

**Town of Lincoln**

**Zoning Board of Review**

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

**Minutes of December 3, 2013 Meeting**

**Present: David DeAngelis-Chair, Mark Enander, Lori Lyle, Stephen Kearns, Barry Nickerson, Town Solicitor**

**Excused: John Bart, John Barr**

**Minutes**

**October 2013 Minutes will be reviewed for approval at the February 2014 meeting. No meeting held in January 2014.**

**Correspondence**

**None**

**Applications:**

**Seminole Development LLC, 1849 Old Louisquisset Pike, Lincoln, RI - Application for Dimensional Variance seeking side yard relief for the construction of a new home to replace existing demolished home.**

**AP 23, Lot 71 Zoned: RS 20**

**Members Lyle and Kearns sat on this application. Chairman read into the record standards that need to be met for a Dimensional Variance.**

**Paul Vanasse, Builder**

**Property was purchased six weeks ago at a foreclosure sale with the intent to restore the property which needs both interior and exterior cosmetic work– historic house but not on historic register. House needs too much restoration work and applicant now wants to demolish existing building and construct a new three bedroom house at the site. New house will be elongated ranch style with no deck**

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

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of the application for a dimensional variance seeking side yard setback relief for the construction of a new home to replace an existing demolished home. The existing parcel of land is long and very narrow. The proposed house will not extend any further into the side yard setback than the existing house. The Technical Review Committee finds that the applicant presents a realistic site layout that meets the intent of the zoning and is the least relief needed. The Technical Review Committee feels that granting the dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.**

**Opposed:**

**Lucy Castro, 812 Great Road, Lincoln, RI**

**Concerned about location of the house which will face her property and located eleven feet from her property line. She would like new house to be placed in the same location as the old house. Afraid of loss of privacy. Could some type of shrubbery be planted as a buffer for privacy.**

**Mr. Vanasse stated he did not see an issue with privacy. There are existing plantings at the site. Applicant would be entering the house from the garage most of the time. The proposed house is an energy four star plan and needs to face the southerly side of the property for maximum efficiency and moving the entrance of the home to the north side is not efficient. House needs sun on the south side.**

**Chairman asked if there was any way to address Mrs. Castro's concerns. Mr. Vanasse replied perhaps arborvitaes could be planted at the walkway but would need to be maintained by the homeowner of the proposed house. Member Enander stated aborvitaes would be the best plantings for privacy. Chairman asked if applicant would have an issue with a condition being placed on approval for some sort of evergreen/landscape screening be planted at the property line – applicant said that would not be a problem.**

**Motion made by Member Kearns to approve the Dimensional Variance to demolish the existing house and grant 4 foot relief on the westerly side; 11 feet on the east side; with a CONDITION that landscaping of vegetation/arborvitaes or similar be planted on the southeasterly property line for the length of the new home. 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 Enander. Motion carried by all present.**

**Dominic Grieco, 2 King Philip Road, Lincoln, RI – Application for Dimensional Variance seeking rear setback relief and lot coverage relief for the construction of a cabana.**

**AP 42, Lot 113 Zoned: RA 40**

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

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

**Attorney Shekarchi informed the Board that the house is currently under construction and applicant needs 55 feet rear relief and 3.9% lot coverage relief to construct a pool and cabana. What applicant is proposing will not affect the neighborhood.**

**Witness**

**Edward Pimentel, AICP**

**He is familiar with the site and prepared a neighborhood analysis which he submitted to the Board but not the Technical Review Committee. Setback is the issue and there are other homes in the area with a similar sized accessory structure. The site plan attached to the application shows the only area where the cabana can be built. Submitted Exhibit #1 into the record which depicts a drainage system on the property. There is a patio located at the rear of the property and the cabana would be located between the pool and property line. The lot is a standard RA 40 lot and lot coverage including the cabana and pool exceeds 15%. Installation of a 20'x40' pool will determine the location of the cabana. Chairman stated the Board needs to look at the entire picture to determine accurate calculations and relief.**

**Witness**

**David Provencal, P.E. and Scituate Building Inspector**

He designed the onsite storm mitigation system for increased storm water and is familiar with the plans before the Board. There is a sloped area at the rear of the property above the proposed location of the cabana. An alarm system will be installed for access points from the house to the pool in case someone/small child approaches the pool. This alarm system will let anyone in the house know that someone is outside. The proposed location for the cabana would not block the view from the house to the pool. Applicant decided to build a cabana and install a pool after construction of the house was started. The ordinance requires an onsite drainage system which consists of concrete pipes 4 feet wide and 8 feet long – it is an elaborate system. Approximately 15' to 17' from the edge of the pool to the cabana and same from pool to the house.

#### **Witness**

**Dominic Grieco, Owner**

It would be 17 feet from the edge of the pool to the cabana. Determined location of the pool and cabana after the house plans were drawn up. A gate will be installed around the pool for safety. Grass and patio are part of the apron surrounding the pool. Overhang in front of the cabana will be for shade and faces the pool. There is also a fireplace at the patio location.

#### **In Favor:**

**Gabriel Difeo, 6 Paddock Drive, Lincoln, RI**

Applicant showed proposed plan to him. He feels cabana and pool

**will be in character and conform to the neighborhood and improve the value of his neighbors. Anyone sitting at the cabana will be able to keep an eye on children in the pool.**

**In Favor:**

**Michael Grieco, Sr., 12 Dario Drive, Lincoln, RI**

**He is father of the applicant and rear abutter. Feels proposal will fit into the neighborhood.**

**No opposition present.**

**Attorney Shekarchi submitted into the record as Exhibit #2 which consists of letters of support from neighbors abutting the property: Ronald Raheb, Michael Grieco Jr., Bruce Nadjmi, Richard Gruber, Gabriel Difeo, Michael Costello and Careene Buttil.**

**Attorney DeSisto stated there are two variances before the Board – increasing lot coverage from 15% to 18% and the overhang of the proposed cabana.**

**Total square footage including the home, pool and cabana is 8,021 square feet – 6,368 is maximum allowed at 15% resulting in 1,653 square feet overage. Cabana is 955 square feet and the outside deck 396 square feet. Applicant only needs 3% lot coverage relief and not 3.9%.**

**Chairman had a problem with the least relief necessary standard and not sure what the applicant is asking for. Overhang is the trigger for the cabana being over the 500 square foot requirement. Could the applicant come up with an alternative for the overhang.**

**Attorney Shekarchi asked the Board for continuance to the February 2014 agenda allowing applicant time to redraw and review the plans with an Engineer. Chairman asked that applicant provide the Board with plan indentifying exact location of the cabana and show the cabana and pool to scale.**

**Motion made by Chairman DeAngelis and seconded by Member Kearns to continue the application to the February 4, 2014 agenda. Motion carried by all present.**

**A.G. Construction, Inc., 4 Warren Avenue, North Providence, RI/Estate of William M. Davies III, c/o Paul Brule, 1334 Mendon Road, Cumberland, RI – Application for Dimensional Variance seeking front and rear setback relief for the construction of a new house on a vacant lot located at the corner of Musket Road and Progress Street.  
AP 16, Lot 22 Zoned: RL 9**

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

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

**Applicant has a contract to purchase the property subject to Zoning Board approval of this application. Submitted into evidence new plan to move the house closer to Musket Road replacing the site plan attached to the application. Survey prepared by Steven Long showed larger building envelope than what is allowed. Subject property is a recorded lot of record and also a grandfathered lot. Chairman informed applicant driveway will be off Progress Street and needs to be 15 feet from the end of the radius and applicant may need to move the driveway entrance. Attorney Shekarchi stated applicant will redraft the driveway to meet Town requirements. Attorney Shekarchi also informed Board members that this is a corner lot and the building envelope only allows a long narrow home. Property has water and sewer access.**

**Witness**

**Edward Pimentel, AICP**

**This is a substandard lot of record. He looked at other homes in the area. Proposed house is a raised ranch. The average lot size of the neighborhood is 8401 square feet and this lot is 7,172 square feet. 64% of homes in the neighborhood were built in the 1950s and average lot coverage is 15.6%. This is a classic viti lot with no curb cuts.**

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

**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. The proposed application is to build a new single family house on a vacant parcel of land. The vacant lot is under sized and located on a corner. These two factors when combined together and applied under our zoning ordinance have formed a very narrow building envelope. The applicant is proposing a modest house size that is consistent with the sizes of the existing houses within the neighborhood. The proposed location of the house is in the middle of the lot. The front and rear setback variances will allow for a reasonable front and rear yard for the new house. The Technical Review Committee finds that granting the dimensional variances 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.**

**Opposed:**

**Jack Rowan**

**Lives next door to lot and purchased property from Ferland 47 years ago. At that time, Ferland approached him and asked he wanted to purchase property because the lot was unbuildable. He was also told by Earl Marsh that it was an unbuildable lot. He is completely opposed to the application – how can a house be built on an unbuildable lot.**

**Opposed:**

**Estelle DeJesus**

**Almost the houses in the area in line and this house will alter the neighborhood. Lot tends to accumulate water when there is heavy rain. Would prefer lot remain empty.**

**Opposed:**

**Carol Carlson**

**Does not want a house 25 feet from her kitchen window and privacy may be an issue. Height of proposed house and driveway entrance also a concern.**

**Russell Hervieux, Zoning Official stated unless in a deed that a lot is unbuildable, all lots of record in Town are buildable lots. The lot adjacent to this location is smaller than the one in question and is buildable. It all depends on the definition of buildable.**

**Motion made by Member Enander to grant the Dimensional Variance for relief of 4.43 feet front, 8.97 feet rear southeast corner, 12.59 feet rear northeast corner of house, 13.8 feet rear northeast corner of deck. 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 Nickerson. Motion carried with a 4-1 vote with Member Lyle voting nay.**

**Motion made by Chairman DeAngelis to adjourn the meeting. Motion seconded by Member Nickerson. Motion carried by all present.**

**Respectfully submitted,**

**Ghislaine D. Therien**

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**Recording Secretary**