

**Town of Lincoln**

**Zoning Board of Review**

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

**Minutes of June 5, 2012 Meeting**

**Present: David DeAngelis-Chair, John Bart–Vice Chair, Barry Nickerson, Ronald Del Vecchio, Mark Enander, John Barr, Anthony DeSisto, Esq. (Town Solicitor)**

**Absent: Lori Lyle**

**Minutes**

**Motion made by Member Bart to approve Minutes from the May 2012 meeting as presented. Motion seconded by Member Enander. Motion carried by all present.**

**Correspondence**

**Chair read into the record letter from Daniel Campbell from the Pioneer Home Building Co. requesting that their application be withdrawn without prejudice.**

**Thomas Tallo, 10 DuCarl Drive, Lincoln, RI – Application for Dimensional Variance seeking rear yard setback relief for the construction of a deck and front relief for stairway.**

**AP 23, Lot 144 Zoned: RS 20**

**Applicant wants to construct a deck and needs rear yard relief. Lot is irregularly shaped and he needs 10 foot relief. Other homes in the area have rear decks.**

**Chair read into the record standards that need to be met for a Dimensional Variance. Member Bard asked where applicant obtained the maps attached to his application. Applicant relied the Town's website was not available and that Russell Hervieux, Zoning Official provided him with the required maps. Member Bart was concerned about the measurements depicted on the map. Applicant informed the Board that Richard Dursin created the maps and he did not attach a site plan because the footprint was not changing. Chairman stated he felt the Board needed to see a site map with exact measurements and reiterated how important an exact site plan is – the plan submitted was hand-drawn and had no points of reference.**

**Russell Hervieux, Zoning Official informed the Board that the existing house was rebuilt after a fire and the footprint remained the same. The Town's website only showed the perimeter of the lot and that a Class I survey would show exact measurements. Applicant stated he submitted a survey with the building permit application and it should be on file. Mr. Dursin is a licensed surveyor and he prepared the survey attached to the building application.**

**Attorney DeSisto suggested because the Board felt the application**

**meets all criteria and votes in favor of the application it could be conditioned subject to verification of the lines indicated on the survey and Mr. Dursin could provide the necessary information to the Zoning Official.**

**Chair stated the proposed deck would be 37.7 feet from the rear property line and applicant would need rear relief of 12.23 feet. The front stairs need 4.96 front relief.**

**In favor**

**Barry Gilbert**

**Mr. Gilbert lives across the street from applicant and has no objection to what is being proposed this evening.**

**No opposition present.**

**Chair read into the record Technical Review Committee recommendation:**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. Based on the submitted site plans, the Technical Review Committee could not determine the exact amount of the requested variance. Therefore, the committee could not offer a recommendation. The submitted site plans are not drawn to scale. The exact location of the existing house, its setbacks, and proposed deck cannot be established. A proper dimension of the requested rear yard setback cannot be**

**determined.**

**Motion made by Member Bart to approve the application for 37.77 feet rear and 4.96 feet front relief with a condition that verification/proof of the measurements presented this evening on the application be submitted to the Zoning Official to his satisfaction. He further stated:**

- 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.**

**Motion seconded by Member Barr. Motion carried by all present.**

**Charles A. Bishop, Jr., 30 Walker Avenue, Lincoln, RI – Application for Special Use Permit to decrease property use from 5 to 4 residential units and add attached garage with living space over garage.**

**AP 3, Lot 171 Zoned: RG 7**

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

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

**Lot is non-conforming and applicant wants to reduce the use to four residential units. First floor unit will be owner occupied. A two car garage will be added with one unit above and an office and laundry room to the rear of the garage.**

**Witness:**

**Ed Pimentel, AICP**

**What applicant is proposing is an authorized permitted use and meets all criteria. The lot width is 123 feet/front yard is 22.5 feet/maximum coverage is at 11.90%/proposed rear yard 189.5 feet. The general character of the neighborhood will not change as there are other 2-3-4 unit properties in the area. All proposed changes to the house will meet all Town codes.**

**Chair read into the record Technical Review Committee recommendations:**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of this application for a special use permit to decrease the property's use from 5 to 4 residential units and**

**add attached garage with living space over garage. The Committee feels that the surrounding neighborhood is made up of a variety of housing units ranging from single family to three family homes. The Technical Review Committee feels that granting the special use permit will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.**

**The Technical Review Committee would like to bring a concern up to the Zoning Board. The TRC feels that the applicant may need additional dimensional relief for the proposed garage structure. According to section 260-22, the side yard setbacks in this residential zone shall increase three (3) feet for every ten (10) feet of building height over twenty-five (25) feet. Therefore, if the height of the existing house is over 25 feet tall, the side yard setbacks would be 13 feet not 10 feet. The existing house is three stories tall. The submitted application and plans do not show the height of the existing structure. The Technical Review Committee feels that this matter should be cleared up before the complete application is heard.**

**In Favor:**

**Patricia Juber**

**She spoke with the applicant but inquired if the unit above the garage could be turned in a rental unit. Applicant replied no.**

**Opposed:**

**Richard Mericle, 28 Walker Avenue, Lincoln, RI**

**Applicant has filed applications before this Board in the past and was denied. He feels the change will alter the neighborhood and applicant has not shown his burden of proof. The addition over the garage can be seen from his bedroom window and can be seen 350 feet away. The addition will be too wide and will be the tallest in the area. The new proposed two car driveway will need to be on the left hand side of the house and now there will be driveway on both sides of the house – the lot is longer than wide and why can't he build out to the back. Member Barr asked if he was the direct abutter to the left and Mr. Mericle replied yes.**

**Member Enander asked applicant if he has other building plans other than what was submitted. Applicant replied he did look at other options but what was being proposed is the best use of the land and esthetically pleasing.**

**Attorney Shekarchi reiterated the building will meet all fire and Town codes. Applicant came before this Board in the past with a proposal for a duplex. What applicant is seeking meets his family's needs.**

**Motion made by Member Enander to approve the application for a Special Use Permit. He further stated:**

- That the Special Use is specifically authorized under this Ordinance. It is a permitted use in an RG 7 zone for multi-family units.**
- That the Special Use meets all the criteria set forth in this Ordinance authorizing such special use. Applicant meets all criteria including**

parking.

- That the granting of the Special Use will not alter the general character of the surrounding area. There are other multi family homes in the 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 Nickerson. Motion carried with a 4-1 vote with Member Barr voting nay.

Chris & Maria Albanese, 10 Old Jenckes Hill Road, Lincoln, RI – Application for Special Use Permit seeking single family dwelling with the addition of an attached accessory family dwelling unit.

AP25, Lot 170 Zoned: RA 40

Applicant wants to construct an in-law addition for parents. They came before this Board back in 2008 with a similar application but in-laws decided against it but now need the space. The addition was never built. What applicant is proposing is a permitted use. The house is colonial style.

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

Witness

Russ Bridges, Contractor for Applicant

**Submitted into the record new plot plan as Exhibit #1. No variance is needed. House is colonial style with a two car garage – there is adequate parking at the site. Submitted into the record as Exhibit #2 plans from 2008. There will be no footprint changes to the property.**

**Attorney DeSisto asked if there would be separate ingress/egress and witness replied yes.**

**Chair stated the Technical Review Committee did not have a chance to view the update site plan and read their recommendation into the record:**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of the Special Use Permit for the Accessory Family Dwelling Unit. The applicant submitted a design that would incorporate the proposed addition onto the existing structure. Once completed, the addition and original house will continue to look like a single family house from the roadway. The Technical Review Committee 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.**

**No opposition present.**

**Chairman DeAngelis made a motion to approve the application with a**

**condition that the new plans must be approved by the Zoning Official verifying that required lot coverage requirements are met. 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 Barr. Motion carried by all present.**

**Blackstone Centre Limited Partnership, 6 Blackstone Valley Place, Lincoln, RI – Application for Special Use Permit for an addition to existing medical office building to provide surgical services for property located at 1 Commerce Street, Lincoln, RI.**

**AP 30, Lot 64 Zoned: ML 0.5**

**Represented by: Steven Cabral, Crossman Engineering**

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

**Mr. Cabral submitted into the record as Exhibit #1 aerial photo of the site with the building superimposed.**

**A boundary survey was conducted – site is 4.9 acres and the building**

**consists of 11,000 square feet. The proposed addition does not interfere with the existing buffer and will be two stories high. Proposal meets all zoning and setback requirements and will not alter the area. Proposed use will be for outpatient surgical procedures. There is adequate parking for employees and proposed clients (14 parking spaces).**

**Chair asked if surgical procedures will be done on site. Applicant replied they have a potential tenant pending approval and procedures will be limited at the site.**

**Witness:**

**Jen Cookke, Owner of the property**

**Member Enander asked what types of procedures would be conducted at the site. Witness replied it will be a medical clinic with offices and no services such as physical therapy will be done at the site.**

**Chair read into the record Technical Review Committee recommendations:**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of the Special Use Permit for the operation of a medical office providing surgical services. Several medical facilities currently exist within this established office park. The Technical Review Committee 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.**

**No opposition present.**

**Motion made by Member Bart to approve the application stating:**

- That the Special Use is specifically authorized under this Ordinance.**

**Applicant meets all criteria.**

- 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. There are other similar businesses operating in the area.**

- That the granting of the Special Use will not impair the intent or purpose of this Ordinance nor the Lincoln Comprehensive Plan.**

**What applicant is proposing conforms to the Comprehensive Plan.**

**Motion to approve seconded by Member Nickerson. Motion carried by all present.**

**Motion made by Member Barr and seconded by Member Nickerson to adjourn the meeting. Motion carried by all present.**

**Respectfully submitted,**

**Ghislaine D. Therien**

# Zoning Secretary