

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of January 8, 2013 Meeting

Present: David DeAngelis-Chair, John Bart–Vice Chair, Mark Enander, Stephen Kearns, Lori Lyle, John Barr, Barry Nickerson, Anthony DeSisto, Esq. (Town Solicitor)

Minutes

Motion made by Member Bart to accept the November 2012 Minutes as presented. Motion seconded by Member Lyle. Motion carried by all present.

Correspondence

None

Applications:

Michael V. St. Martin, 3 Longmeadow Road, Lincoln, RI – Application for Dimensional Variance seeking rear yard setback relief for the construction of a deck.

AP 28, Lot 92 Zoned: RA 40

Represented by: Mark Krieger, Esquire, 132 Old River Road, Lincoln, RI

Attorney Krieger asked that the application be continued to the February 2013 agenda to give Board members enough time to review a new survey regarding the application before them.

Motion made by Member Enander and seconded by Member Bart to continue the application to the February agenda. Motion carried by all members present.

Studio One RI, 85 Industrial Circle, Lincoln, RI/Sayles Mill Realty, 85 Industrial Circle, Suite 103, Lincoln, RI – Application for Special Use Permit for the operation of a function/banquet hall for property located at 85 Industrial Circle, Lincoln, RI.

AP 2, Lot 88 Zoned: MG 05/Overlay District

Represented by: John Soares & Robert A. Benoit, Owners

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

Applicant rents space at the facility. They came before this Board in November 2012 with an application to conduct functions at the site. The Board asked that they return with:

- Details regarding proposed use such as hours of operation, whether live entertainment will be at the site and if alcohol would be served.**
- Will a kitchen need to be on site for catering and serving of food.**
- What type of alcohol, if any, would be served?**
- Condition of existing parking areas.**

- **Proposed signage if any.**

Owner has added 95 parking spaces for a total of 165 spaces for the entire site/restriped the parking lot/installed guard rails and addressed all other pertinent concerns of the Board. Trees will be planted between the guard rails for privacy. He is in the process of installing new exterior and solar lighting in the parking lot. The kitchen area will not have any stoves – caterers will use sterno to keep food warm.

Mr. Soares wants to have wedding receptions, showers and birthday parties at the site and will only have non-alcohol events. He does not plan on applying for a liquor license in the immediate future.

Russell Hervieux, Zoning Official informed the Board that the applicant was sent a citation on November 26, 2012 for a wedding reception and that on November 15, 2012 applicant filed for a liquor license before the Town Council. Chair addressed Mr. Soares regarding a statement he had made earlier in the evening that he had not filed for a license. Mr. Soares replied he had never applied for a liquor license and that it may have been the caterer but that no one from Studio One appeared before the Council. Member Barr informed the Board that caterers can apply for a one-time license.

Attorney DeSisto stated the relevant issue before the Board was an application to hold events at the site and they could approve the

application with conditions regarding alcohol related events. Chair felt it was prudent to get clarification regarding the Town Council application in November. Chair called for a recess so Town Solicitor could contact the Town Clerk for clarification.

Recessed at 7:26 pm. Meeting reconvened at 7:39 pm.

Attorney DeSisto stated he had spoken with the Town Clerk who recalled speaking with someone regarding a Class F1 liquor license which is a one day license. Does not recall the individual she spoke with but stated she had informed them they would need to apply for a Class F1 license but would not be eligible for the Board's approval. Class F1 liquor license is for non-profit organizations and not a caterer.

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

Members of the Technical Review Committee visited the site and reviewed the submitted application and site plans for Special Use Permit for the operation of a function/banquet hall for property located at 85 Industrial Circle, Lincoln, RI. The Technical Review Committee recommends Approval of this application for a Special Use Permit to operate of a function/banquet hall on property located at 85 Industrial Circle according to the submitted plans.

During the November Zoning Board hearing, the Planning Board

identified several items that the applicants did not address in the submitted application. The applicants have since submitted a revised application that addresses all of the identified items of concern. The submitted application fully explained the proposed use and offered a variety of floor layouts of the chairs and tables for function and banquet uses.

The number of required parking spaces was determined and the property owner has created a parking area that is stripped and defined by guard rails. The TRC visited the site and inspected the new parking area and feels that it successfully separates the roadway from the parking lot and provides a safer environment for people using the building.

The property owner has installed a new crosswalk and pavement markings that define the entrance to the proposed function/banquet hall. The applicant and property owner have also limited the proposed signage according to the zoning ordinance. 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.

Member Enander asked if the entrance to the facility needed to be handicap accessible? Attorney DeSisto replied any public assembly use needs to comply with ADA requirements. A condition could be placed in the decision regarding accessibility. Mr. Benoit stated he

would put a plan in place if the need arises.

No opposition present.

Motion made by Member Enander to approve the application with the following conditions:

- Evergreens will be planted at the guardrail in the spring**
- There will be no alcohol served at the premises**
- Any functions held will have a police and fire office present to address any ADA concerns**
- Exterior lighting will be installed.**
- Curtains will be removed from the doorway.**
- Required number of fire extinguishers will be installed at the site**

Motion seconded by Member Nickerson. Motion carried by all present.

Leo P. Correia, 141 Grandview Avenue, Lincoln, RI – Application for Special Use Permit to renew existing approval for an accessory dwelling unit (in-law apartment).

AP 8, Lot 155 Zoned: RS 12

Mr. Correia received approval for an in-law apartment in 2007 and is here per the Zoning Ordinance requirement that every five years he must appear and show proof that the in-law apartment is occupied by a family member. He has filed his annual letter of fulfillment

regarding occupancy with the Town Clerk/no alterations have been made at the site.

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. This application is a renewal of an existing approval according to the requirements of the ordinance. The Technical Review Committee recommends Approval of the Special Use Permit for the Accessory Family Dwelling Unit.

No opposition present.

Motion made by Member Enander to approve stating the applicant has complied with Zoning Ordinance 260-9-L requirements and renewal is in order.

Motion seconded by Chair DeAngelis. Motion carried by all present.

Motion made by Member Barr to adjourn the meeting. Motion seconded by Vice Chair Bart. Motion carried by all present.

Respectfully submitted,

Ghislaine D. Therien

Recording Secretary