

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of June 2, 2015 Meeting

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

Excused: John Bart

Minutes

Motion made by Member Barr to accept the April 2015 Minutes as presented. Motion seconded by Member Oster. Motion carried by all present.

Applications:

High Ridge Corporation, 192 Old River Road, Lincoln, RI – Application for Use Variance for modification of existing Use Variance on a swim club to reduce the lot size.

AP 31, Lot 20 Zoned RS 12

High Ridge Corporation, 192 Old River Road, Lincoln, RI – Application for Dimensional Variance seeking relief for number of required spaces constructed to code and relief on required lighting for parking spaces.

AP 31, Lot 20 Zoned RS 12

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

Applications presented as one. Member Lyle sat on this application.

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

It is applicant's intent to create two additional residential lots and this is not a grandfathered lot. Planning Board had some concerns. Steven Long modified the plan before this Board showing additional and overflow parking and proposed vegetation.

Witness

Edward Pimentel, AICP

The two logs in question total 24,000 square feet. Applicant went before the Planning Board and received sub-division approval. The club's layout is rustic looking and will fit into the area's character. Proposed parking will not impede the esthetics of the area. Wooden guard rails will be installed and form a parking area and travel lanes. A white painted marker will be placed on the guard rail to indicate the parking stalls. The club has been operating for seventy years and has historical recognition in the Town. Overflow parking is in excess of what is required. Membership has a cap and this is a non-profit company.

Witness

Eduardo Lessa, President of High Ridge Corporation Board

The club currently has a membership of 200 – membership caps at 250. They do not have anyone on their waiting list as of now. The club operates from Memorial Day to Labor Day. Members are allowed to bring guests at a charge. He has been with the club for thirteen years. In addition to the pool they have five tennis courts and one basketball court. Access will be through Kirkbrae Glenn’s driveway.

Attorney informed the Board that High Ridge agreed to leave an existing stone wall on the site. An easement to access Old River Road will not be impeded. Applicant owns an easement on the property. The club solely relies on memberships for operation cost and capital improvements at the site.

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

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a Use Variance for the modification of an existing Use Variance on a swim club to reduce the lot size. The Planning Board recommends Approval of this application according to the submitted plans and application. The approved recreational use has been in operation since the original Use Variance was approved. The reduction of the overall lot

size of 290,118 square feet to 265,864 square feet (reduction of 24,254 square feet) will have minimal to no impact to the operation of the pool club or the surrounding area.

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking Dimensional Variance relief for the number of required spaces constructed to code and relief on the required lighting for parking spaces. The Planning Board recommends Approval of this application according to the submitted plans and application.

Initially, when this project was submitted the Town spoke with the applicant's representatives and explained what would be required to meet the zoning requirement for commercial parking. The Town and the applicant's representatives concluded that these requirements would be excessive based on the limited amount of use the parking are experiences. Currently, the pool facility has successfully operated from May to the end of September since 1958. The organization does not plan on changing their use or increasing their membership. The grassy parking lot area has worked for the facility since its opening in 1958. The applicant stated that they would be willing to limit their months of operation to the time they currently operate in. This limitation could be incorporated into the zoning approval which is recorded against the title of the property.

The applicant has worked with the Technical Review Committee and

Planning Board to develop a parking area that would meet the spirit of the existing zoning ordinance. The submitted plans show a grassy parking field designed in such a way as to address the overall goal of safety within a parking area. The applicant will install a series of wooden guard rails that will form a parking area and travel lanes. A white painted marker will be placed on the guard rail to indicate the parking stalls. Each parking space shall be numbered. This proposed parking area does not provide for any additional lighting.

No opposition present.

Motion made by Member Lyle to move forward with both applications.

She further stated:

Dimensional Variance

- 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 application was approved by the Planning Board.**
- **The hardship amounts to more than a mere inconvenience.**

Use Variance

- **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 subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the Zoning Ordinance.**

Motion to approve both applications seconded by Member Barr with a condition that a stone wall referred to herein be retained with easement access to the parking areas. Motion carried by all present.

E. Scott Tittle, 99 Tanglewood Drive, West Warwick, RI/Autocrat LLC, 10 Blackstone Valley Place, Lincoln, RI – Application for Special Use Permit requesting three freestanding signs for business located at 10

**Blackstone Valley Place, Lincoln, RI,
AP 30, Lot 61 Zoned: ML 5**

Member Oster sat on this application.

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

Applicant wants to replace three existing signs as the company's name is no longer Autocrat. One sign will be located on a rock wall and the other two freestanding. These entrance signs will provide safety for employee and truck traffic at the site. There are two existing entrances – one for visitors and one for employees and applicant wants to add one freestanding sign. New signs will total 20 square feet.

Russell Hervieux, Zoning Official stated he has no record on file for the entrance signs.

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

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a Special Use Permit requesting three freestanding signs for the existing business located at 10 Blackstone Valley Place, Lincoln, RI. The Planning board recommends Approval of this application according to the

submitted plans and application. The proposed application is for a modest increase in additional signage. The Planning Board feels that the application presents the least relief needed. The Board feels that granting the Special Use Permit will not impair the intent or purpose of the Zoning Ordinance nor the Comprehensive Plan.

No opposition present.

Motion made by chairman to grant the Special Use Permit application for 20 square feet total signage at the site: 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 to approve seconded by Member Enander. Motion carried with a 5-0 vote.

Kenneth Manzo, 96 Angell Road, Lincoln, RI – Application for Special Use Permit to renew existing Special Use Permit for an accessory family dwelling unit which was approved on April 9, 2009.

AP 43, Lot 7 Zoned: RS 20 and RA 40

Member Oster sat on this application.

Russell Hervieux informed the Board that applicant was up to date with all Town paperwork regarding this application for a five year renewal.

**Motion made by Chairman to approve the renewal application.
Motion seconded by Member Enander. Motion carried with a 5-0 vote.**

Members of the Technical Review Committee reviewed the submitted application to renew an existing Special Use Permit for an existing accessory family dwelling unit. The Planning Board recommends Approval of the request to renew the Special Use Permit. The Planning Board feels that renewing 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.

Stephen Kearns, 132 Old Main Street, Manville, RI – Application for Dimensional Variance seeking rear setback relief for the construction of a deck.

AP 36, Lot 180 Zoned: RG 7

Member Kearns recused himself from this application. Members Lyle and Oster sat on this application.

Chairman read into the record standards that need to be met for a Dimensional Variance. There was an error listing the abutters list (Exhibit #1) but all the abutters did receive proper notice.

This issue presents no other way to obtain relief other than to appear before this Board. Applicant proposes to build a deck at the rear of his property and is requesting 13.94' feet of rear relief on the north side, 10.33' feet of front relief on the existing house and 29.5' feet of rear relief on the northeast corner of the existing house, and 2.76' feet of rear relief on the northwest corner of the existing house. The property is well under the lot coverage limit. Property was surveyed which showed setbacks and small envelope of the lot. House was constructed in 1925 Deck will be constructed of wood with cedar railings and will not be visible from the street. Deck will have access from the kitchen. Applicant will also bring the house into compliance.

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

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a rear setback relief for the construction of a deck. The Planning Board recommends Approval of this application according to the submitted plans and application. According to the submission, the proposed deck would be located on the rear side of the house. A 3 foot wide wooden walkway will extend from the deck to an existing side door located on the right side of the house. The Dimensional Variance is

needed due to the existing placement of the house on the lot and the angle of the rear property line. The Planning Board feels that the application presents the least relief needed and is not the result of any prior action of the applicant. The Board feels that granting the rear yard Dimensional Variance will not impact the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

No opposition present.

Motion made by Chairman to approve the application seeking 13.94' feet of rear relief on the north side, 10.33' feet of front relief on the existing house and 29.5' feet of rear relief on the northeast corner of the existing house, and 2.76' feet of rear relief on the northwest corner of the existing house and 32.5 feet of rear relief on the proposed deck on the south side. 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 to approve seconded by Member Enander. Motion carried with a 5-0 vote

Denise Leclerc, 1 Holly Street, Manville, RI – Application for Dimensional Variance seeking front setback relief for the construction of a new home on property located at 4 Holly Street, M Manville, RI.

AP 35, Lot 85 Zoned: RL 9

Represented by: Monique Desormier, Esq.

Member Lyle sat on this application.

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

Applicant wants to add a stairway to the front entrance of the home and needs 5.11 feet of relief. She had a contract for construction of the home but builder failed to account for a front door landing and stairs when foundation was laid down. When she hired a new contractor they are the ones who found the problem with the setback line. The first contractor built the house on the envelope line. The street ends before the house which sits on a dead end street and faces Holly Street She needs access to the front door and that is why she is here before the Board. The error was not her fault.

Witness

Denise Leclerc, Owner

She found the first contractor (Northeast Contracting) on line and visited his business to interview them. She became suspect when

the names on the permits did not look correct and asked for their licensing information. Contractor became evasive with any information she requested. She filed a complaint with the Contracting Board. It cost the applicant substantial money to bring the house to code.

Witness

Lawrence Desaulnier Jr., New Contactor

Applicant approached him in September 2014 and he found 24 problems throughout the house. He informed her it would cost \$20,000-\$30,000 to fix the problems. First contractor's electrician pulled the permits but used someone else's license number.

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

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a front yard setback relief for the construction of a new home on the property. The Planning Board recommends Approval of this application according to the submitted plans and application. According to the submission, the house is already constructed. However, when the original contractor placed the house on the lot he did not account for a front door landing and stairs in the setback. The Planning Board feels that the applicant presents the least relief needed and is not the result of any prior action of the applicant. The Board feels that granting the front yard Dimensional Variance will not impair the intent

or purpose of the Zoning Ordinance nor the Comprehensive Plan.

No opposition present.

Motion made by Member Kearns to approve the application seeking 5.11' feet of front relief for the stairway. 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. First contractor did not do reputable work.**
- 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. Front stairs will conform to others in the areal**
- The relief requested is the least relief necessary.**
- The hardship amounts to more than a mere inconvenience. Applicant could not exit home without the requested relief.**

Motion to approve seconded by Member Barr. Motion carried with a 5-0 vote.

Motion made by Member Oster to adjourn the meeting. Motion

seconded by Member Barr. Motion carried by all present.

Respectfully submitted,

Ghislaine D. Therien

Recording Secretary