

Town of Lincoln

100 Old River Road, Lincoln RI

Zoning Board of Review

March 6, 2007 Minutes

Present: Raymond Arsenault, Kristen Rao, Arthur Russo, Jr., Jina Karempetsos, David Gobeille, John Bart, Town Solicitor Mark Krieger

Excused: Gabriella Halmi

Minutes

Motion made by Member Gobeille to accept the February 2007 minutes as presented. Motion seconded by Member Russo. Motion carried with a 5-0 vote.

Correspondence

None

Applications

JCM, LLC, 3434 Mendon Road, Cumberland, RI – Application for Dimensional Variance seeking lot width relief for the purpose of subdividing property located at Jenckes Hill Road, Lincoln, RI.

AP 26, AP 2 Zoned: RA-40

Represented by: Michael Kelly, Esquire

Attorney Kelly asked that the application be continued to the May agenda. Motion made by Member Gobeille to continue the application. Motion seconded by Member Bart. Motion carried with a 5-0 vote.

Edward and Linda Sliney, 1159 Smithfield Avenue, Lincoln, RI – Application for Use Variance for the construction of a 40' x 26' two-family home on a vacant lot located at Branch Avenue, Lincoln, RI.

AP 2, Lot 103 Zoned: RG 7 and MG 0.5

Edward and Linda Sliney, 1159 Smithfield Avenue, Lincoln, RI – Application for Dimensional Variance seeking lot width relief and rear yard setbacks for the construction of a 40' x 26' two-family home on a vacant lot located at Branch Avenue, Lincoln, RI.

AP 2, Lot 103 Zoned: RG 7 and MG 0.5

Russell Hervieux, Zoning Official gave the Board an additional radius map because there was a deficiency on the map submitted by applicant and wanted the Board to have an accurate copy.

Represented by: John Shekarchi, Esquire

Attorney Shekarchi requested that the two applications before this Board be continued to the May agenda. They were not aware of recommendations from the Technical Review Committee until the day before the hearing regarding parking and other issues and would like

time to address their concerns. Attorney Oster representing objectors agreed to the continuance. Motion made by Member Rao to continue the two applications to the May agenda. Motion seconded by Member Bart. Motion carried with a 5-0 vote.

Wojciech Marczak, 43 Mark Drive, Lincoln, RI – Dimensional Variance for rear yard setback for the construction of an addition.

AP 19, Lot 87 Zoned: RS 20

At the last meeting the Board asked applicant to return with floor and site plans which he presented to the Board for their review. Chairman Arsenault again read into the record standards that need to be met for a Dimensional Variance. Applicant wants to build a small addition to make the house more appealing and have an informal dining area for the family. Applicant will hire an architect to design the addition and contractor to do the construction. Needs to remove two feet of decking at the rear of the house and the rest of the deck will be attached to the addition and supported at the bottom. Applicant has consulted with builders and they do not see a problem. There are other 20,000 square foot lots in the area. Lot, which has a unique shape, has 128 feet frontage and 114 feet depth. Adding a dining

area will make the house more functional. Addition will match exterior and roof of existing house with no exterior lighting. Addition will be small and needs to be located at the rear of the house because of the kitchen. There is room at the left side of the house but would not be functional because it will be away from the kitchen area. There are no objections from neighbors.

Attorney Krieger stated that his notes indicated the application was continued to determine size of existing deck. No permit is on record for the rear deck and applicant will also need a variance for deck encroachment.

Chairman asked applicant if he knew the distance from the edge of the deck to the property line. Applicant stated the existing deck size is 14 feet by 18 feet not including the stairs which are 9 feet by 4 feet. The deck is original to the house and the nearest neighbor is about 500 feet away.

Member Russo asked if there was anything to the left side of the house that prevented applicant from locating the addition there. Applicant replied that there is a retaining wall. The addition could be built to the left but he wants the kitchen/dining area in the same space and it would not be practical to place the addition to the left of the house.

Chairman Arsenault read into the record Planning Board

recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. During the January Zoning Board meeting, the applicant was asked to revise their plans and resubmit them to the Zoning Official for further review. The Zoning Official did not receive revised plans. Therefore, the Planning Board recommends Denial of the application for a dimensional variance. The Planning Board feels that the application does not meet any of the standards for relief of a dimensional variance as presented in the Zoning Ordinance. More specifically, the Planning Board feels that the site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The Planning Board feels that the applicant has sufficient room to the side of the property to locate an addition without having to request a variance. The Planning Board feels that the dimensional variance will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Motion made by Member Russo to deny the application stating:

- The hardship from which the applicant seeks relief is not due to the unique characteristics of the subject land or structure.**
- The hardship is the result of any prior action of the applicant and does result primarily from the desire of the applicant to realize greater financial gain.**
- The granting of this variance will alter the general character of the**

surrounding area and impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.

- The relief requested is not the least relief necessary.
- The hardship does not amount to more than a mere inconvenience.

Motion to deny seconded by Member Rao.

Discussion:

Member Russo stated that the kitchen could be reconfigured and expanded to the left side of the house. With regard to the deck a dangerous precedent could be set allowing someone who has a non conforming deck to obtain a variance. Chairman stated the Board has corrected problems with decks in the past. Member Rao had an issue with not seeing architectural plans of what applicant is proposing.

Motion denied with a 5-0 vote with members Russo, Gobeille, Rao, Bart and Arsenault voting aye.

Dolores Guglielmi, 108 Orchard Meadows Road, Smithfield, RI – Application for Extension of Decision granted March 7, 2006 for a Dimensional Variance for property located at Lennon Road, Lincoln, RI.

AP 42, Lot 81 Zoned: RA 40

Represented by: Mary Shekarchi, Esquire

Applicant has not been able to move forward because of her husband's illness. She did receive a Department of Environmental Management permit on September 22, 2006 and her husband took ill in October 2006. She is now ready to go forward.

Chairman Arsenault asked that applicant provide the Zoning Officer with a copy of the permit. He asked if financing was in place and attorney replied yes.

Chairman Arsenault read into the record Planning Board recommendation:

Members of the Technical Review Committee reviewed the submitted application for a time extension of a dimensional variance. The Planning Board recommends Approval of the application for a time extension. The Planning Board feels that the applicant presented a valid reason for the delay of the project.

Motion made by Member Russo to grant a one year extension of the Decision to expire on March 6, 2008. Motion seconded by Member Bart. Motion carried with a 5-0 vote.

Polseno Properties Mgmt, 29 Swan Road, Smithfield, RI – Application for Special Use Permit for signage relief under Article 5 (D)(1) and 5 (D)(2) for property located at 600 George Washington Highway, Lincoln, RI.

AP 41, Lot 58 Zoned: ML 0.5

Represented by: Ralph Ianitelli, Esquire

Applicant is building a commercial space building on George Washington Highway and needs signage for prospective tenants. Will have one free standing pylon entrance sign and individual unit signs.

Chairman Arsenault read into the record standards that need to be met for a Special Use Permit under Article 5, Section D Commercial Districts.

Witness

Derrick Polsena, Property Manager

Applicant is building at 600 George Washington Highway, Lincoln and wants to install one free standing entrance sign (7'6" x 6' = 90 sq. feet on both sides) on a State right of way. Has an application before the Department of Transportation for review and they see no problem with the proposed pylon sign. Sign will be around 30 feet off the edge of the road. There will be five or six individual tenant signs with a sign above each tenant entrance. Total square footage of the building is 7,500 sq.ft with 5 units at 1,500 sq.ft. each. Building setback is 200 feet from the road and the town has a 50 foot buffer. Tenant use will determine sign location on the building. Applicant is looking for total relief of 225 sq.ft. and wants to make the signs uniform and esthetically pleasing. 90.5 square foot front signage and 135 sq.ft

side yard signs. Building is L-shaped and will be for retail and office space. Applicant needs signage above tenant location so they can be identified. Parcel consists of 15 acres.

Member Rao stated that the lot is currently vacant with no space under lease agreement. Applicant is requesting signage without any current retailers. How is he going to manage signage at the site? Applicant replied he will inform prospective tenants what they will have for signage is what was approved by the Zoning Board.

Attorney for applicant stated that the applicant wants a mixture of tenants and needs to be up front with prospective tenants regarding with allowed signage at the time the lease is signed and that is why he is before the Board this evening.

Chairman Arsenault read into the record Planning Board recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Approval of the Special Use Permit for the installation of additional signs. The application requests additional signage to define the location and occupancy of the proposed building. The site plans specifically details the location and type of the new proposed signage. The Planning Board feels that due to the unique nature of the property and the setback of the facility, that the requested signage will clarify vehicular entrances and traffic flow.

Motion made by Member Gobeille to grant 315.5 square feet of signage consisting of an entrance pylon sign and six signs to be placed on the proposed building. He further stated:

- That the Special Use is specifically authorized under this Ordinance**
- That the Special Use meets all the criteria set forth in this Ordinance authorizing such special use**
- That the granting of the Special Use will not alter the general character of the surrounding area**
- That the granting of the Special Use will not impair the intent or purpose of this Ordinance nor the Lincoln Comprehensive Plan**

Motion seconded by Member Karempetsos. Motion carried with a 5-0 vote.

Motion to adjourn made by Member Bart. Motion seconded by Member Russo. Motion carried with a 5-0 vote.

Respectfully submitted,

**Ghislaine D. Therien
Zoning Secretary**