

## **Town of Lincoln**

### **Zoning Board of Review**

**100 Old River Road, Lincoln, RI**

**Minutes of August 2, 2011 Meeting**

**Present: John Bart, Mark Enander, Barry Nickerson, David DeAngelis, Lori Lyle, John Barr, Ronald Del Vecchio, Anthony DeSisto (Town Solicitor)**

#### **Miscellaneous:**

**David DeAngelis has been appointed as a full member to the Lincoln Zoning Board of Review by the Lincoln Town Council.**

**Ronald Del Vecchio has been appointed as an alternate to the Lincoln Zoning Board by the Lincoln Town Council.**

#### **Election of Chairman:**

**Nomination made by Member Enander to appoint David DeAngelis Chairman of the Town of Lincoln Zoning Board of Review. Nomination seconded by Member Lyle. Nomination accepted by Member DeAngelis and nomination carried by all present.**

#### **Minutes**

**Motion made by Member Bart to approve Minutes from the June 2011 meeting. Motion seconded by Member Lyle. Motion carried by all**

**present.**

**Correspondence: None.**

**Applications:**

**Gloria E. Cavanaugh, 33 Southwick Drive, Lincoln, RI – Application for Use Variance to store a commercial vehicle over 10,000 lbs on a residential property located at 2 Draper Road, Lincoln, RI.**

**AP 45, Lot 121 Zoned: RA 40**

**Chair called applicant to the floor. Applicant not present.**

**Russell Hervieux, Zoning Official informed the Board he mailed a letter to applicant on June 21, 2011 informing her the application originally scheduled for hearing on July 12, 2011 was rescheduled to this evening.**

**Attorney DeSisto stated applicant is scheduled for a municipal court appearance on August 11, 2011 regarding this matter. Recommended the Board deny the application as no evidence was presented by applicant.**

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

**Chair read Planning Board/Technical Review Commission**

**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 use variance to store a commercial vehicle over 10,000 lbs on a residential property located at 2 Draper Road, Lincoln. The Planning Board feels that the application does not meet any of the standards for relief of a use 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 use variance will alter the general character of the surrounding area and is not consistent with the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**

**Chair asked if anyone was present in favor of or opposed to the application.**

**In Favor:**

**Anthony Veccione, 1 Draper Court, Lincoln, RI**

**Has never had a problem with applicant.**

**Opposed:**

**Gabe Imondi, 29 Southwick Drive, Lincoln, RI**

**How many commercial vehicles can be stored on the property?**

**Property has many violations but nothing gets done. Is legal address Southwick Drive or Draper Road?**

**Opposed:**

**Albert Kelly, 33 Southwick Drive, Lincoln, RI**

**Lives next door to applicant. Applicant has had a dumpster on the site for a long time. Ground and house shakes every time he empties it. Are dumpsters allowed on residential properties for an extended period? Also has 3 dogs that run loose. Property is an eyesore.**

**Motion made by Member Barr to deny the application based on the fact that applicant was not present and no evidence presented to meet the standards. Motion seconded by Member Bart. Motion carried by all present.**

**Majestic Motors, Inc., P.O. Box 230, West Warwick, Rhode Island – Application for Special Use Permit seeking relief for a new accessory sign for property located at 1300 Eddie Dowling Highway, Lincoln, RI. AP 40, Lots 11, 12 and 29 Zoned: BL 05 and RS 20**

**Majestic Motors, Inc., P.O. Box 230, West Warwick, Rhode Island – Application for Dimensional Variance seeking front setback relief from residential district boundary for a new accessory sign for property located at 1300 Eddie Dowling Highway, Lincoln, RI.**

**AP 40, Lots 11, 12 and 29 Zoned: BL 05 and RS 20**

**Represented by John Shekarchi, Esquire, 132 Old River Road,  
Lincoln, RI**

**Attorney Shekarchi requested the Board hear both applications at once.**

**Chair read into the record standards that need to be met for a Special Use Variance and Dimensional Variance.**

**Majestic has been operating an auto sales dealership at this site for 40+ years and is located in a split zone. Placement of proposed signage will not impact or alter the surrounding area. Area is primarily commercial. Four new signs are being proposed (Exhibits 1, 2, 3, & 4) with two existing signs (1 freestanding sign and 1 logo on building).**

**Witness**

**Herb Jackson, AA Thrifty Signs**

**New signs will be aluminum and plastic mounted on six inch round steel poles. Signs will be lit internally. Submitted survey of property into the record as Exhibit #5.**

**Russell Hervieux, Building Official informed the Board the property is located on three separate lots but operates as one business.**

**Chair read Planning Board/Technical Review Commission**

**recommendations into the record:**

**No opposition present.**

**Motion made by Member Nickerson to approve the Special Use Permit 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 made by Member Nickerson to approve the Dimensional Variance seeking 46 foot relief 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 for Special User Permit and Dimensional Variance seconded by Member Bart. Motion carried by all present.**

**Joseph Kishfy, 1 Morning Star Court, Lincoln, RI – Application for Special Use Permit for construction of two 6-unit residential buildings, 4 of which will be affordable housing, on property located at 131 Reservoir Avenue, Lincoln, Rhode Island.**

**AP 6, Lot 374 Zoned: RG 7**

**Represented by Joseph Raheb, Esquire, 650 Washington Highway, Lincoln, Rhode Island.**

**Russell Hervieux, Zoning Official informed the Board one notice was returned (Emma Delpage, Reservoir Avenue, Pawtucket, RI). Attorney Raheb informed the Board that contact with the Pawtucket Tax Assessor's office revealed that Pawtucket has been unable to locate the resident and the lot has been abandoned with no taxes paid in more than 10 years. Applicant attempted to follow the notification requirements but found not located her. Attorney DeSisto advised the Board they could proceed with the application.**

**Chair read into the record standards that need to be met for a Special Use Permit.**

**Applicant has purchased the property, formerly Cabana Club, which is a three-quarter acre lot (31,950 sq.ft). He intends to demolish the building and construct two 6-unit buildings with 3 of the 12 units being affordable housing (25%). Submitted into the record as Exhibit #1 photo of what units will look like once completed. There will be an underground filtration system on site. Has already received Master Plan approval.**

**Witness**

**David Serpa, Real Estate Expert**

**Licensed in Rhode Island and Massachusetts. Motion made by Member Nickerson and seconded by Member Enander to accept Mr. Serpa as an expert witness. Motion carried by all present.**

**He has viewed the property and surrounding area. Current use does not fit into the area. There are other multi-units in the area with a six-unit next door to proposed location. What applicant is proposing will increase property values in the area and is consistent with the Comprehensive Plan. Submitted into the record as Exhibit #2 a report prepared by Joseph Lombardo, AICP.**

**Witness**

**Joseph Kishfy, Applicant**

**He has purchased the property and intends to demolish the existing building. Will be constructing two 6-unit residential buildings with conditions that 3 units will be affordable housing. He has owned the two existing 6-unit buildings next door since 2004. He has made provisions for 28 parking spaces (2 spaces per unit plus 4 for visitors).**

**Chair read Planning Board/Technical Review Commission recommendations into the record:**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Approval with conditions of the Special Use Permit for the construction of two 6-unit residential buildings on property located at 131 Reservoir Avenue, Lincoln, Rhode Island. The property has recently been rezoned to RG 7 which allows for multi-family housing complexes. The site plan and application specifically details the proposed location of the proposed buildings and their associated parking areas. A similar multi-family complex, which is owned by the applicant, is located directly adjacent to this parcel of land. The Planning Board feels that the proposed complex will compliment the adjacent complex. The applicant presents a realistic and thoughtful site layout that meets the intent of the zoning and would not be detrimental to the surrounding neighborhood. The condition of the approval is that the proposed multi family complex has 25% of its units designated as affordable housing according to the requirements of Rhode Island Housing.**

**No opposition present.**

**Motion made by Member Enander to approve Special User Permit with conditions that three units designated as affordable housing be approved by Rhode Island Housing; the structures be consistent with the other two units adjacent; and all DEM permits are issued. 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 Bart. Motion carried by all present.**

**Administrative Issues:**

**Nomination made by Chair DeAngelis to appoint John Bart as Vice Chairman of the Town of Lincoln Zoning Board of Review.**

**Nomination carried by all present.**

**Motion made by Member Enander to adjourn the meeting. Motion seconded by Member Bart. Motion carried by all present.**

**Respectfully submitted,**  
**Ghislaine D. Therien**  
**Zoning Secretary**