

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of November 3, 2015 Meeting

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

Excused: Robert Oster, John Bart

Minutes

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

Correspondence

None

Applications

Carl Benevides, 85 Industrial Circle, 15 Moshassuck Road, Lincoln, RI – Application for Special Use Permit to allow a mixture of uses including live/work units for a mill conversion project for property located at 85 Industrial Circle, 15 Moshassuck Road, Lincoln, RI.

AP 2, Lots 88 and 92 Zoned: MG 0.5

Represented by: Brian Laplante

This application was continued from the October agenda and was originally placed on the February 2015 agenda. Mr. Laplante is new to the application. Applicant has spoken with the Water Department and has submitted plans to the Narragansett Bay Commission for sewer and expects to receive approval. He will be ready for presentation at the December meeting and is requesting a continuance to that agenda.

Motion made by Chairman to continue the application to the December agenda. Motion seconded by Member Enander. Motion carried by all present.

RJB Properties, Inc., 640 George Washington Highway, Lincoln, RI/Quality Drive LLC, 640 George Washington Highway, Lincoln, RI - Application for Special Use Permit for the installation of a utility scale solar array for property located on Quality Drive, Lincoln, RI.

AP 28, Lot 23 Zoned: ML 05

RJB Properties, Inc., 640 George Washington Highway, Lincoln, RI/Quality Drive LLC, 640 George Washington Highway, Lincoln, RI - Application for Dimensional Variance for front and side relief for the installation of a utility scale solar array for property located on Quality Drive, Lincoln, RI.

AP 28, Lot 23 Zoned: ML 05

Member Lyle sitting on this application.

This application needs to be continued until the December 1, 2015 meeting as it has not received master plan approval from the Planning Board. This application represents a request for a Special Use Permit to install a utility scale solar panel array. The applicant proposes to install a 1.4 MW ground mounted solar array on a commercial vacant lot. This use is authorized under section 260-19Z with a special use permit. There are several conditions the applicant would have to meet such as height limitations, setbacks and protection from unauthorized access. The applicant has/will address these conditions.

This application needs to be continued until the December 1, 2015 meeting as it has not received master plan approval from the Planning Board. This application represents a request for a Dimensional Variance to install a utility scale solar panel array. The applicant proposes to install a 1.4 MW ground mounted solar array on a commercial vacant lot. The array is proposed to be 21' from the front property line which 50' is required. Therefore the applicant would need 29' front relief on the array. The array is proposed to be 20' from the side property line which 40' is required. Therefore the applicant would need 20' side relief on the array.

Motion made by Member Enander to continue the two applications to the December agenda. Motion seconded by Member Lyle and carried by all present.

Lucille Plasse, 19 Old Great Road, Lincoln, RI – Application for Special Use Permit seeking permission to have chickens on property for personal use.

AP 40, Lot 28 Zoned: RS 20

This application represents a request for a Special Use Permit to have chickens. The applicant proposes to have a chicken coop and some chickens for their personal use. This property is in the RS-20 zone which “keeping of animals for home use” requires a special use permit under section 260-8A. The ordinance does not regulate the amount of chickens/animals. The coop should be a minimum of 6’ from the property line.

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

House sits on a one acre lot. Applicant would like to raise chickens for personal use. Husband is disabled and needs something to occupy his time. Neighbors have no opposition. Chicken coop would not be visible from the street and she will not have any roosters on site. She plans on having eight to twelve chickens on site and will check with her insurance carrier to make sure use is permitted.

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 Special Use Permit to have chickens on their property for personal use. The Planning Board recommends Approval of this application according to the submitted plans and application. The property is surrounded by a commercial use on two sides. The proposed chicken coop will abut the commercial property. The Planning Board feels that granting a 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 Kearns to approve the application with a condition limiting the number of chickens on site not to exceed twelve with no roosters. 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 Enander and carried by all present.

Russell Holt. 3 Andrews Drive, Lincoln, RI/Dryzone Basement, 850

**Bedford Street, Bridgewater, MA – Application for Dimensional Variance seeking side setback relief for addition of emergency egress window well for property located at 3 Andrews Drive, Lincoln, RI.
AP 14, Lot 113 Zoned: RS 12**

This application represents a request for a Dimensional Variance for an egress window. The applicant proposes to add a window well, foundation extension, as part of a basement remodel project. The window well proposes to be 17.3' from the side property line which 20' is required. Therefore the applicant would need 2.7' of side relief for the window well.

Existing house is 1,200sq.ft. Applicant would like to expand/remodel house by finishing the basement and adding one bedroom. Applicant had a survey completed and contractor has met with the Town. Applicant looked at other options but what is being proposed works best. There is an easement and sewer on the east side of the property with bushes on the west side. There is no side garage. South wall is best location to expand. Basement is accessed through a bulkhead and doorway in the kitchen.

Witness

Tim Dogan

He was informed by the Town that any basement bedroom needs egress to the outside. The proposed layout is the best means of egress. A bulkhead cannot be used as a means of egress. The

window well cannot be seen from the outside. The window well will also have a cover over it.

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 side yard setback relief for the installation of an emergency egress window well. The Planning Board recommends Approval of this application according to the submitted plans and application. According to the submission, the applicant wishes to convert their basement into living space. The building code requires that a bedroom space must have two means of egress. This emergency egress window well would serve as a means of egress. The Planning Board feels that the applicant presents the least relief needed. The Board feels that granting the side yard dimensional variance will not impair the intent or purpose of the Zoning Ordinance nor the Comprehensive Plan.

Motion made by Member Barr to grant the application seeking 2.7 feet side relief for the window well. 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. Applicant needs to expand and needs a second means of egress.**
- 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 is not expanding the footprint.

- 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. What applicant is asking for is necessitated by law.**

Motion seconded by Member Kearns and carried by all present.

Motion made by Chairman to adjourn the meeting. Motion seconded by Member Enander. Motion carried by all present.

Respectfully submitted,

Ghislaine D. Therien

Recording Secretary