

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of November 7 2017 Meeting

Present: David DeAngelis-Chairman, Stephen Kearns, Lori Lyle, John Barr, Mark Enander, Attorney Bruce Leach

Excused: John Bart, Robert Oster

Minutes

Motion made by Member Barr and seconded by Member Kearns to approve the October 2017 Minutes.

Correspondence

None

Applications

WED GW Solar LLC, 3760 Quaker Lane, North Kingstown, RI /Poleno Properties Management LLC, 29 Swan Road, Smithfield, RI – Application for Special Use Permit for a 3.0 MW Solar Photovoltaic system on property located at 600 George Washington Highway, Lincoln, RI.

AP 41, Lot 58 Zoned: ML .05

Represented by: Nicholas Goodier, Esquire

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

Applicant wants to install a solar array on George Washington Highway (Route 116), Lincoln, RI. Planning Board granted Master Plan approval for this project which will sit on 9 acres of land. Site is fifteen acres in size. Vehicles will have access to the site with additional signage. Applicant has met with the Albion Fire Department who viewed the plans. This project will have no impact on the surrounding area, provide green energy and supplemental energy to thousands of homes in the area.

Witness

Coleen DeBenedetto, Green Developers, Staff Project Developer

Solar panels will be ground mounted and generate three megawatts of electricity. Wetlands in the area have been flagged and have received FAA approval. Land will be returned to original condition when the project is completed in 25 years. Site will be visited every six weeks for maintenance and service technicians.

Application is in compliance with the Town ordinance and all setbacks have been met with fencing. Applicant requires forty foot setback. Panels at the site will be fixed. FPA signage requirements being met with cameras being mounted at a lock box at the entry gate with high voltage signs being posted.

Project meets all Narragansett Electric codes and submitted for review to the Fire Department. A master shunt with a turn off switch will be at the site. There will be no ambient sounds. This project will not lower neighborhood electric bills and approximately \$12,500.00 will be paid to the Town yearly for tangible equipment.

Witness

Kevin Morin, Professional Civil Engineer

Site is 15 acres and solar panels are allowed under a Special Use. Property fronts on a State highway. Determination from FAA has been received and solar structures will sit twelve feet off the grounds.

Submitted into the record floor area ratios letter as Exhibit #1. Panels are under twenty (20) square feet in size and will be checked by personnel every four to six weeks. Transformer sits on a cement pad within the enclosure.

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 zoning application seeking a Special Use Permit for the installation of a utility scale solar array. The Planning Board recommends Approval of this application according to the submitted plans and application. 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.

No opposition present.

Motion made by Chairman to approve the application with the following conditions:

Applicant will use vinyl fencing on the west side of the property.

Labels will be placed along the fencing for ARTFLASH, etc.

Signage/labels will be visible fifty feet away and made of retroreflective material and will indicate voltage and type of PPE material and equipment.

Chairman further stated:

- That the Special Use is specifically authorized under this Ordinance to allow solar energy panels.**
- 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. Property is surrounded by a natural buffer.**
- 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.

Harrington Realty, LLC, 7 Fifteenth Avenue, Warwick, RI – Application for a Dimensional Variance seeking front relief for the construction of a new home located at 83 Cobble Hill Road, Lincoln, RI.

AP 17, Lot 63 Zoned: RS 12

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

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

This application represents a request for Dimensional Variance to construct a new home. The applicant proposes to construct a new home on a narrow and deep lot. The survey plan had a setback error on it which was not discovered until this report was made. Therefore the applicant will supply an updated plan at the meeting. The new home is proposed to be 13.9' from the front property line which 25' is required. The applicant needs 11.1' of front relief on the new home east side. The new deck is proposed to be 12.9' from the front property line which 25' is required. The applicant needs 12.1' of front relief on the deck east side. The house is within the lot coverage limit.

Attorney submitted into the record photos of existing older home on site as Exhibit #1 and photo of proposed new home to be constructed as Exhibit #2. Applicant wants to raze the existing older home for the construction of a new house. Town water and sewer are available and there is a paper street which will be abandoned.

Witness

Edward Pimentel

Submitted into the record his revised report as Exhibit #3. Applicant needs relief of 12.1' off the northeast corner of the deck and 11.1' for the east corner of the new residence. House will be 1,600 square feet with three bedrooms and two baths. Property is uniquely shaped and meet all Town requirements.

No opposition present.

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 for a dimensional variance seeking front setback relief for the construction of a new house located at 83 Cobble Hill Road, Lincoln, RI. The Planning Board recommends Approval of this application. The lot in question is an existing lot of record that fronts on Cobble Hill Road and Stump Hill Road (not developed). The existing house will be razed. The

buildable envelope is long and narrow and restricts the type, size, and placement of a house that can be built on the property. The application shows a reasonably sized house that represents the least relief necessary. The Planning Board feels that granting a dimensional variance 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 approve the application for 12.1' off the northeast corner of the deck and 11.1' off the northeast corner of the house. 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. Property is uniquely shaped.**

- 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 to approve seconded by Member Enander. Motion carried by all present.

Thomas McNulty, 573 Mendon Road, Cumberland, RI – Application for Dimensional Variance seeking rear setback relief for the construction of a new house located at Leslie Way, Lincoln, RI.

AP 44, Lot 240 Zoned: RA 40

Represented by: Eric Brainsky, Esquire

This application represents a request for Dimensional Variance to construct a new home. The applicant proposes to construct a new home on a long narrow lot which has an odd shape but does have an adequate building envelope in the rear. The location of this house sets the rear of the house 35' from the rear property line which 75' is required. The applicant needs 40' of rear relief for this new home. There are no house plans with the application and applicant should be made aware that any stairs, decks or roof overhands must be within the building envelope.

This is an irregular shaped lot needing 40' rear yard relief. Lot is located off a cul de sac and has five sides Russell Hervieux, Zoning Official informed the Board that the subdivision plan shows an envelope the way it was meant when subdivided.

Applicant wants to align the house to fit into the rest of the

neighborhood. The submitted site plan is inaccurate. Chairman addressed applicant stating the site plan is showing what the setbacks are according to the ordinance. Would like to continue the application to the next Board meeting so applicant can submit a new updated site plan showing where the home would be located on the property. He further stated the Board cannot render a decision unless accurate information is submitted.

Witness

Brian Tamul

Abutter next door to proposed construction. Feels the setback brings the property closer to his form. He is not opposed but does not want a conflict with applicant.

Bryan Grosnick

His property sits close to property line. He is afraid this construction will affect the value of homes in the area.

Chair requested applicant continue the application to the January 2018 agenda and return with an updated site plan showing exact property lines and indication location where new home will be located within the building envelope. Applicant agreed to a continuance.

Motion made by Chair to continue the application to the January 2018 agenda. Motion seconded by Member Barr. Motion carried by all present.

Motion made by Member Barr to adjourn the meeting. Motion seconded by Member Lyle. Motion carried by all present.

Respectfully submitted,

Ghislaine D. Therien

Recording Secretary