

**Town of Lincoln**

**100 Old River Road, Lincoln RI**

**Zoning Board of Review**

**April 1, 2008 Minutes**

**Present: Raymond Arsenault, Gabriella Halmi, Arthur Russo, Kristen Rao, David Gobeille, John Bart, Jina Karampetsos and Town Solicitor Anthony DeSisto.**

**Minutes**

**Motion made by Member Gobeille to accept the March 4, 2008 minutes. Motion seconded by Member Karampetsos. Motion carried with 5-0 vote.**

**Motion made by Member Russo to accept the February 5, 2008 minutes. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.**

**Applications**

**Enrico & Tracy DiGregorio, 23 Business Park Drive, Smithfield, RI – Dimensional Variance application seeking height relief from 35 feet to 56 feet for the construction of a single family residence on property located on Paddock Drive, Lincoln, RI.**

**AP 42, Lots 227/228 Zoned: RA 40**

**Applicant is requesting continuance of the application to the May agenda.**

**Motion made by Member Halmi to continue the application to the May agenda. Motion seconded by Member Karampetsos. Motion carried with a 5-0 vote.**

**JCM, LLC, 3437 Mendon Road, Cumberland, RI/Melissa McKee, 3437 Mendon Road, Cumberland, RI – Dimensional Variance application for lot width relief for property located on Jenckes Hill Road, Lincoln, RI.  
AP 26, Lot 2 Zoned: RA 40  
Represented by: Michael Kelly, Esquire**

**Attorney for applicant requested that the application be withdrawn without prejudice.**

**Motion made by Member Halmi to accept request to withdraw application without prejudice. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.**

**Anthony E. Perrotti, 10 Christopher Drive, Lincoln, RI – Dimensional Variance application for fence height relief from 6 feet to 4 feet surrounding an inground swimming pool.  
AP 42, Lot 127 Zoned: RA 40**

## **Chairman read into the record standards that need to be met for a Dimensional Variance**

**Applicant wants to install an inground swimming pool and is seeking relief of fence height. Applicant will be constructing a retaining wall eight feet from the pool two thirds of the way around the pool and wants to reduce fence height to four or five feet. Feels a six foot fence on a five foot wall would be an eyesore. Chairman stated code requires a six foot fence for an inground pool. Applicant informed the Board fencing will be pvc picket style.**

**Chairman asked if the retaining wall was scalable. Applicant replied the wall would be around eighty feet long and it would be constructed of solid stone and 2/3 of the wall will have 4-5 feet high fencing. Property slopes downward. Chairman replied that the required six foot height is about health and safety at ground level. Member Halmi addressed applicant stating there is adjustable fencing which could be jogged around to keep fence six feet high at different land levels. There must be a contractor who can find a way to slope a retaining wall to keep fence six feet high. She is concerned about someone scaling a four foot fence and accessing the pool.**

**Chairman asked applicant if he would consider continuing the application to the May agenda and return with a new fencing plan to address member health and safety concerns. Applicant stated he would be willing to return with new plans.**

**Motion made by Member Halmi to continue the application to the May agenda. Motion seconded by Member Karampetsos. Motion carried with a 5-0 vote.**

**Jennifer Gardener/Jason North, 167 Central Street, Manville, RI – Special Use Permit application to convert two family residential unit to a three family residential unit.**

**AP 37, Lot 175 Zoned: RG 7**

**Chairman read into the record standards that need to be met for a Special User permit.**

**House is on a corner lot and applicant wants to convert existing garage into a two bedroom unit which will be attached to the house. There is sufficient parking available and meets code. Property meets all offsets and this is a multi family neighborhood. Bulkhead will be moved and entrance to the basement is being moved. Connection to existing house will be totally enclosed.**

**In Favor:**

**Buzz Gardner. He is father of applicant and also licensed contractor in Rhode Island (Number 5838). Connection will become stairs to basement and second floor. Once completed house will be L-shaped and two stories high. There is sufficient engineering stability for what applicant is proposing and will have a full foundation. Most of the**

homes in the neighborhood are three family homes close to each other. Applicants have owned the property since January 3007 and the house will addition will be lower than most homes in the area.

Member Halmi stated she would like to see plans to see how house will fit into the neighborhood. Members Rao and Russo agreed with Member Halmi with regards to availability of plans.

Chairman Arsenault asked applicants if they would be willing to continue the application to the May agenda and return with depictions showing what the house would look like completed, height of the addition, roofline and how it fits into the neighborhood. Applicants replied they would be willing to continue the application.

Motion made by Member Gobeille to continue the application to the May agenda to afford applicants time to gather the requested information for member review. Motion seconded by Member Karampetsos. Motion carried with a 5-0 vote.

Manuel & Maria Tavares, 6 Andrews Drive, Lincoln, RI - Dimensional Variance application seeking side yard relief for the construction of a garage and three season room.

AP 14, Lot 116 Zoned: RS 12

Applicant needs a 4.5 foot side yard setback on the south side and 2.5 foot side yard on the north side. Member Rao recused herself

**from the applicant as she is an abutter. Member Russo sat with full privileges.**

**Property was surveyed one year ago. Roofline will increase slightly two to three feet. Trusses will be specially constructed and house will be vinyl sided. Wants to add a front porch and new garage with a three season room at the rear. Has 80 foot frontage.**

**Chairman Arsenault read 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 Approval of this application. The Planning Board feels that the proposed design and layout of the existing single family limits the owners to the area in which they can enlarge the garage and the master bedroom. The Planning Board finds that the applicant presents a realistic site layout that meets the intent of the zoning and would not be detrimental to the neighborhood.**

**Motion made by Member Russo to grant a 4.5 foot south side and 2.5 foot north side setback stating:**

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure 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 Karampetsos. Motion carried with a 5-0 vote.**

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

**Respectfully Submitted,**

**Ghislaine D. Therien**

**Zoning Board Recording Secretary**