easterly from the above, on which a building is under construction to be occupied by a clothes cleaning agency. The two deep lots extending from Smith Street nearly to Isabella Avenue are part of the old southern New England Railroad right-of-way on which there has been a considerable amount of dumping, but at the northerly end of which there is a substantial area generally under water.

The Commission

VOTED: To recommend that this petition be denied.

Very truly yours,

FRANK H. MALLEY
DIRECTOR
CITY PLAN COMMISSION

FHM:MMH

c.c. Councilman Ralph Matera
Councilman John P. Gallogly

NOTICE OF PROTEST AGAINST AMENDMENT OF ZONING ORDINANCE

TO THE CITY CLERK OF THE CITY OF PROVIDENCE

The undersigned, as provided in 45-24-5 of the General Laws of 1956, being "the owners of twenty (20%) per cent or more of the street frontage of the property proposed to be affected, or the owners of twenty (20%) per cent or more of the street frontage directly opposite the property proposed to be affected, or the owners of the property abutting on twenty (20%) per cent or more of the boundary line between the property proposed to be affected and the property immediately in the rear thereof," do hereby, by their signatures hereto, protest in writing against the proposed amendment of the Zoning Ordinance of the City of Providence coming up for public hearing on the 12th day of May, 1958, wherein and whereby it is proposed that the zone classification of those certain lots of land numbered 130, 132, 133, 134, 135, 136, 137, 198 and 199 on Plat No. 12 of the Tax Assessors' Plats of the City of Providence be changed from CI or RI to CII General Commercial Zone.

John J. Ryan 14 Gentrain Ave (City)
Joseph Collegan 42 Gentrain Ave Prov
Frank + Maria D'Ono 26 Gentrain Ave
Anthony R. DeMaquettis 32 Gentrain Ave
Mary C. Henry 38 Gentrain Ave
John B. Linehan 52 Gentrain Ave
Laura D. Linehan 56 Gentrain Ave
Thomas M. Kennedy 66 Gentrain Ave
Lucie C. Kennedy 66 Gentrain Ave
Anthony J. Jackson 70 Gentrain Ave
Lucy R. Jackson 70 Gentrain Ave
Peter Frangeri & wife 76 GENTRAIN AVE.
Michael Karakac 84 Gentrain Ave.

Mrs Michael G Karakas

Heber M. McCarthy 94 Gentian Ave.

A. Fiore 104 Gentian Ave

Mrs F. Fiore 104 Gentian Ave.

Marguerite D. Mc Ginn 114 Gentian Ave.

Vincent P. Mc Ginn 114 Gentian Ave

Ida M. Fryer 118 Gentian Ave.

Edith Fryer 118 Gentian Ave

Ethel Fryer 118 Gentian Ave.

Clifford H. Brown 208 Isabella Ave.

Catherine A. Nolan 200 Isabella Ave.

Margaret M. Quillen 212 Isabella Ave.

Clara Luckin
212 Isabella

John J. Cannon 85 Longwood Ave.

Grace Cannon. 85 Longwood Ave.

Biagio Schettini 1256 Smith St.

Emilia Schettini 1256 Smith St.

Vincent Piscitelli 1260 Smith St.

Christina Piscitelli 1260 Smith St.

P. Joseph Prago, M.D. 1250 Smith St. Prov. R.I.

Robert H. Latham 46 Gentian Ave.

Jessie V. Mc Dougall 50 Gentian Ave

Rita E. Lavoie 75 Longwood Ave.

Virginia Emurjian 43 Longwood Ave.

Joseph F. & Helen A. Tracina 37 Longwood Ave

Thomas Alencastro 35 Longwood Ave

James P Conlon	12 Lynde St Prov.
William J Egan and wife Hazel	17 Longwood Ave Prov. R. D.
Mary M. Murphy	15 Longwood Ave.
Arthur J. Meneff & wife	16 Longwood Ave
Wendela Christina Carlson	120 Gention Avenue
Anna Murray	1270 Smith St
Margaret O Heil	1270 Smith St
Anna Sarcione	1264 Smith St
Joseph Sarcione	1264 Smith Street
Mrs W. J. Dironis	1263 Smith St
M. J. Dironis	" "
Gladys P. Dickerson	1221 Smith St.
Anthony Fusco	90 Gention Ave -

Subscribed and sworn to before me by John J. Regan,
Joseph Callaghan, Frank & Nora P'orio, Anthony R. DeMaghettis,
May A. Henry, John B. Linehan, Samuel Linehan, Thomas M. Kennedy,
Lucie C. Kennedy, Anthony D. Jackoviny, Peter Bonieri, Michael Karas,
Mrs. Michael D. Karasos, Helen Mc Carthy, A. Fiore & Mrs. A. Fiore
 this 7th day of May, A. D. 1958.

John R. Cioci
 Notary Public

Subscribed and sworn to before me by Marquette D. Mc Sinn,
Vincent P. Mc Sinn, Ida M. Fayer, Edith Fayer, Ethel Fayer,
Clifford H. Brown, Catherine A. Nolan, Margaret Mc Quillan, Clara A.
Luckina, John P. Cannon, Grace Cannon, Biagio Schettini, Emilia
Schettini, Vincent Piscitelli, Christine Piscitelli, P. Joseph Pesare M.D.,
 this 7th day of May, A. D. 1958.

John R. Cioci
 Notary Public

Subscribed and sworn to before me by Robert H. Graham,
Jesse V. McDougal, Rita E. Savoie, Virginia Emerson, Joseph F. & Helen A. Trainor,
Thomas Colavichio, James P. Corlan, William J. Esyan & wife Hazel, Mary M. Murphy,
Arthur J. Menosche & wife, Verdella Christine Carlson, Anne Murray, Margaret O'Neill,
Anna Sarcione, Joseph Sarcione, Mrs. H. T. DiVotis, H. T. DiVotis, & Gladys Dickerson
 this 8th day of May, A. D. 1958.

John R. Cioci
 Notary Public

ROBERT K. ARGENTIERI
ATTORNEY AT LAW
20-21 COLUMBUS BANK BUILDING
29 WEYBOSSET STREET
PROVIDENCE 3, RHODE ISLAND

TELEPHONE:
GASPEE 1-2246

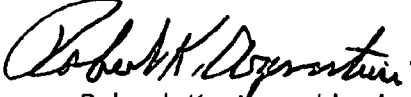
June 5, 1958

Chairman of the Ordinance Committee
City Council
City Hall
Providence
Rhode Island

Dear Sir;

A request is hereby made on behalf of Joseph H. Sullivan et al., to withdraw their petition before the Ordinance Committee of the City Council, of the City of Providence, relative to the re-zoning of those portions of lots #130, 132, 133, 134, 135, 198 and 199, of Platt 122 of the Tax Assessor of the City of Providence, to C-2, General Commercial Zone.

Very truly yours,


Robert K. Argentieri

RKA:r

WILLIAM B. GREENOUGH
1912-1956
HARRY PARSONS CROSS
1912-1955

WILLIAM A. GRAHAM
OWEN P. REID
BAYARD EWING
ALFRED B. STAPLETON
EUSTACE T. PLIAKAS

EDWARD J. REGAN
JOACHIM A. WEISSFELD
ROBERT A. MERCER

EDGAR J. LANPHER

GRAHAM, REID, EWING & STAPLETON

COUNSELLORS AT LAW

HOSPITAL TRUST BUILDING
15 WESTMINSTER ST.
PROVIDENCE 3, R. I.

TELEPHONE
GASPEE 1-7730

May 21, 1958

Mr. Vincent Vespia
Deputy City Clerk
City Hall
Providence, Rhode Island

Re: Petition of Joseph Sullivan, et al

Dear Mr. Vespia:

The above entitled matter which is a petition to change the zone of certain property located on the northerly side of Smith Street in Providence, Rhode Island was heard by the committee on ordinances on May 12, 1958 in the City Council Chamber in the City of Providence. Prior to that time Gladys P. Dickerson of 1221 Smith Street, Providence, Rhode Island was notified of said hearing as the owner of a portion of the street frontage directly opposite the property proposed to be affected.

This office has been retained by the aforementioned Gladys P. Dickerson to represent her interests in this matter and accordingly on the date of the public hearing I appeared at the City Council Chamber for the purpose of objecting to the granting of the petition. As you will recall several owners of property in the neighborhood of the sought for zoning change appeared at the hearing to remonstrate against the petition of Joseph Sullivan, et al. The hearing, of course, was a lengthy one and since the reasons for objecting were essentially the same in every case, I at that time saw no reason to belabor the committee further with objections which had already been voiced.

At this time, however, may I submit for the committee's consideration, certain decisions of the Rhode

Mr. Vincent Vespia
Page Two
May 21, 1958

Island Supreme Court in cases wherein a fact situation similar to that presently under consideration were involved. At the public hearing on this matter the attorneys for the petitioners urged in substance (1) that because of the sizable depression presently existing upon the land in question, a use of the land in accordance with the present zoning restrictions would be economically unfeasible; (2) that the presence of a supermarket upon the land in question would be a boon to the surrounding landowners; (3) that the proposed supermarket would not increase the traffic congestion in the area, but rather will reduce the amount of traffic. In support of the above contentions the petitioners relied upon testimony of a real estate man and an officer of the supermarket corporation. As to the first of the above allegations it was pointed out by Councilman Gallogly and other objectors that beneficial use of similar property in the area has been made in the past for residential purposes.

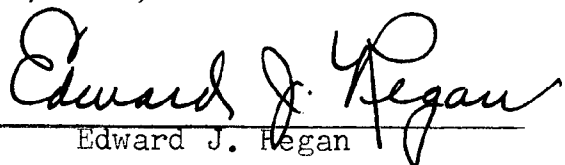
The Rhode Island Supreme Court in several decisions has held that such allegations and such testimony are insufficient to justify a change in the existing zoning of real estate. See Ricci v. Zoning Board of Cranston, 72 R. I. 58; Taft v. Zoning Board of Rhode Island, 76 R. I. 443; Strauss v. Zoning Board of Warwick, 72 R. I. 107. I have enclosed herewith excerpts from the aforementioned Supreme Court cases for the committee's consideration.

In conclusion may I urge that the public hearing in this matter disclosed that a change of zoning in the instant case is not justified, that it would result in a severe depreciation in the value of the surrounding property, and would create additional traffic hazards at a location already critical because of the proximity of St. Augustine's School.

Very truly yours,

GRAHAM, REID, EWING & STAPLETON

By


Edward J. Regan

RICCI V. ZONING BOARD OF CRANSTON
72 R. I. 58

At Page 59 the Court stated:

"It appears in the record that the lots were bought in 1928 by Francesco Ricci, at which time they were already in a dwelling house district, according to the ordinance then in force. Some time before the application under consideration was filed with the board, he transferred the lots to his son and grandson, the petitioners in this case. When Francesco bought the lots he knew that the land was "quite low"; that it was "soft" and that he had to put in considerable filling to bring it up to its present grade. In so far as the use of the lots is concerned, all three of the Riccis testified that because of the soft and wet condition of the land it was undesirable for home sites.

The only other witness for the petitioners was a real estate broker, who testified that, in his opinion, the lots were not suitable for residential purposes because they were too low and too damp; and that a gasoline station would not adversely affect the surrounding property. In the course of his testimony this witness admitted that to the north of the lots in question there was some land, formerly known as the Potter estate, which was in part originally comparable in character with petitioners' land and which a Mr. Doyle developed into new home sites. In answer to questions

from a member of the board, he further admitted that, after filling and grading the land, Doyle had no trouble in there with water.

Five owners of homes in the immediate vicinity of the lots in question appeared, either in person or by attorney, in opposition to the application of the Riccis for an exception. The substance of their testimony was that they had built or purchased their respective homes in that neighborhood relying on the fact that the zoning ordinance placed their property in a residential district; that the erection of a gasoline station on the Ricci land would tend to increase the dangers from traffic, seriously affect their comfort, and permanently injure their property; and that Francesco Ricci had bought the land after the zoning ordinance had been adopted by the city of Cranston.

The board, which stated in its decision that it had viewed the premises, denied and dismissed, on the following grounds, the application of the Riccis for an exception:

(1) That, since the adoption of the zoning ordinance, there had been no change in the character of the neighborhood which would warrant granting the exception; (2) that the use of the Ricci land as a gasoline station would not be in harmony with the general character of the neighborhood and that such use would substantially and permanently injure neighboring property; (3) that there was no need of another

gasoline station to serve adequately the needs of that neighborhood; and (4) that there was no evidence of unnecessary hardship upon the applicants, but that, on the contrary, their property could be devoted to other beneficial uses, if they so desired. The board therefore was of the opinion that the public convenience and welfare would not be served by granting the exception."

At Page 61 the Court stated:

"There is no evidence showing that the use of applicants' land for a gasoline station was the only beneficial use for which it was reasonably suitable. It seems to us that the real difficulty confronting the Riccis in this case is that of filling the land and perhaps of waterproofing the substructure of any building that might be erected on the premises in accordance with the zoning ordinance. Mere inconvenience or additional expense necessary to make the land available for beneficial uses within the scope of the ordinance will not warrant us in holding that, in the circumstances of this case, the decision of the board was arbitrary or contrary to law."

TAFT V. ZONING BOARD OF WARWICK
76 R. I. 443 at 448

"This lot, immediately to the rear of the building, drops off abruptly to a depth of approximately 10 feet or more making it impractical to fill to grade.' But we have held that the mere inconvenience or expense of filling a depression to bring it to grade would not of itself necessarily amount to undue hardship or make impracticable its proper use within the restrictions of the zone in which it was located."

STRAUSS V. WARWICK ZONING BOARD
72 R. I. 107 at 112

"The only reason advanced by the applicant's counsel amounts to an argument that the applicant would like to enlarge a business that he was already conducting at a location that apparently was not within this zone; and that, if an exception or variance were not granted for these premises, he would be left with his investment and could not use these premises in the most profitable manner. It does not appear that he could not enlarge his business at a location where such use is permitted. The mere fact that the ordinance did not permit the most profitable use of these premises is not of itself proof that the applicant would suffer an unreasonable and unnecessary hardship by enforcement of the zoning ordinance."

~~1010~~

RESOLUTION OF THE CITY COUNCIL

No.

Approved

Resolved,

That

the members of the City Council
hereby request the Mayor, in preparing his annual budget
for the year 1958-1959 include and recommend a \$300.00
across the board salary increase for all uniformed members
of the Police and Fire Departments.

IN CITY COUNCIL
June 5, 1958

Read and NOT Passed

Everett Whelan
Clerk.

RESOLUTION
OF THE
CITY COUNCIL

Frank Dargatzis

FILED
JUN 2 12 03 PM '58
CITY CLERK'S OFFICE
PROVIDENCE, R.I.