

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of March 4, 2014 Meeting

Present: David DeAngelis-Chair, John Bart-Vice Chair, Mark Enander, Lori Lyle, Stephen Kearns, John Barr, Town Solicitor

Excused: Barry Nickerson

Minutes

Motion made by Member Bart to accept the February 2014 Minutes as presented. Motion seconded by Member Kearns. Motion carried by all present.

Correspondence

None

Applications:

John Young, 7 Lampercock Lane, Lincoln, RI – Application to renew a Special Use Permit for an existing accessory family dwelling unit.

AP 28, Lot 70 Zoned: RA 40

Applicant before this Board to renew application granted back in December 2, 2008 for an in-law apartment per Ordinance requirement for renewal every five years. Affidavits have been submitted and use

has not changed.

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

Members of the Technical Review Committee reviewed the submitted application to renew a Special Use Permit for an existing accessory family dwelling unit. The Planning Board recommends Approval of the request to renew the Special Use Permit granted on December 02, 2008 for the Accessory Family Dwelling Unit. The Planning Board 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.

Motion made by Chairman to grant Special Use Permit. Motion seconded by Member Bart. Motion carried by all present.

**Gertrude Chartier, 9 Pascale Drive, Lincoln, RI – Application to renew a Special Use Permit for an existing accessory family dwelling unit.
AP 11, Lot 136 Zoned: RS 12**

Member Kearns sitting on this application.

Applicant before this Board to renew application granted back in June 3 2008 for an in-law apartment per Ordinance requirement for renewal every five years. Affidavits have been submitted and use has not changed.

Chairman read into the record Technical Review Committee/Planning Board recommendation:

Members of the Technical Review Committee reviewed the submitted application to renew a Special Use Permit for an existing accessory family dwelling unit. The Planning Board recommends Approval of the request to renew the Special Use Permit granted on June 03, 2008 for the Accessory Family Dwelling Unit. The Planning Board 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.

Motion made by Chairman to grant the Special Use Permit. Motion seconded by Member Barr. Motion carried by all present.

Sunn Builders, Inc. 270 Putnam Pike, Smithfield, RI – Application for Dimensional Variance for vacate AP45 Lot 297 on Lennon Road seeking front setback relief for the construction of a new home.

AP 45, Lot 297 Zoned: RA 40

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

This application represents a request for a Dimensional Variance for front setback relief on the construction of a new home. The applicant proposes to build a new home on a large vacant lot which appears to

contain a great deal of wetlands. The applicant is proposing to build the house 30' from the front property line which 40' is required. The applicant would need a 10' front setback relief.

Chairman read into the record standards that need to be met for a Dimensional Variance. Member Lyle sitting on this application.

Attorney Shekarchi stated property under a Purchase & Sale Agreement pending approval of this application. This is a recorded lot of record. Applicant is seeking ten foot front lot setback relief. There is no other reasonable location or a home on this lot because of wetland issues.

Witness:

Scott Rabideau, Natural Resource Services Inc.

Submitted into the record as Exhibit#1 topographical map of the proposed location for visual aid purposes. He was retained in 2013 to obtain a DEM wetlands permit for the rear of the property. There is a stream which is greater than ten feet wide and swamp to the rear classified as undisturbed wetlands. The entire property is DEM regulated. A forty foot setback puts the house at a point where fifteen feet rear extends the wetlands edge. Met with DEM to discuss getting front relief which allows ten foot buffer off wetlands and provides wildlife protection. Abutters to the property will be notified by DEM if application approved. DEM tries to minimize impacts on wetlands and will take into account Zoning Board decision.

Witness:

Ed Pimentel, AICP

This is a two acre lot and what applicant is proposing will create a variance deviation. He looked at 39 other lots in the area – 35 of which are residential. The average footprint in the area is 3,400 square feet. This lot is 2,600 square feet. Submitted into the record as Exhibit #2 neighborhood analysis with breakdown of the 39 surrounding properties.

No opposition present.

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 application did not outline reasons for seeking front setback relief. The Planning Board recommends Denial of the application for front setback relief for the construction of a new home. The Planning Board feels that the applicant can build a new house within the existing building envelope. The applicant did not offer any compelling reasoning for their request within their application. The Board feels that the current site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land.

Chairman stated the Technical Review Committee recommendation is not binding on the Zoning Board's decision.

Motion made by Chairman to grant ten foot front yard relief. 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 Bart. Motion carried by all present.

Front Street Plaza, Inc. 259 Front Street, Lincoln, RI – Application for Special Use Permit for additional signage for the businesses in the plaza. AP 10, Lot 13 Zoned: BL 0.5

Represented by: Roger Ross, Esquire

This application represents a request for a Special Use Permit for

additional signage. This plaza has a free standing pylon sign which was permitted under building permit 2012-087. The sign was a replacement of a “grandfathered” pylon sign. The permit allows for a 120 square foot pylon sign with NO signs to be mounted to building. The applicant is now requesting to mount three 2’x20’ signs on the building for a total of 120 square feet. This would give the plaza a total of 240 square feet of signage.

Chairman read into the record standards that need to be met for a Special Use Permit. Member Kearns sitting on this application.

Attorney Ross stated applicant came before this Board in 2012 for signage. Applicant is now seeking relief for four not three 2’x20’ wall mounted signs on the building for a total of 160 square feet.

Chairman stated submitted photo was not part of the application packet. Applicant can either amend his application or request a continuance to the April agenda. Attorney Desisto was concerned about the notice issue. Chairman willing to grant a continuance so applicant could return with a new application with correct signage relief. Attorney Ross informed the Board his client would like to proceed as presented.

Attorney Rossi informed the Board the property is the former Andreoni’s Market on Front Street. Applicant purchased it in 2011 and divided the building into four units. He needs relief for signs to

be mounted on the building for current and future tenants.

Chairman stated Town Ordinance allows 64 square feet for signage – applicant is seeking relief of 56 square feet. Russell Hervieux, Zoning Official Section 260-37 allows one sign per each permitted use. The existing pylon has signage on it. Perhaps the Board could treat this plaza like they did the Lincoln Mall setting a maximum capacity on the property including the existing pylon which is already permitted. He further stated back lit or solid signs are allowed for use during the hours of 10:00am to 6:00 pm. Attorney Ross informed the Board that applicant will be using LED signage.

No opposition present.

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 requesting additional commercial signage for the businesses in the plaza. The Planning Board recommends Approval of this special use permit. A separate pylon already exists on the site. The application outlines the size and location of the proposed signage that will be located on the building. The Planning Board 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.

Motion made by Member Barr to approve the Special Use Permit with a condition that signage facing Livingston Street and rear of the building not have any intrusive lighting on the neighborhood and that a cap of 120 square feet of signage be allowed on the building which will be divided among tenants with no more than one sign per tenant.

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 Kearns. Motion carried by all present.

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

Respectfully submitted,

Ghislaine D. Therien

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Recording Secretary