

**Town of Lincoln**

**Zoning Board of Review**

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

**Minutes of October 2, 2012 Meeting**

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

**Excused: Lori Lyle**

**Minutes**

**Motion made by Member Enander to accept the September Minutes as presented. Motion seconded by Vice Chair Bart. Motion carried by all present.**

**Correspondence**

**Nothing to report.**

**Applications:**

**TD Bank c/o Bohler Engineering, 352 Turnpike Road, Southborough, MA/Wake Robin Square LLC, 1145 Main Street, Suite 3, Pawtucket, RI – Application for Special Use Permit for signage for new business to be located at the former's Wendy's at 3 Wake Robin Road, Lincoln, RI. AP 28, Lot 10 Zoned: BL 0.5**

**Email received by Russell Hervieux, Zoning Official from Attorney John Rivers requesting the application be continued to the November 6 agenda.**

**Motion made by Member Del Vecchio to continue the application to the November agenda. Motion seconded by Member Nickerson. Motion carried by all present.**

**BAM Realty LLC, 7 Industrial Drive South, Smithfield, RI/William Machala, 7 Industrial Drive South, Smithfield, RI – Application for Special Use Permit to allow a indoor recreation are for children’s party use for property located at 40 Walker Street, Lincoln, RI.**

**AP 2, Lots 84/96 Zoned MG 05**

**Represented by: Thomas Plunkett, Esquire and Ryan Hurley, Esquire**

**Attorney for applicant submitted into the record proposed parking site plan as Exhibit #1. Chair informed the attorneys that the Board needs to receive any new documents at least one week prior to the hearing to afford them a chance to review same. Attorney DeSisto stated if the Board was not comfortable receiving the documents it would be prudent to continue the application as Russell Hervieux, Zoning Official would also need to review them. Attorneys requested the application be continued to the November 6 agenda.**

**Motion made by Member Enander to continue the application to the October agenda. Motion seconded by Vice Chairman Bart. Motion carried by all present.**

**Motion made by Chairman DeAngelis to continue the application to the next agenda. Motion seconded by Vice Chair Bart. Motion carried by all present.**

**Darlene M. Cary, 130 Elder Street, Lincoln, RI – Application for Dimensional Variance seeking side yard relief for the construction of an addition.**

**AP 1, Lot 47 Zoned: RG 7**

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

**Applicant wants to construct a 10'x10' addition to the front of the house to square it off and make it more esthetically pleasing. House currently is irregularly shaped and non-conforming. House was built in 1948. Roofline will be three feet taller and the existing roof will not change.**

**Chairman stated the applicant needs 2.2' right side relief; 2.2' left side relief; and 17.2' rear yard relief. There is a shed that sits at the front of the house and applicant would need to return with a use variance if**

she intends to leave it there. Other option would be to relocate the shed at the rear of the property. Accessory structures cannot be located at the front of a property.

**Witness:**

**Jeffrey Ducharme, Fiancée**

He will be involved in the construction of the addition and showed building plans to Board. Exterior and roof of the addition will match existing structure. Submitted into the record architectural plans of the proposed structure as Exhibit #1.

**Chairman read into the record Technical Review Committee/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 this application according to the submitted plans for a dimensional variance from the side yard setbacks for the construction of an addition. The proposed addition will not extend into the side yard setbacks any further than what currently exists. The Planning Board finds that the applicant presents a realistic site layout that meets the intent of the zoning and is the least relief needed. The Planning Board feels that granting the dimensional variance will not impair the intent or purpose of the zoning ordinance, nor the Comprehensive Plan.

The Planning Board would like the applicant to clear up the

**pre-existing nonconformance of the existing house. The submitted site plan indicates that the existing rear and side yard setback are not conforming. The Planning Board would also like to point out that the applicant has a shed located in the front yard setback. This is not allowed according to the zoning ordinance. The applicant would have to seek zoning relief or move the shed to be in conformance.**

**No opposition present.**

**Motion made by Member Enander to grant the applicant 2.2' right side relief; 2.2' left side relief; and 17.2' rear yard relief; and 60.75 square feet be added into the lot coverage with a condition that the shed located at the front of the property be moved to the rear yard. 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 house is irregularly shaped.**
- 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. Applicant wants the house to be more in line with others in the neighborhood.**
- 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.**

**Motion made by Vice Chairman Bart to adjourn the meeting. Motion seconded by Member Del Vecchio. Motion carried by all present.**

**Respectfully submitted,**

**Ghislaine D. Therien**

**Ghislaine D. Therien**

**Recording Secretary**