

**Town of Lincoln
100 Old River Road, Lincoln RI
Zoning Board of Review**

June 5, 2007 Minutes

**Present: Raymond Arsenault, Kristen Rao, Gabriella Halmi, Arthur Russo, Jr., David Gobeille, Jena Karempetsos,
Town Solicitor Anthony DeSisto**

Excused: John Bart

No stenographer present. Meeting taped by Russell Hervieux, Zoning Official.

Chairman Arsenault informed the Board that Member Kristen Rao will sit as Chairperson for the meeting and he will assist her. His term expires in 2008 and a succession plan is in place for members to sit as Chairperson. Member Rao informed the Board that because the Minutes from the Planning Board appeal were not properly advertised the appeal Minutes will be continued to the July agenda for approval.

Minutes

- Motion made by Member Karempetsos to accept the May 1, 2007 Minutes as presented. Motion seconded by Member Arsenault. Motion carried with a 5-0 vote.**

Correspondence

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, Lot 2 Zoned: RA-40

Member Rao read into the record correspondence dated June 4, 2007 from Michael Kelly, Attorney for applicant asking that the application be continued to the July 10, 2007 meeting. Motion made by Member Halmi to continue the application to the July agenda. Motion seconded by Member Arsenault. Motion carried with a 5-0 vote.

Russell Hervieux, Zoning Official addressed the Board stating he objected to this application being on the agenda.

Applications

Amica Mutual Insurance Co, 100 Amica Way, Lincoln, RI – Special Use Permit for the installation of an identification sign in exceeding 64 sq. ft with company name facing Route 146 Northbound.

AP 31, Lot 176 Zoned: ML 0.5

Represented by: Robert Suglia, Vice President and General Counsel, Amica Mutual Insurance Co.

Application was continued at the April 3, 2007 meeting to afford applicant time to address Board's concerns regarding the purpose of

the proposed signs and plans for the existing sign at the #50 building. Applicant is asking for 64 sq.ft. signage relief for the #25 Amica Way building. Mark Coulter, Thomas Mandeville and Thomas Sweeney testified at the last meeting. Attorney informed the Board that the proposed signs were for corporate identification as the national headquarters for Amica have been located in Lincoln since the 1980s with 1100 of their 3000 employees working at this location. Amica uses minimal town services and they contribute the community.

Witness

Mark Coulter, Assistant Superintendent of Corporate Services

Submitted into the record schematics of the proposed new sign for Building #25 (Lot 176) as Exhibit #1. Dimensions of new signage is 25 feet wide by 12.5 feet high at grade and façade same as submitted at the last meeting. The original proposal had a base which they deleted from the plan. New square footage amounts to 312 sq.ft with gold lettering on black granite which better represents Amica. Existing sign (30 feet x 12 feet + base 36.4 feet x 3 feet = 481 sq.ft.) on Lot 178 will match new sign. Originally planned to repaint old sign but now replacing with a smaller sign (25 feet x 12.5 feet) to match proposed new sign for Building #25. Old sign will be externally lit complying with Zoning ordinance. Sign will be turned off 10:00 pm to 6:00 am.

Member Arsenault stated what the applicant is proposing is adding 312 sq.ft. and reducing the size on the western side of the property to 212 sq.ft. What was the square footage of the sign on Route 116?

Witness replied the Route 116 sign is 4 feet X 18 feet = 72 sq.ft. and sits on a separate lot. Member Arsenault informed applicant that he appreciated the fact they took into consideration the Board's concerns about signage.

Member Rao read into the record Planning Board recommendation: Members of the Technical Review Committee visited the site of the proposed sign and reviewed the submitted plans and application. The Planning Board recommends Approval of the Special Use Permit for the installation of an additional sign. The site plans specifically details the location and type of the new proposed signage. The Planning Board feels that due to the unique location and size of the property that the requested signage will clarify its location along Route 146 highway.

No opposition present.

In Favor:

John Gregory, President & CEO Northern RI Chamber of Commerce Amica is beneficial to the community and they have great campus and asked that the Board give a positive outcome.

Motion made by Member Arsenault to approve the application for a maximum total of 696 square feet of signage under Article 5, Section D, Subsection 2(c) stating:

- 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 Russo.

Discussion:

Member Russo was concerned about allowing 696 sq.ft. and perhaps the motion should be made in such a way with a condition that the existing sign on Lot 178 be changed but he was not sure if the Board could encumber the other lots. Attorney DeSisto replied that this application is based on the submission of Exhibit #1 and a condition could be placed specific to AP 31, Lot 176 that a sign be constructed there conform to the plan that is presented for that particular sign. Member Arsenault responded that he wants to make it easy for the Zoning Official to administer zoning regulations and the application includes all three signs although they are only voting on one sign and asked Attorney DeSisto how the condition should be stated. Attorney DeSisto replied that the Special Use Permit is granted on a condition that the applicant be limited for new sign to be located on AP 31, Lot 176 conform with the plans submitted and marked Exhibit #1.

Member Arsenault amended his motion to approve to include the

condition as stated by Attorney DeSisto. Motion to amend seconded by Member Russo.

Russell Hervieux, Zoning Official informed the Board that the square footage in Member Arsenault's motion was incorrect. Testimony was presented that the sign on Route 116 was 4 feet x 18 feet = 72 sq.ft. The sign on Route 146 is a double faced sign which means total signage is 144 sq.ft. and not 72 sq.ft. bringing the total overall signage to 768 sq.ft.

Motion made by Member Arsenault to amend his motion to grant maximum of 768 sq. feet. Motion seconded by Member Russo with Members Gobeille, Russo, Halmi, Arsenault and Rao voting aye. Motion carried with a 5-0 vote.

John & Sandra Petrarca, 2 Michael Drive, Lincoln, RI – Dimensional Variance for rear yard setback for the construction of a cabana with storage on property located at 2 Michael Drive, Lincoln, RI

AP 45, Lot 339 Zoned: RA 40

Represented by: Christopher Petrarca, Esquire

Applicant wants to build a cabana/storage on his property and is seeking a rear yard setback of 47 feet.

Witness:

William Coyle III

Mr. Coyle has appeared before this Board on past applications and

submitted his resume into the record as Exhibit #1. Motion made by Member Arsenault to accept Mr. Coyle as an expert witness in the field of general appraising. Motion seconded by Member Russo. Motion carried with a 5-0 vote.

Mr. Coyle conducted a study of the property and submitted his report into the record as Exhibit #2. Applicant wants to build a new shed/cabana and demolish an existing shed on the premises. Proposed structure would exceed 1,000 sq.ft. Property is corner lot fronting on Michael Drive, narrow and oddly shaped. Hardship is due to the unusual characteristic of the lot; applicant needs additional storage; and the proposed structure is minimal.

Witness

John Petrarca, Owner

He is seeking a 47 foot setback and wants to demolish an existing shed and replace it with a new shed/cabana totaling 1,000 sq.ft. Wants to build one large building instead of two. Member Halmi asked about the location and size of the existing shed and witness replied it is near the pool and is about 400 sq.ft. She then asked if the cabana could be located closer and witness replied he has 10-12 foot tall trees and intends to remove an existing tennis court to make room. Member Arsenault asked why not build where the tennis courts are located and applicant replied he would like new structures to face the pool. The cabana will have an overhang attached to the shed and exterior will match existing house with low level lighting.

Tennis court lights will be removed.

Member Arsenault asked Russell Hervieux, Zoning Official if he had a chance to research some of the prior variance. Mr. Hervieux replied the house was in conformance.

**Member Rao read into the record Planning Board recommendation :
Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. Unfortunately, the Planning Board could not make a recommendation on this application due to a lack of information in the application.**

Member Arsenault made a motion to grant a 47 foot rear yard setback stating:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.**
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.**
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**
- The relief requested is the least relief necessary.**
- The hardship amounts to more than a mere inconvenience, meaning**

there is no other reasonable alternative to enjoy a legally permitted beneficial use of the property.

Motion seconded by Member Russo with Members Arsenault, Russo, Rao, Halmi and Gobeille voting aye. Motion carried with a 5-0 vote.

Motion to adjourn made by Member Halmi. Motion seconded by Member Arsenault. Motion to adjourn carried with a 5-0 vote.

Respectfully submitted,

**Ghislaine D. Therien
Zoning Secretary**