

Town of Lincoln
Zoning Board of Review
100 Old River Road, Lincoln, RI
Minutes of February 1st, 2021 Meeting

Present: David DeAngelis- Chairman, Kazem Farhoumand, Lori Lyle- Vice Chairperson, John Mancini, Stephen Kearns, Charles Ruggerio, Frank Spezzano, Attorney DeSisto

Minutes: January minutes approved

Antonio and Alice Duarte, 1 Winterberry Rd., Lincoln RI 02865 – Application for Dimensional Variance for front setback relief located at 1 Winterberry Rd, Lincoln, RI 02865.

AP 45, Lot 386 Zoned: RA-40

Chairman: This application is a continuance from October. Sworn in - William Stark Architect, David Andre; speaking on behalf of the applicant. Recap; testimony on the record- but that was a few months back. We got to a point in the application where there were issues with measurements from the property line to where the actual addition would be. It was determined that you would get a site plan, which has been submitted to The Town- all members of The Board who do have copies of it. Changed the amount of relief needed, as a result of the site survey. Puts on the record how The Board has a certain threshold in order to make decisions. Amount of relief requested: this project is to construct an addition which would consist of a dining room and a kitchen on the North side of the existing house, and a farmer's porch on the front of the existing house, and a buildout of the existing house. We learned on the survey that was submitted, no relief is needed for the addition of the dining room and kitchen, the buildout on the North side of the house. However, to complement that addition the applicant is looking to put a farmer's porch on the front of the house, in which relief is necessary. The proposed farmers porch is designed to be 29.5 feet from the front property line at the Southeast corner, 40 ft. is required 10.5 feet of front setback is required for that corner, the other side measures 31.8 ft. from property line, applicant is required to have 8.2 feet of relief for that corner.

David Andre: lot coverage was mentioned last time, well under

Chairman: You're well under, there are no lot coverage variances needed. Standards for a Dimensional Variance

1. Is there a hardship due to unique characteristics of land that is not any physical or economic disability?
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.
3. Granting of the variance will not alter the general character of the neighborhood.
4. What is asked of the Board is reasonable and least relief necessary.
5. For a Dimensional Variance is there a hardship that's more than a mere inconvenience, which results in you needing this variance.

David Andre: Site plan came back and identified the cul-de -sac setback easements. Which shows for the addition no longer a need for the relief, as far as the farmers porch; 2, 3, and 4 would apply.

Chairman: Are there any questions on this application?

Vice Chairperson Lyle: Will it have the same material as the rest of the house?

David Andre: Yes, I am not sure if you have in your packet but it will have the same material as the rest of the home.

Chairman: The house across the street just put an addition on that this Board approved, I am always in this neighborhood. We would just like to have on the record what any addition would be- material wise and color wise.

David Andre: once it is all put together and built it will all blend together- elevation height is the same as existing. Double hung windows with muntins and shutters- the back of the building would have sliding doors.

Chairman: Reads into the record the recommendation from the TRC, this recommendation is based on the initial application which was seeking more relief when we have an application the TRC sends review to this Board, but when we continue an application it doesn't go back to the TRC. 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 throughway 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 asks if there is anyone here from the public willing to speak on this application. No one from the public.

David Andre: Has testimony from abutters in the form of a letter.

Chairman: Let the record indicate we have letters from multiple abutters.

Exhibit 1; 4 Winterberry Rd- Anthony DeAngelis JR. "I am an abutter to Tony and Alice Duarte's property. Tony and Alice have told me about their application for a Dimensional Variance, so that they can build a pool and an addition for a clubhouse on their property. I have no objection to their application".

Exhibit 2; 2 Winterberry Rd-Linda Freitas. "I am an abutter to Tony and Alice Duarte's property. Tony and Alice have told me about their application for a Dimensional Variance, so that they can build a pool and an addition for a clubhouse on their property. I have no objection to their application".

Exhibit 3; 3 Winterberry Rd- Kenneth Iavarone. "I am an abutter to Tony and Alice Duarte's property. Tony and Alice have told me about their application for a Dimensional Variance, so that they can build a pool and an addition for a clubhouse on their property. I have no objection to their application".

Exhibit4; 12 Princess Pine Rd- Steve Lefebure. "I am an abutter to Tony and Alice Duarte's property. Tony and Alice have told me about their application for a Dimensional Variance, so that they can build a pool and an addition for a clubhouse on their property. I have no objection to their application".

Exhibit 5; 13 Princess Pine Rd- Anthony Santoro JR. "I am an abutter to Tony and Alice Duarte's property. Tony and Alice have told me about their application for a Dimensional Variance, so that they can build a pool and an addition for a clubhouse on their property. I have no objection to their application".

No public speakers or via zoom.

Member Kearns: The way the cul-de- sac works, the property line goes through the cul de sac?

David Andre: Yes.

Member Kearns: Does the applicant own that portion?

Zoning Official Hervieux: this is a function of The Planning Board. This is unique, normally at a cul- de- sac the property line is the bulb. Our town maps show it that way. That's the reason I sent it to Zoning. What The Planning Board did was made the road go through and made those bulbs temporary easements, which are actually owned by the property owners; so it is not the property line.

Member Kearns: is that easement/ cul- de- sac built?

Zoning Official Hervieux: The cul –de- sac does exist, but it is the property owner's property.

From a setback point of view you have to go from the property line.

Chairman: Proposed a motion to grant 10.5 ft. of setback relief on the Southeast portion of the lot for the porch. And also grant 8.2 ft. of relief of the front setback on the Northeast corner lot for the porch. Standards; 1.Is there a hardship due to unique characteristics of land that is not any physical or economic disability? Manner in which this house is situated is not perfectly square to the lot line so therefore it is defined by unique characteristics by how the land is shaped.

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. The existing owner did not build the house, and they are building to enhance the home.

3. Granting of the variance will not alter the general character of the neighborhood. The house would look like it belongs in the neighborhood, there are other homes similar in size with additions. Would not have a negative impact.

4. What is asked of the Board is reasonable and least relief necessary. The request is reasonable to reach the goal.

5. For a Dimensional Variance is there a hardship that's more than a mere inconvenience, which results in you needing this variance. The addition can go up without relief, if we didn't grant the variance then it wouldn't look proper without the farmer's porch.

Motion Second by Member Kearns

Member Ruggerio- Aye

Vice Chairperson Lyle- Aye

Member Mancini- Aye

Member Kearns- Aye

Chairman- Aye

Dimensional Variance has been 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: also a continuance from a few months ago, request regarding 1568 Lonsdale Avenue. Request for Special Use Permit to convert church building into a four unit residential building located at 1568 Lonsdale Avenue. The applicant was here a few months ago, The Board was not convinced with the parking plan, because of the way the parking spaces were on the proposal- backing into Lonsdale Ave, and the trash removal plan- need to have a dumpster plan and access to it, snow removal.

Christian Beau Akers: Council for the applicant. Applicant will be responsible for having a dumpster company remove trash as well as snow removal. Biggest issue was parking - we redesigned the plan to resolve the issue.

Chairman: Read into record the standards for a Special Use Permit. 1. The use is permitted in the exact subsection in The Ordinances that it's permitted in. 260-9-C

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.

Christian Beau Akers: We had an engineer redesign the parking because that was a concern for The Board and the neighbors. Neighbors concerned with parking along their residences, addressed the engineer to not have parking here. Went to TRC- they also noted trash removal and snow removal. Understands it is the applicant's responsibility. Site plan shows location of dumpster- concern was tenants would have to move car, so we addressed that issue as well

Chairman: Revised parking plan shows on Lonsdale Ave two 12 ft. curb openings from Lonsdale Ave into the property, by a horseshoe, jutting off of that horseshoe we have two parking spaces on the right and two parking spaces on the left. It appears that this solution does not have cars blocking each other or the need to back up onto Lonsdale Ave through a proposed curb cut on Lonsdale Ave. Could backup into the horseshoe. The back on Lonsdale Main?

Christian Beau Akers: The backside that is all pavement, no curb cutting to be done traffic is not congested on that backside either.

Chairman: Also on the back, a small separate lane for the dumpster.

Christian Beau Akers: Yes. On the site plan as well, there's plenty of pavement. *provided site plans to Zoning Official Hervieux and neighbors.

Member Farhoumand: Why not do almost the same on this side as Lonsdale Ave, there's plenty of room and it is already paved.

Christian Beau Akers: Lonsdale Main v. Lonsdale Ave- difference is the traffic. There's not the same amount of traffic on Lonsdale Main.

Member Farhoumand: That's a street there and you have room to do something different.

Christian Beau Akers: Not the same amount of room to put in horseshoe on that side.

Member Farhoumand: Where the dumpster is going to be it looks like public property, and is it long enough for the truck- and back out onto the street.

Christian Beau Akers: There is not the same amount of room to put the horseshoe structure on Lonsdale Main- this plan provided adequate parking for residents on that side. There is room to back onto the road safely.

Member Farhoumand: If there is room why not have it the safer way? For the trash pickup too. Using public property to maneuver.

Member Kearns: It would have been easier if the building was superimposed on the plan. Odd to me you would design a project with public land as a turnaround space. Agree it needs further design.

Member Farhoumand: Asks for pictures. Thought there was a lot of unused pavement around the building.

Vice Chairperson Lyle: the spaces on Lonsdale Main, could they be moved forward?

Christian Beau Akers: Moving spaces in so there's more room to maneuver and back out not on the road. Looks like there's enough room to alleviate the issue. Calls the applicant. Applicant

authorizes parking plan to push spaces forward. As far as the dumpster goes, changing the direction of the dumpster so a truck can pull out.

Chairman: what would be the change to the two spots in the back, further in off of Lonsdale Main and an angular type?

Member Kearns: This would give the vehicle 10 ft to make sure it's clear before going into the public right away.

Christian Beau Akers: Angle parking to pull in and out safer.

Chairman: Would widening the spots help?

Member Kearns: Still confused with the dumpster

Christian Beau Akers: Turn to face parallel with Lonsdale Main- so trucks can line up along the property.

Member Kearns: Would your client have any issues revising plans? I don't feel like we have enough right now. I would like to see changes on the plans, with the outline of the building.

Member Mancini: Based on some of the comments here, I don't believe I want to make a motion at this time. I would like to give you an opportunity to clear up some things. Based on snowstorms, what is the plan to remove snow?

Christian Beau Akers: Client knows he is responsible for snow, small amounts he would move on site, large amounts he would have removed off site.

Chairman: Too many variables reconfiguring dumpster and parking.

Vice Chairperson Lyle: The dimensions of parking- they should be 9X20 typical.

Chairman: Too many variables, going by the standards.

Member Kearns: the line that says 100ft is that the property line?

Christian Beau Akers: Yes

Member Kearns: You have that gray area in the public right of way, a car turning into the property. We are assuming that it would be open space from the driving lane of Lonsdale Ave.

Christian Beau Akers: That's a sidewalk right there, we'd have to go to DOT for curb cuts.

Chairman: No parking on Lonsdale Ave. Read into record the recommendation from the TRC. Members of the Technical Review Committee reviewed the new submitted plans presented by the Zoning Board Members. 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 recommends approval for this application. Originally, The Planning Board struggled with the proposed parking design, and the applicant revised the plan to include a new parking design. The Planning Board suggested the new parking plan successfully addresses the concerns that The Committee presented at its first application review. 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.

Anyone from the public willing to speak: neighbor 1570 Lonsdale Ave Dennis Przybyla.

Dennis Przybyla: Near the access road, what is the plan of the access road? Concern, because thinks that his property goes 3ft into church property, near the walkway of church. Also, the 6ft fence between applicant's property and his- would rather be shrubs than a 6ft high stockade fence.

Member Kearns: The land was surveyed by a surveyor.

Chairman: I will document your concerns but this was done by a land surveyor.

Dennis Przybyla: Concerns with cars.

Attorney DeSisto: Since the applicant is coming back and there's an issue with the property line, the plan that you have I didn't see a stamp on it. One of my recommendations is that this surveyors plan be stamped so there's clarity where the lot lines are. Zoning ordinance requires the 8 parking spaces for this matter.

Chairman: no one from the public via zoom.

Vice Chairperson Lyle: questions on the landscape, will the plans be the same?

Yes, with some adapted changes with parking

Chairman: Itemize, class one survey did not have appropriate stamp, same survey but with stamp. Clarification of lot line between this property and abutter, which he is indicating he has concern that come of that is part of his. Include reconfiguration of trash pickup and parking. Clarification of boundary is planned regarding the fence v. greenery indicated on the landscape plan. Back and front, how does the reconfiguration affect the landscape plan?

Member Kearns: Just make sure the outline of the building is seen clearly on the plan. - Very faint.

Chairman: Also would like to note, Member Ruggerio needed to excuse himself partially through this application Member Spezzano has been assigned as the alternate if we get to the point to have Member Mancini present a motion.

Attorney DeSisto: Member Spezzano would have to be here, Member Ruggerio cannot be counted.

Chairman: Do you think you could have the information in a few weeks to be put on the March agenda? So it is your wish to continue to the March meeting, March 1st.

Christian Beau Akers: yes.

Motion to continue to March meeting presented by Member Mancini, Second by Member Kearns

Vice Chairperson Lyle- Aye

Member Spezzano- Aye

Member Mancini- Aye

Member Kearns- Aye

Chairman- Aye

Discussion and action on regarding a request to the Town Council by the Zoning Board of Review for amendments to the Lincoln Zoning Ordinance as follows: (1) require a stamped survey for all zoning applications and (2) amend the standards for granting a special use permit to include the following additional standard: "it will not result in or create conditions that will be inimical to the public health, safety, morals and general welfare of the community."

Attorney DeSisto: Need a formal action to be able to vote in it tonight

Chairman: Is this simply a motion?

Attorney DeSisto: yes.

Chairman: (1) require a stamped survey for all zoning applications and (2) amend the standards for granting a special use permit to include the following additional standard: "it will not result in or create conditions that will be inimical to the public health, safety, morals and general welfare of the community". That will be an additional standard- 4 standards to 5 standards for a Special Use Permit.

Present two motions, first a request be presented to Lincoln Town Council, on behalf of the Zoning Board to amend the Lincoln Zoning Ordinance to require a stamped survey for all zoning

applications and Attorney DeSisto will draft that official request in the language it needs to be in.

Second by Vice Chairperson Lyle

Member Spezzano- Aye

Member Mancini- Aye

Member Kearns- Aye

Vice Chairperson Lyle- Aye

Chairman- Aye

Member Farhoumand-Aye

Chairman: Second motion, Lincoln Zoning Ordinance amend the standards for granting a special use permit to include the following additional standard, this will be standard 5: “it will not result in or create conditions that will be inimical to the public health, safety, morals and general welfare of the community”.

Second by Member Mancini

Member Spezzano- Aye

Member Mancini- Aye

Member Kearns- Aye

Member Farhoumand-Aye

Vice Chairperson Lyle- Aye

Chairman- Aye

Motion to adjourn: Member Mancini Second by Member Kearns

All in favor

Meeting adjourned.