

Town of Lincoln

100 Old River Road, Lincoln RI

Zoning Board of Review

September 4, 2007 Minutes

Present: Raymond Arsenault, Gabriella Halmi, Arthur Russo, John Bart, Jina Karampetsos, John Bart,

Town Solicitor Anthony DeSisto

Excused: Kristen Rao, David Gobeille

Minutes

• Motion made by Member Halmi to accept the August 2007 Minutes as presented. Motion seconded by Member Bart. Motion carried with a 5-0 vote.

Applications

Michael Trenteseau, 500 Great Road, Lincoln, RI - Dimensional Variance application seeking front, side and rear yard setback relief for the existing house.

AP 22, Lot 11 Zoned: RL 9

Chairman Arsenault read into the record correspondence from John Shekarchi, Attorney for applicant, requesting that the application be continued to the October agenda. Motion made by Member Halmi to

continue the application. Motion seconded by Member Bart and carried with a 5-0 vote.

Leo P. Correia, 141 Grandview Avenue, Lincoln, RI – Special Use Permit application for Accessory Family Dwelling Unit.

AP 8, Lot 155 Zoned: RS 12

Russell Hervieux, Zoning Official informed the Board that there was a notice problem. An abutter moved to Florida and was not notified of the meeting.

Motion made by Member Russo to continue the application to the October agenda so proper notice could be served. Motion seconded by Member Karampetsos and carried with a 5-0 vote.

Benderson Development Co., LLC, 570 Delaware Avenue, Buffalo, NY/640 GWH, LLC, 640 George Washington Highway, Lincoln, RI – Use Variance application for a sign to be located on Route 116 for a hotel on property located at 640 George Washington Highway, Lincoln, RI.

AP 31, Lot 12 Zoned: ML 0.5

Wyatt Brochu, Attorney for applicant addressed the Board and asked that the application for Use Variance be withdrawn without prejudice. Motion made by Member Halmi to withdraw the application for Use Variance without prejudice. Motion seconded by Member

Karampetsos and carried with a 5-0 vote.

Benderson Development Co., LLC, 570 Delaware Avenue, Buffalo, NY/640 GWH, LLC, 640 George Washington Highway, Lincoln, RI – Special Use Permit application for mixed use office and hotel on property located at 640 George Washington Highway, Lincoln, RI as authorized under Section 260-9F of the Lincoln Zoning Ordinance.

AP 31, Lot 12 Zoned: ML 0.5

Represented by: Wyatt Brochu, Esquire from the law office of Peter Ruggiero, Esquire

Benderson Development Co., LLC, 570 Delaware Avenue, Buffalo, NY/640 GWH, LLC, 640 George Washington Highway, Lincoln, RI – Dimensional Variance application seeking front setback relief for property located at 640 George Washington Highway, Lincoln, RI.

AP 31, Lot 12 Zoned: ML 0.5

Represented by: Wyatt Brochu, Esquire from the law office of Peter Ruggiero, Esquire

Chairman Arsenault cited standards that need to be met for a Special Use Permit and Dimensional Variance application.

Witness:

John Caito, PE – John P. Caito Engineering

Registered PE in Rhode Island, Connecticut and Massachusetts.

Submitted his resume into the record as Exhibit #1. He is familiar with Town ordinances and prepared plans before this Board. Motion

made by Member Karampetsos to accept Mr. Caito as an expert witness. Motion seconded by Member Russo and carried with a 5-0 vote.

Mr. Caito is familiar with the site on Route 116 which consists of an existing two story office building with a driveway which will be used to access the site. The proposed use is allowed at this location. Applicant intends to restructure the parking area and entrance to create two entrances. Building entrance is on the north face and they are requesting a front deviation of 20 feet. Additional parking will be at the rear of the new building which will be a campus like facility. It's 130 feet from Route 116 to the façade of the building which meets floor ratio and parking requirements. Storm water is proposed to tie into the AMICA drainage systems/pond and they will adjust the flow control resulting in no off site drainage. There is electric, gas and water available to the site. They have met with the fire department regarding fire apparatus access to the southeast corner of the property. Landscaping will consist of trees to identify separation of the hotel and office space. Trees will also be planted in the parking area to provide shade. Lighting will conform to the zoning pole height requirement. Lighting plans have not yet been developed but will consist of wall packs. Member Halmi asked if there was any traffic accessing the proposed site and witness replied not at this time. Member Russo asked if 21 potential lost spaces could be moved to the back if the proposed building location were moved and witness replied yes but it would not be a practical solution as they

want to provide reasonable office parking for the existing building. Mr. Caito concluded by stating the applicant meets all the criteria for a special use permit.

Witness:

Ron Kendall, Principal with applicant.

Provided the Board with photos of what the interior of the building/suites will look like once completed. It is their intention to provide services to travelers who need a place to stay for 5+ days. Suites are studio or one bedroom with small kitchenettes consisting of a stove, refrigerator and dishwasher. Suites look more like small apartments than hotel rooms. A buffet breakfast will be available for guests. They are proposing 105 units and expect to rent 75 units daily. There is a need in the area for an extended stay hotel.

Witness:

David Schweid, Land Use Specialist

Submitted his resume into the record as Exhibit #3. Motion made by Member Bart to accept Mr. Schweid as an expert witness. Motion seconded by Member Halmi and carried with a 5-0 vote.

Mr. Schweid submitted into the record land use report as Exhibit #4. He has appeared before the Planning Board and Technical Review Committee (TRC) in the past. Special Use Permit under Section 260-67 states that the proposed use (hotels and motels) is allowed by zoning. The proposed use meets all criteria specified in the

ordinance for this use in this zone. The site is bound on the northerly side by Route 295, on the west by Route 146, on the south by Route 116 and on the east by Route 126 and land uses in the area is primarily commercial and industrial. The proposed use is consistent with the comprehensive plan. On July 25, 2007 the Planning Board recommended in favor of this request as did the Technical Review Committee on July 18, 2007. It is his professional opinion that this request meets the intent ad requirements of the zoning ordinance and is consistent with the comprehensive plan.

With regards to the application for Dimensional Variance, the unique character of the land has encourages this request for relief. The property abuts a state highway with over 100 feet of right of way from the existing edge of pavement. The hotel location is the result of good site design and takes advantage of the adjacent office building to create interior parking areas. The requested relief provides no specific gain for the applicant and will not alter the general character of the surrounding area. The requested front yard setback relief of 28 feet is the minimum that would allow for the use as proposed. On July 25, 2007 the Planning Board recommended in favor of this request as did the Technical Review Committee on July 18, 2007. It is his professional opinion that this request meets the intent ad requirements of the zoning ordinance and is consistent with the comprehensive plan.

Witness:

Paul J. Bannon, President of RAB Professional Engineers, Inc.

Submitted his resume into the record as Exhibit #5. He has testified before this Board in the past. Applicant retained him to conduct a traffic impact study which is not completed. They plan on conducting traffic counts and have requested accident reports from the police department. Route 116 was recently reconstructed by the Department of Transportation and he is familiar with the project area. They anticipate the hotel will generate 40-50 trips per day during peak hours. The area is convenient and there is a demand for this type of service in the area. Report should be completed in 2-3 weeks. Additional volume of traffic will be minimal. They will use the 7th Edition of the ITE 2004 to complete their report. Member Halmi was concerned about granting the application without a completed report for review.

Chairman Arsenault read into the record Planning Board recommendation for Special Use Permit:

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 construction of a hotel and its associated parking. The Planning Board feels that due to the unique characteristics of the site and the thoughtful site layout of the proposed hotel that allowing a dimensional variance for the placement of the building is realistic. The current property contains one large office building with its parking in the rear. The hotel is proposed to be located in the front of the parcel and along

George Washington Highway. The site plans and application specifically details the proposed location of the hotel and its parking and their relationship to the existing building and the roadway. The area between the highway and the lot is a 100 foot wide RIDOT easement. The Planning Board feels that the site layout is thoughtful and takes into consideration many factors relating to the site and the overall character of the area. According to the Economic Development section of the 2003 Comprehensive Plan, “key components of the Town’s successful economic development strategy” is the, “Combination of high development standards with a workable review process. Without exception the developers and managers that have been interviewed say that the Town is good to work with. The Town had a plan and stuck with it, not swinging with political winds. This has attracted developers who want to create a quality product and are willing to invest in good site planning, because they believe that the Town will not leave them hanging.” (2003 Comprehensive Plan, ED-13). The applicant’s thoughtfulness in site design was a key element as the Planning Board discussed this application and measured it against the zoning standards for a special use permit.

Chairman Arsenault read into the record Planning Board recommendation for Dimensional Variance:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Approval of the Dimensional Variance for the construction of a hotel and its associated parking. The current

property contains one large office building with its parking in the rear.

The hotel is proposed to be located in the front of the parcel and along George Washington Highway. The site plans and application specifically details the proposed location of the hotel and its parking and their relationship to the existing building and the roadway. The Planning Board feels that the site layout is thoughtful and takes into consideration many factors relating to the site and the overall character of the area. According to the Economic Development section of the 2003 Comprehensive Plan, “key components of the Town’s successful economic development strategy” is the, “Combination of high development standards with a workable review process. Without exception the developers and managers that have been interviewed say that the Town is good to work with. The Town had a plan and stuck with it, not swinging with political winds. This has attracted developers who want to create a quality product and are willing to invest in good site planning, because they believe that the Town will not leave them hanging.” (2003 Comprehensive Plan, ED-13). The applicant’s thoughtfulness in site design was a key element as the Planning Board discussed this application and measured it against the zoning standards.

Opposed:

Kathleen Paradis, 665 George Washington Highway, Lincoln

Have been trying to sell their home but are unsuccessful. This will not help their situation. They have well water and hopefully this project will not cause a problem. Afraid lights will be intrusive.

Traffic is an issue in the area and this may make problem worse.

Chairman Arsenault addressed applicant and stated he was concerned about not having a lighting plan, an incomplete traffic study and no physical alteration permit for the Board members to review and was not comfortable rendering a decision without adequate time to review these matters. It was his recommendation that the applicant continues their two applications to the October agenda and return with:

- A completed traffic impact study**
- A lighting plan depicting light fallout**
- Site elevations**
- Plan showing interior and exterior designs of the proposed hotel**

Attorney Brochu addressed the Board and asked that the applications be continued to the October agenda to afford applicant time to prepare the requested documentation.

Motion made by Member Russo to continue the Special Use application to the October agenda. Motion seconded by Member Bart. Motion carried with a 5-0 vote.

Motion made by Member Russo to continue the Dimensional Variance application to the October agenda. Motion seconded by Member Bart. Motion carried with a 5-0 vote.

Michelle A. Fitzgerald, 10 Fairview Avenue, Lincoln, RI – Dimensional Variance application seeking front yard setback relief for the construction of a porch.

AP 4, Lot 23 Zoned: RL 9

Chairman Arsenault read into the record standards that need to be met for a Dimensional Variance.

Applicant needs a 12 foot front yard setback to replace front stairs with a farmer's porch. House is existing non conforming. Front stairs are crumbling and becoming a safety issue. Would like to build a farmers porch instead of just replacing front stairs as it is more cost effective to do now than at a later time. They have owned the house for 20+ years. The 6'x30' farmer's porch will be the full width of the house with new stairs. Scotts Pond is at the rear of the house. Area is intensively developed with parking on both sides of the street. Property was surveyed when a fence was installed. She would like a farmer's porch so she can sit outside and watch the children play. They are the "test" house for the area – no other homes have a farmer's porch.

Chairman Arsenault read in the Planning Board recommendation into the record:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Denial of the application for a dimensional variance.

The Board feels that the application does not meet the standards for relief of a dimensional variance as presented in the Zoning Ordinance. 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.

Russell Hervieux, Zoning Official addressed the Board stating no other homes in the area have this style of porch. The stairs could be rebuilt and does not feel a porch would fit into the neighborhood and is not the least relief necessary.

Discussion:

Member Halmi felt it was a difficult decision. Applicant is asking for so little and she wants them to have this but they are not meeting the five standards that need to be met. Realizes applicant wants to be able to watch the children play and beautify their home but they do not meet the standards for approval.

Member Russo is nervous about rendering a decision as applicant stated they are a “test” case for others in the neighborhood.

Chairman Arsenault stated this is like an old time neighborhood. There would still be 13 feet between her and the curb. Standards are not being met.

Motion made by Member Halmi to deny the Dimensional Variance application for 12 feet of front yard relief:

- **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**
- **The relief requested is not the least relief necessary.**
- **The hardship does not amount to more than a mere inconvenience, meaning there are other reasonable alternative to enjoy a legally permitted beneficial use of the property**

Motion to deny seconded by Member Bart and carried with a 5-0 vote.

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

Respectfully submitted,

Ghislaine Therien

Zoning Secretary