

Town of Lincoln

100 Old River Road, Lincoln RI

Zoning Board of Review

December 1, 2009 Minutes

Present: Jina Karampetsos Chair, John Bart Vice Chair, David Gobeille, David DeAngelis, Raymond Trabulsi, Mark Enander, Attorney Joelle C. Sylvia (Town Solicitor Office)

Miscellaneous

Chair informed the Board that Member Gobeille had tendered his resignation and this would be his last meeting after six years of service. The Board thanked him for his time served and wished him luck in his future endeavors.

Chair introduced new member Bernard McNamara who replaced Lee Blais.

Minutes

Motion made by Member Bart to accept the October 2009 Minutes as presented. Motion seconded by Member Trabulsi. Motion carried with a 5-0 vote.

Correspondence

None

Applications:

Bala & Jayne Sundaram, 16 Harris Avenue, Lincoln, RI – Application for Dimensional Variance seeking front and side yard setbacks for the construction of an addition.

AP 27, Lot 34 Zoned: R 40

Member DeAngelis sat on this application with full privileges.

Russell Hervieux, Zoning Official addressed the Board stating he had received correspondence from Attorney Scott Partington dated 11/10/09 asking that the application be continued to the January 2010 agenda because applicant is preparing new plans for presentation.

Motion made by Member Bart to continue the application to the January agenda. Motion seconded by Member Enader. Motion carried with a 5-0 vote.

YMCA of Pawtucket, Inc., 660 Roosevelt Avenue, Pawtucket, RI – Application for Use Variance for the construction of a new indoor/outdoor recreation facility on property located at MacColl YMCA, 26 Breakneck Hill Road, Lincoln, RI.

AP 25, Lots 48/58/68/69/71 Zoned: RA 40

Represented by: Robert Oster, Esquire

Member Trabulsi sat on this application with full privileges. Chair

read into the record standards that need to be met for a Use Variance.

Witness

Robert Chaffee, Director of the YMCA

The proposed construction has been in the planning stage for five years and the current facility is 55 years old.

- They currently have three outdoor pools with six buildings on site.**
- Original pool is 55 years old.**
- A day care is located in the new center for grades K to 8.**
- 55 year old building is constructed of cinder blocks.**
- Ball field is used for day care and pool operation.**
- They have long range plans to expand the programs which they could not sustain utilizing the current buildings.**
- Applicant has gone before the Planning Board.**
- Site is zoned RA 40 agricultural.**
- What they are proposing would not affect the neighborhood.**
- Very little traffic increase. This was presented and approved by the Planning Board.**
- State will address increase in traffic.**
- Received Master Plan approval three weeks ago**
- Current pool will remain but cinder block building will be demolished for the new building. They want to build a new indoor pool, full size gymnasium and fitness center geared to families.**
- Building will be two stories high.**
- Plan on moving existing soccer field.**
- Parking conforms to town guidelines.**

- **Building size will be 39,000 sq.ft. Current size is 4,000 sq.ft.**
- **New sprinkler system will meet all fire codes.**
- **If the application is not granted, they will be limited to a seasonal facility and not a year round facility.**
- **Regarding landscaping, applicant will only need to remove one or two pine trees for parking. Red barn at the site will be turned into a teen center.**
- **Currently have 101 parking spaces.**
- **New building will house a new six lane pool, four foot extended water slide, five locker rooms, administrative offices, multi purpose rooms and an indoor rock climbing gym .**
- **No dimensional relief needed for signage.**
- **Hours of operation will be Mon-Fri 6:30am – 6:00pm; Saturday 10:00am-8:00pm.**

Witness:

Dana Newbrook, AI Designs

Floor will be concrete with slip face blocks. Roof will be white and peaked with glass to bring in natural light. Exterior color will be beige. Building will sit 700 feet back from Breakneck Hill Road. AI Designs and Triangle 2 are experts in designing YMCA facilities and buildings. AI Designs developed recommendations into the plans and have designed for applicant in the past.

Attorney Oster closed by stating the application meets all standards and the YMCA needs to update their facilities to remain competitive.

Traffic has been addressed by a traffic study submitted to the Planning Board and the Lime Rock Fire Chief has signed off on the plan. The site is ideal for a community facility.

Chair read Technical Review Committee recommendations into the record:

Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The Planning Board recommends Approval of this application for a use variance for the construction of a new indoor/outdoor recreational facility on property located at MacColl YMCA, 26 Breakneck Hill Road, Lincoln, RI. The property is currently utilized as a local YMCA facility that offers both indoor and outdoor recreational opportunities. The Planning Board feels that the proposed indoor/outdoor recreation facility would be an excellent addition to the current facility. The Planning Board feels that the application presents a realistic site layout that takes into consideration the need for pedestrian safety. The Planning Board feels that the use variance will not alter the general character of the surrounding area and will not impair the intent or purpose of the zoning ordinance, nor the Comprehensive Plan.

Motion made by Member Enander to approve the application 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 subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the Zoning Ordinance.**

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

MH I II LLC, 914 Hartford Turnpike, Waterford, CT/640 GWH LLC, 640 George Washington Highway, Lincoln, RI – Application for Extension of Decision rendered on October 6, 2008.

AP 31, Lot 12 Zoned: ML 0.5

Represented by: John Shekarchi, Esquire

Applicant is asking for a six month extension of approval granted on October 6, 2008. The Marriott has put a freeze on all new hotel construction. The plans remain the same. Six month extension should be sufficient.

Motion made by Member Bart to grant a six month extension. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.

Comprehensive Permit

**Almeida Multi-Family AP 5 Lot 26 Advisory Recommendation to
Planning Board**

Joseph Almeida, Jr. 1683–1685 Lonsdale Avenue, Lincoln, RI

Represented by: John Shekarchi, Esquire

Member Trabulsi sat on this application with full privileges.

Attorney Shekarchi stated applicant was here at Planning Board's request for a recommendation from the Zoning Board. The Zoning Board's recommendation is solely regarding the Special Use Permit. Site is vacant with 4 units – they are asking to demolish existing building and build six 2-bedroom units two of which will be affordable housing. Deed restrictions would be recorded in the Land Evidence Records.

Town Solicitor explained the advisory recommendation process to Board members.

Witness

Edward Pimentel, Land Use Specialist

Motion made by Member Bart and seconded by Member Gobeille to accept Mr. Pimentel as an expert witness. Proposed location is in an A7 district. He searched one block in all directions and his density analysis showed the area is a multi family neighborhood. They want

to keep the building mass as small as possible with 30% coverage. Plans have been provided for resident and visitor parking. The use will be an improvement to the neighborhood and there is a need for affordable housing in Town. Applicant is seeking 9.5 feet southerly and 9.0 feet northerly relief in addition to the lot coverage of 30%. Water and sewer will be serviced to the lot. Entry to parking at the rear of the property will be from the street.

Witness

Nick Facendola, Engineer

Plans currently before the Board this evening are not current. Scope and style of the building is with a farmer's porch in the front of one contiguous building.

Chair originally had questions about the layout and dimensional relief requested but now understands what is proposed is for safety and esthetic issues. The entrance thru the easement requires parking at the rear. The lot coverage is only 5% over and is an improvement considering getting two affordable housing units – it is a well thought out plan. Member Enander stated if this were before the Board as an application he would support it because of the affordable housing units.

Chair made a motion to extend a positive recommendation to the Planning Board. Motion seconded by Member Enander. Motion passed with a 5-0 vote.

BAM Realty, LLC, 7 Industrial Drive South, Smithfield, RI – Application for Special Use Permit for the operation of an Indoor recreational activity/martial arts studio for property located at 40 Walker Street, Lincoln, RI.

AP 2, Lots 84/96 Zoned: MG 0.5

Represented by: Tom Plunkett

Member DeAngelis sat on this application with full privileges.

Russell Hervieux, Zoning Official informed the Board one notice was returned and Town records do not have an address on file because the property is under tax sale (Town does not own the property). The Town Solicitor stated the applicant should have tried to contact the owner of the site. William Machala stated they searched the area but could not find the owner of the property. Russell Hervieux said the property is a pond under private ownership and the Town could not find the owner – no taxes have been paid for ten years. Town Solicitor stated the owner was listed as a corporation and would be more comfortable if the Board took a short recess so she could check the Secretary of State website for its status. Chair called for a short recess. Board reconvened and Solicitor stated after checking the website it was determined that the corporation on record as owner (Scotts Pond Realty) was dissolved.

Chair read into the record standards that need to be met for a Special

Use Permit. For identification purposes Building A will be Lot 96 and Building B will be Lot 84. Applicant purchased the property three years ago. Site is an old factory consisting of 160,000 square feet. Applicant wants to open a martial arts/training center on the first floor of the premises and will be open 10:00am-10:00pm. Part of the building is currently used for warehousing and 30,000 sq.ft. is used by Crimson Rose (Building A). Parking lot is to the left of Building B and can accommodate 24 cars. Applicant has office space on the second floor. Martial arts classes will have 10-12 people per one hour class and no more than 30-40 people per day. Proposed use will not affect the neighborhood. A second parking lot could hold an additional 22 cars. Across the street from site is a fire department. Parking lot on Moshassuck side is used by Crimson Rose. Building has sprinklers and meets all fire codes. Town's senior center on Chapel Street utilizes 14 of his parking spaces

Chair 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 operation of an Indoor recreational activity/martial arts studio for property located at 40 Walker Street. The application shows that parking will be located within the existing parking area. The Planning Board feels that the special use permit will not alter the general character of the surrounding area and will not impair the intent and purpose of the

zoning ordinance and the Comprehensive Plan. However, the Planning Board would like to see the applicant clarify the number of existing parking spaces provided for the uses that existing within the building and also to explain their arrangement for shared parking for the martial arts studio.

No opposition present.

Motion made by Member DeAngelis to grant the application 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 Bart. Motion carried with a 5-0 vote.

Robert & Caitlyn Choiniere, 1134 Great Road, Lincoln, RI – Application for Use Variance to allow a mixed use of commercial and residential for property located at 1132 Great Road, Lincoln, RI under 260-9N of the zoning ordinance.

AP 31, Lot 146 Zoned: RS 20/RA 40

Robert & Caitlyn Choiniere, 1134 Great Road, Lincoln, RI –

Application for Use Variance for commercial off street parking for business vehicles on property located at 1132 Great Road, Lincoln, RI.

AP 31, Lot 146 Zoned: RS 20/RA 40

Member DeAngelis sat on these applications with full privileges. Chair read into the record standards that need to be met for Use Variances. She also informed applicant that both applications would be heard as one.

Applicant addressed the Board stating they own a tree business and has four commercial vehicles they would like to park behind their house which is on 1/2 acre of cleared land. They do not run the business from the site but would like to park behind the house at night and on weekends. They are currently utilizing an adjacent lot. The house is 300 feet back and cannot be seen from the street. The State owns the land behind them.

Chair addressed applicant stating she felt the applicants did not meet the loss of beneficial use standard. Applicants cannot use the site for parking because it is currently used as a residence. Chair did not see anything in the code that would allow the proposed use. Chair informed applicant that they did not receive a favorable recommendation from the Planning Board and if they opted to withdraw their application without prejudice they could return with another resolution.

Applicants requested from the Board that their applications be withdrawn without prejudice.

Motion made by Member Bart to accept the request for withdrawal of their applications. Motion seconded by Member Gobeille.

Member Enander made a motion to accept the request for withdrawal of the applications without prejudice. Motion seconded y Member Bart. Motion carried with a 5-0 vote.

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

Respectfully submitted,

Ghislaine D. Therien

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