

Town of Lincoln  
Zoning Board of Review  
100 Old River Road, Lincoln, RI  
Minutes of December 7th, 2021 Meeting

**Present:** David DeAngelis- Chairman, Kazem Farhoumand, Lori Lyle- Vice Chairperson, John Mancini, Stephen Kearns, Attorney DeSisto

**Excused:** Charles Ruggerio, Frank Spezzano

**Minutes:** October Special Meeting minutes and November minutes approved

**Correspondence:** Regarding application for Antonio and Alice Duarte

**Antonio and Alice Duarte, 1 Winterberry Rd., Lincoln, RI. 02865 - Application for Dimensional Variance for front set back relief located at 1 Winterberry Rd, Lincoln, RI 02865.**

**AP 45, Lot 386**

**Zoned: RA-40**

This application was continued from the October 5, 2021 meeting for the applicant to provide a survey. Zoning Official Hervieux has been notified by the applicant that more time is needed to acquire the survey and has requested a continuance until the February 1, 2022 meeting. This application represents a request for a Dimensional Variance for the construction of an addition to a single family home. The applicant is proposing to construct a dining and kitchen addition to the north side of an existing house. The site plan, which is drawn by an architect, dimensions the addition to the foundation to the front property line. The applicant should be advised that Town code only allows up to one foot of ornamental features extended into the setback which could be a problem for the roof overhang which is the same for the front porch. The proposed addition is 25'-8" from the front property line which 40' is required. Therefore, the applicant would need **14'-4"** of front setback relief for the proposed addition. Zoning Official Hervieux was not able to calculate the lot coverage requirements because the plan shows a pool, shed and hot tub which is not on the tax records and there are no permits for. These issues would have to be resolved in order to confirm whether or not this proposal meets lot coverage. (Continued from September 4, 2021 Zoning Board hearing – No new information was provided by the applicant). Members of the Technical Review Committee reviewed the submitted plans and application seeking front setback relief located at 1 Winterberry Rd, Lincoln, RI 02865. The property is located at the end of a cul-de-sac. Setbacks for the property curve with the radius of the cul-de-sac causing a need to request a dimensional variance. The Planning Board recommends Approval of this Dimensional Variance. The Planning Board feels that if the house was located on a straight thoroughway rather than at the end of a cul-de-sac, a dimensional variance would not be required. The proposed addition is needed to relocate the kitchen per the submitted plans. The proposed location of the addition complements the existing functionality of the residence. The Planning Board feels that the application presents the least relief needed. The Board feels that granting the dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

**Chairman:** Motion to accept request to move to February 1st 2022 meeting, Zoning Official Hervieux has provided email from the applicant requesting the continuance.

**Motion seconded by Member Mancini.**

**All approved, Item moved to February Meeting.**

**Chairman:** There are no items on the agenda for January however we will meet to handle routine business.

**Application:**

**Byron Orellana, 1612-1614 Lonsdale Ave, Lincoln, RI. 02865 -Application for Dimensional Variance for area lot relief for a four unit residential building located at 1612-1614 Lonsdale Ave, Lincoln, RI. 02865.**

**AP 4, Lot 60**

**Zoned: RG-7**

**Chairman:** This is a continuance and all members may not have been voting on but were there for the application, is the applicant present? Just to refresh memory these applications were opened up in November and the board agreed to hear them as one not two separate applications. Some of the standards overlap anyways. This application was continued from the November 2, 2021 meeting for the applicant to provide a survey. A survey plan has been provided and the parking layout has been modified. A dumpster location has been shown on this plan. This application represents a request for a Special Use Permit for a four unit residential dwelling. The applicant is proposing to convert an existing mixed use building (1 commercial unit and 3 residential units) into a four unit residential building. This use is allowed with a Special Use Permit under section 260-9C of the Zoning Ordinance with meeting the dimensional criteria. The applicant is asking for Dimensional relief to meet the criteria. The plan shows eight parking off street parking spaces however they are very tight to get in and out of. The plan also does not show an area for snow storage. The property does meet the lot width requirement for a four unit residential. The Public Works Director has determined that trash and recycling collection will be converted to private with this Special Use Permit. Therefore the applicant will need to provide an area for a dumpster or equivalent. This application represents a request for a Dimensional Variance for lot area to create a fourth residential unit. The applicant is proposing to convert an existing commercial space in a mixed use building to a residential unit. The property currently has three residential units and one commercial unit in one building. The lot area is 8,201 square feet which 11,500 square feet is required. Therefore the applicant would need **3,299 square feet** of lot area relief for a four unit residential. This fourth unit would require a Special Use Permit which is requested in the next application. We heard some testimony, but the board got held up when it came to parking. Lincoln requires parking spaces marked 9ft by 20ft, this particular property of four units requires eight spaces, two cars per unit. In addition the board looks at the items in the standards there has to be ample room for a dumpster. More than three apartments the town will not supply trash removal the ordinance requires a dumpster enclosed on three sides and allow a vehicle to come in to remove. A snow removal plan and a parking plan showing eight parking spaces for cars to safely park. Applicant agreed last meeting to come back with plans showing these requirements and submit an appropriate parking plan which you did.

**Attorney DeSisto:** You had a different composition of the board last month but Member Farhoumand was here and if an alternate was present at the prior meeting they can participate at the current meeting.

**Chairman:** Swears applicants in. Does any member have anything they want to add or any questions?

**Member Kearns:** the width of parking on the plans, it shows 8ft width. The plans have it written as 8ft in space #2, "eight foot typical". Is that correct or not. Space 7 says 21ft. 12ft there's 8ft there. Looks like you're showing them 8ft wide.

**Chairman:** You're under on width and over by length. Looks like 8ft by 22ft. The town regulation is 9ft by 20ft

**Vice Chairperson Lyle:** That was my same question.

**Zoning Official Hervieux:** The Zoning Ordinance yes, 9ft by 20ft the typical parking spot. Inline parking- parallel is 22ft, it is a safer way to get in and out of parking. I suggest the length stays the same 22ft and correct the width.

**Chairman:** If we look at it from Lonsdale Ave and add a foot that would leave you roughly 14.9 ft. of driveway. And on the right side that would leave you about 11 ft.

**Member Kearns:** Right at that corner. It seems to me space 8 may be better behind space 1. Because it would be difficult to make that corner. It would be tight going sound the building. We're looking at the grey out area, the fence line, outside the property line. You don't own that sliver of property?

**Applicant:** Yes we do, the fence was there a long time. The other side if the entrance for the Lincoln Memorial school

**Member Kearns:** so you can use that space

**Applicant:** The fence is there but he is planning to move the fence on the right side.

**Chairman:** concern with the right rear corner of the building to navigate a vehicle around especially with a bulkhead door. If spot 8 was to move further to the back with the back line. You're going to paint boxes? If space eight was moved further to the backyard and back box line beyond the corner of the building, with no parking crisscross between spaces 7 and 8 to allow navigation.

**Applicant:** We did an exercise with parking cars back there and it was fine.

**Chairman:** If this variance is granted it stays, can't really go with what is right now

**Vice Chairperson Lyle:** snow removal?

**Applicant:** if it is too much the contractor will pick up, right corner snow would be put there if it is not too much.

**Chairman:** you will remove snow if a lot not just plow

**Member Mancini:** I'm ok with the parking. I'm not sure if one foot would make a difference. Have to do with the type of vehicles, I'm ok with the plan I'm sure you will set up parking which residence can work with

**Member Kearns:** I think the 22ft is good. It gives more room to get in and out

**Chairman:** Any questions or concerns. On the lot coverage relief it is 3299 sq. /ft. of relief

**Member Mancini:** building is not expanding. I'm ok with the 3299 sq. /ft. relief.

**Member Kearns:** If the applicant is saying they are willing to amend the plan to represent 9ft wide spaces is it good to be condition

**Chairman:** I think it is conditional. I would recommend the condition that plans meet the 9ft width and acknowledge it is an oversight based on the pln.

**Vice Chairperson Lyle:** Have we decided where parking space 8 will go?

**Chairman:** See parking 7 and 8 if this gets approved and once the lines get painted if there is an issue with the corner you may have to move eight closer to the backyard and block out that previous parking. You did driving exercising, using what type of vehicle?

**Applicant:** a sedan.

**Member Mancini:** number one parking. Can eight go behind there?

**Applicant:** if so we can

**Vice Chairperson Lyle:** it may be tough to turn around

**Chairman:** Should the back right corner be an issue that the applicant has other options to move parking space 8 somewhere else.

**Member Mancini:** Who is managing it? It'll be on you if you cannot get vehicles out

**Member Kearns:** One way traffic? Come in left go out right?

**Applicant:** Yes

**Chairman:** Arrows?

**Applicant:** No

**Chairman:** The tenants will know. Any other questions? The TRC is based on the original hearing, and does not reconvene with new information.

**Zoning Official Hervieux:** The TRC does review documents if they have the time, they did not have time for this applicant.

**Member Kearns:** They will need a building permit, will the line stripe be part of it,

**Zoning Official Hervieux:** yes

**Member Mancini:** and dumpster?

**Zoning Official Hervieux:** yes, it is covered.

**Chairman:** This is a continuance no new information. Members of the Technical Review Committee reviewed the submitted plans and application seeking a Dimensional Variance for area lot relief for a four unit residential building located at 1612-1614 Lonsdale Ave, Lincoln, RI. 02865. The applicant is not proposing any new exterior construction. The Planning Board recommends Approval of this application for Dimensional Variance for area lot relief. The Planning Board feels that the application presents the least relief needed and is consistent with the surrounding neighborhood. The Board feels that granting the dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan. PLEASE NOTE: According to Town Policy, the Town Of Lincoln will not provide garbage or recycling services to properties having four or more residential units. The applicant will be required to contract a private company for all garbage and recycling services. Members of the Technical Review Committee reviewed the submitted plans and application seeking a Special Use Permit to convert a mixed-use building to a four unit residential building located at 1612-1614 Lonsdale Ave, Lincoln, RI. 02865. The applicant is not proposing any new exterior construction. The Planning Board recommends Approval of this application for a Special Use Permit. The Board feels that granting the Special Use Permit is a less intense use of the property and will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan. PLEASE NOTE: According to Town Policy, the Town Of Lincoln will not provide garbage or recycling services to properties having four or more residential units. The applicant will be required to contract a private company for all garbage and recycling services.

**Chairman:** Anyone from the public, let the record indicate no one here from the public to speak

**Vice Chairperson Lyle:** Lighting? Parking at night, what is the lighting plan?

**Applicant:** LED lighting, outside lighting. Photocell, five lights

**Member Mancini:** Motion to approve DV. The building area would stay the same

1. Is there a hardship due to unique characteristics of land that is not any physical or economic disability? No it would stay the same

2. Is that there's a hardship that results and it's not from any prior action of yourself, and it does not result from the desire to realize any greater financial gain. no

3. Granting of the variance will not alter the general character of the neighborhood. It doesn't many of the buildings are multi family

4. What is asked of the Board is reasonable and least relief necessary. Yes

5. For a Dimensional Variance is there a hardship that's more than a mere inconvenience, which results in you needing this variance. Allows the owner to live with the other tenants

**Chairman** Motion by **Member Mancini** to approve dv, to change internal makeup of building. To a 3 residential/ 1 commercial to a 4 residential. Same foot lot food print.

**Zoning Official Hervieux:** They are not asking for lot coverage but area relief

**Member Kearns:** condition on this one or the next?

**Chairman:** In the Special Use Permit

**Member Kearns:** If we grant this Special Use Permit, commercial use cannot go back to this space?

**Chairman:** No it changes the use

**Seconded by Member Farhoumand**

**Vice Chairperson Lyle:** aye

**Member Kearns:** aye

**Member Farhoumand:** aye

**Member Mancini:** aye

**Chairman:** aye

**Dimensional Variance Granted**

**Member Mancini:** Makes a motion to approve the Special Use Permit.

1. The use is permitted in the exact subsection in the ordinances that its permitted in. it is town of Lincoln Zoning allows sup

2. The Special Use Permit meets all the criteria in the Zoning Ordinance such as parking and lighting and various use regulations. Yes with conditions

3. The Special Use Permit will not alter the general character of the neighborhood. No it will not the building will not change

4. The Special Use conforms to the Comprehensive Plan and Zoning Ordinances. It does it fits in with the other buildings.

Conditions based on dumpster location, snow removal and parking plan.

**Chairman:** Parking spaces need to be 9ft by 22 ft., and the parking plan as presented has the option to be reworked if issues getting around the building. Snow plan in place if there is an abundance of snow the snow gets removed and not just pushed.

**Second by Member Farhoumand**

**Vice Chairperson Lyle:** aye

**Member Kearns:** aye

**Member Farhoumand:** aye

**Member Mancini:** aye

**Chairman** aye

**Special Use Permit granted**

**Terrapin Properties, LLC, 8 Davis Street, Cumberland, RI 02895 – Application for Special Use Permit to convert church building into a four unit residential building located at 1568 Lonsdale Avenue.**

**AP 4, Lot 53**

**Zoned: RG-7**

**Chairman:** This application represents a request for a Special Use Permit for a four unit residential building. The applicant is proposing to convert an existing church building into a four unit residential apartment building. The property is located in the RG-7 zoning district which allows for four unit residential with a Special Use Permit under section 260-9C. The property meets the dimensional regulations for a four unit residential dwelling. The plan shows the required 8 parking spaces however they are shown at the wrong size. The spots are required to be 9'x20'. There is also no trash storage shown on the plan and how snow removal will be handled.

**Chairman:** swears in applicant. Reads in standards for Special Use Permit.

1. The use is permitted in the exact subsection in the ordinances that it's permitted in.
2. The Special Use Permit meets all the criteria in the Zoning Ordinance such as parking and lighting and various use regulations.
3. The Special Use Permit will not alter the general character of the neighborhood.
4. The Special Use conforms with the Comprehensive Plan and Zoning Ordinances.

**Applicant:** it is a location of the former first Baptist Church of Lonsdale. A legal preexisting structure redeveloped into a four unit multi family dwelling. The zoning code is set for high density units, a few parcels in the neighborhood that are multi family. The goal is to make four unit two bedroom each,

**Chairman:** Any change to the outside?

**Applicant:** Only change would be that of decks, they would still be within the setbacks. Wouldn't be an extension, it would still be within for a property of that size. Had discussion with TRC in regards to parking, snow removal and dumpster and has spoken with client and need be we will come back with a more concrete plan.

**Chairman:** TCR recommendation is not necessarily required. The TRC could not offer recommendations at that time and couldn't render decisions you know longer have to review with the Planning Board; it is now in the Zoning Boards hands.

**Member Mancini:** The TRC will make recommendations or not make on. We consider what TRC says but sometimes things change.

**Chairman:**

1. The use is permitted in the exact subsection in the ordinances that it's permitted in.
- Done 4. The Special Use conforms with the Comprehensive Plan and Zoning Ordinances.
- Done 2. The Special Use Permit meets all the criteria in the Zoning Ordinance such as parking and lighting and various use regulations. Focus on this right now
3. The Special Use Permit will not alter the general character of the neighborhood.
- Done

**Applicant:** Dual parking from Main St. stacked two on two and the TRC notified us that the issue was going to and from spots and could get blocked in. Alternate plan has eight spots curb cut outs on Lonsdale Ave

**Chairman:** require vehicles to back out onto Lonsdale Ave?

**Applicant:** correct

**Attorney DeSisto:** You are not required to make a decision tonight since there are new documents submitted tonight.

**\*5 minute break to look at the documents provided tonight.**

**Chairman:** The first issue is the dimension on the plan for parking. It is supposed to be 9ft by 20ft. I have not driven by the property. The trees that existing right now or is that proposed? Swears in applicant

**Applicant:** additional bushes and trees are future proposals,

**Chairman:** Any questions?

**Vice Chairperson Lyle:** Lonsdale Ave is busy street to back up onto

**Member Mancini:** It is hard for me to visualize getting that space right now there's a lot of shrubs and a walkway. How would it look with parking inside those two areas?

**Chairman:** right now I'm looking at a document that views the property as it is existing right now. That sign is going to go away?

**Applicant:** yes

**Chairman:** What is the measurement from building to the sidewalk on Lonsdale Ave

**Applicant:** it's approximately 45ft from the sidewalk to the front of the building. Frontage on Lonsdale Ave is about 120 feet. The back end of the existing site plan, the frontage on Lonsdale Main Street, is a combo of 55.99 and 44.08 ft.

**Chairman:** there's a retaining wall there now

**Applicant:** no

**Member Kearns:** I don't see the plan as being an improved plan, to me I can't see cars backing on to Lonsdale Ave. they can put the other parking on the border on the property and come out on to Lonsdale Ave. I don't think this is workable.

**Chairman:** aside from parking. Is there anything on here for a dumpster? You have proposed location for a dumpster

**Applicant:** yes

**Chairman:** if there is a vehicle parked there, the dumpster guy can't get there?

**Applicant:** it is also on a schedule and would tell the tenant they would have to be out of there at a certain time. Since it is a recurring service

**Member Farhoumand:** you have plenty of room on the property why don't you move it so tenants would not have to move. def shows a landscaping plan with no detail to parking spots or safety. Do you have an engineer on board?

**Applicant:** yes

**Member Farhoumand:** I don't think an engineer would sign this

**Applicant:** that was derived from a landscape architect

**Chairman:** The condition of the building right now, is it vacant?

**Applicant:** yes since beginning of covid

**Chairman:** Who is maintaining it?

**Applicant:** I am, I own it.

**Chairman:** Big three is parking, lighting and dumpster. Lighting is easy flood lights to light the parking area. Backing out onto Lonsdale Ave poses a safety issue

**Applicant:** I think we could do curb cuts to turn cars around.

**Chairman:** We need parking spaces to show 9ft by 20ft, keep in mind if you come up with a version of parking that is parallel or one behind other the length is increased to 22ft. Basically we would like to see a parking plan showing correct dimensions that shows that the correct number of spaces is 8 and safe navigation around property and access to the dumpster location. Standard two needs a little better plan.

**Member Mancini:** Come up with a snow removal plan too.

**Chairman:** You have other properties? If this was the parking plan, how would you be clearing the snow here?

**Applicant:** Bring equipment in and haul it out. Would double stacking the cars, which was previously presented work?

**Chairman:** It would have more issues blocking others in. Whichever parking plan is approved will be staying on the property forever.

**Applicant:** we are not going to be changing the surrounding area, yes the inside will be residential, and the outside will still have the former church structure. We are redeveloping, not tearing down and putting in entirely new structure. RG-7 Zone, this is the purpose of that Zoning Code, Lonsdale Village is highly dense.

**Vice Chairperson Lyle:** Do we need to see the layout of the inside of the building?

**Chairman:** I don't think so this would be covered by building permits

**Applicant:** And a full fire alarm system

**Chairman:** All handled by the Building Department.

**Member Kearns:** I noticed in the back side the Main St. side. There is a lot of open pavement there. Did that belong to the church for parking?

**Applicant:** They did, I own it

**Member Kearns:** Is there any thought into incorporating into the parking plan?

**Applicant:** Not at this time

**Member Kearns:** That would solve lots of the problems

**Zoning Official Hervieux:** The ordinance requires parking on the same property as residence.

**Chairman:** Reads into the record the recommendations from the TRC, Members of the Technical Review Committee reviewed the submitted plans and application seeking a Special Use Permit to convert an existing church building to a four unit residential building located at 1568 Lonsdale Ave, Lincoln, RI. 02865. The applicant is not proposing any new exterior construction. The Planning Board could not offer a recommendation for this application. The Planning Board struggled with the proposed parking design. The Board wonders how this design will successfully work for the new residents. The site plan did not indicate areas for snow removal or trash dumpster.

PLEASE NOTE: According to Town Policy, the Town Of Lincoln will not provide garbage or recycling services to properties having four or more residential units. The applicant will be required to contract a private company for all garbage and recycling services.

Any members of the community who would like to speak.

**Dennis Przybyla:** Sworn in. Owns the property next to the parcel since 1996.

Concerned about traffic on Lonsdale Ave, to back up onto Lonsdale Ave would not be smart. House to the right, does not want cars parked next to his side of the house (bedroom is right there) originally bought house because it was near a church and quiet.

Concerned about having children there. Sewer stops at the church. Does not want parking next to his house.

**Antonio Coimbra:** Sworn in. Lives across the street from church. Concerns with not maintaining property.

**David Weis:** Sworn in. Shares concern about parking and dumpster. And concerns with littering. Questions about informing neighbors again about next meeting?

**Chairman:** no vote this meeting, with neighbor concerns and parking plan. Will a notice go out?

**Attorney DeSisto:** This meeting will be continued for next month so you will hear the date.

**Zoning Official Hervieux:** On a continuance, you will not be informed again.

**Chairman:** Neighbor concerns are pretty much the parking and how it will affect the neighborhood. I think to alleviate some concerns- balancing with the parking plan and strategically situating the property to keep the green space. Might be enough to alleviate concerns from neighbors. Seems like the second concern is commotion. Design property in such a way that cannot happen.

**Applicant:** it will only be two bedrooms. The new couple or the older couple. Not excluding kids but doesn't really attract families with children. And the price range is on the higher end.

**Chairman:** any other questions or concerns?

**Member Farhoumand:** Lonsdale Ave is a State road

**Applicant:** yes, it is in DOT's jurisdiction

**Member Farhoumand:** you need to contact them anyways you are changing the use of the building. You still need to contact them. How many driveways do you have there? Cannot tell existing or proposed. Shows two driveways. How many are existing?

**Applicant:** at this point it is all open

**Member Farhoumand:** You're putting curbing there, you need a permit if you're making any alterations. I think it is actually illegal to back up onto a State road.

**Chairman:** is it your wish to comeback

**Applicant:** yes

**Chairman:** looks like we are on for February 1st

**Attorney DeSisto:** the meeting will be February 1st at 7pm if you want to tell your neighbors

**Member Kearns:** TRC said no exterior change to the building but there are proposed decks.

**Chairman:** that would have to go through building

**Member Kearns:** It is not on the survey so we don't know the measurements.

**Applicant:** we can provide setbacks

**Vice Chairperson Lyle:** it is not before us as a Dimensional Variance

**Chairman:** request from application to continued application to February 1st 2022, motion to approve

Second by **Vice Chairperson Lyle**

**Member Mancini:** aye

**Member Kearns:** aye

**Member Farhoumand:** aye

**Vice Chairperson Lyle:** aye

**Chairman:** aye

**Chairman:** Application continued to February 1st 2022. No applications on the January agenda, January 4th 2022. Recommend there are no applications I think it'll be a great time to talk about the Zoning Board procedural education process. Basically Zoning 101.

**Vice Chairperson Lyle:** will the members who are not here know about it

**Chairman:** yes.

**Zoning Official Hervieux:** yes. Will formal minutes be appropriate or do we need stenographer to

**Attorney DeSisto:** just formal minutes because there will be no appeal. It will be a public meeting however

**Chairman:** Motion to adjourn Second by **Vice Chairperson Lyle:**

**All in favor meeting adjourn**