

Town of Lincoln
Zoning Board of Review
Acting as the Board of Appeals
100 Old River Road, Lincoln, RI
Minutes of May 3rd, 2022 Meeting

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

Excused: Charles Ruggerio

Application:

Trudy Chartier, 9 Pascale Dr., Lincoln, RI 02865 – Application for Appeal of Planning Board Decision made on March 3, 2022 regarding a subdivision owned by Seaview Realty LLC and Stephen Long of 132 Old River Rd, Lincoln, RI. 02865. Property located at 214 River Road.

AP 11, Lot 63 Zoned: RL-9, RS-12

Chairman: Role of The Board when we are sitting as a review Board of Appeals. We don't rehear testimony tonight. This Board will make one of three decisions. 1. Reverse decision of The Planning Board (finding of prejudicial error), 2. Affirm Planning Boards decision, 3. Send the application back to The Planning Board. Appeal from Planning Boards approval of a subdivision, breaking one lot into four lots.

Trudy Chartier: Sworn in. Told The Board about herself. Is this project low income housing?

Chairman: No low income.

Attorney Shekarchi (applicant/attorney): No low income.

Trudy Chartier: Tells The Board of her severely disabled/wheel chaired daughter. Moved from Ashley Dr. to Pascale Dr. - the last lot, safer for her daughter. The daughter received 150 hrs. of help per week, and has employers parking in front of house. Rescue and Fire Department calls are often and will have to park in the cul-de-sac.

Chairman: Asks to connect how changing one lot to four lots will have a negative effect.

Trudy Chartier: My neighbors were not notified, but we could have had notification. We wouldn't have known if we didn't go to the meeting prior to this. Would have bought the land if the public would have known.

Chairman: We have to as a Board, to give consideration to the appeal we have a checklist of things that we need. Need to have a connection.

Trudy Chartier: We couldn't build because of wetlands.

Chairman: I have two notes for us to touch back on for rebuttal.

Trudy Chartier: Nuisance of the ballfield. Complains about the loud music and noise/light from Little League.

Chairman: The field was there and the lights were there prior to individuals moving there. If someone buys a house near a ballfield they should be aware of the surroundings.

Trudy Chartier: Parking along the road during Little League games, too many cars on the road. Emergency Road for fire trucks for the kids and the school. Questions about who owns the property.

Attorney Shekarchi (applicant/attorney): Understands the concerns. Confirms he is the owner with his property partner Stephen Long. Mr. Benoit is still involved in the property. If we sell she can get the first right to buy. Concern about privacy, can put a row of trees to block privacy.

Chairman: looking at the process of The Planning Board, from the beginning to the decision. If there is an error in that process we have to identify. The only thing would be that she raised a notification issue.

Attorney Shekarchi (applicant/attorney): No need to go to abutters, even if there was a typo, the person is here tonight.

Chairman: She raised an issue of notification to abutters

Attorney DeSisto: There are three types of subdivisions, administrative- moving lot lines, minor, and major. This is a minor subdivision. Because this is a minor and not creating a road there is no public hearing requirement other than the newspaper article. Minor typos do not impair and because appellant is here the issue is waved. This is not a public hearing by State Law.

Chairman: Wetlands, I did review the documents. There was some discussion on the wetlands.

Attorney Shekarchi (applicant/attorney): The proposed record plan shows the buffer report and The Town has accepted.

Chairman: Emergency Road? Clarify please

Zoning Official Hervieux: The emergency road rings around the back to the field. It used to be an access road to the beach a long time ago. It is now an emergency to the back fields. The access road is on Town property which is adjacent to the property.

Chairman: Where do people park to go to the ballfield?

Zoning Official Hervieux: The school department has a parking lot/ the side parking lot for the Little League The parking area isn't big enough and tends to park on the road.

Chairman: Questions?

Member Kearns: The compliance to the Comprehensive Town Plan. This project is in an area for single family housing. Is there a section of the plan that would define that?

Attorney Shekarchi (applicant/attorney): The TRC report said we were within compliance.

Member Kearns: When it was first built do you know when it came into existence?

Attorney Shekarchi (applicant/attorney): Early 80's

Member Mancini: Very familiar with the area. I reviewed the process from point of application to approval. The Planning Board addressed everything they had to. They have to comply with regulations. The process in my opinion was fine. We're addressing whether The Planning Board went through the process correctly and didn't miss any points. The Planning Board required the developer to come up with other sanctions- the ballfield etc.

Chairman: Questions

Member Spezzano: The general rule is 30% open space and for a major subdivision gets worked in?

Albert Ranaldi: It is collectively throughout Town not within all subdivisions/ not per project. This goal of 30% was set in 1976 and The Town has established that 30%. The open space is addressed as a cumulative.

Member Spezzano: 30% permanent open space?

Albert Ranaldi: Yes, in Lincoln we buy the land. We used funds from the State. The State places a conservation easement on the land, or if we buy it The Town puts a conservation easement on it.

Member Kearns: Is there a section of the plan that would specifically address the type of housing

Albert Ranaldi: Yes the zoning is where you would get specific. They are complying with the Zoning and the Comprehensive Plan.

Attorney DeSisto: When the issue of the Comprehensive Plan comes up, the question should be does it conform to the future land use map.

Albert Ranaldi: It does.

Member Mancini makes a motion to affirm the decision of The Planning Board, in approval of the minor subdivision.

Second by **Vice Chairperson Lyle**

Chairman polls The Board

Member Spezzano: Aye

Member Kearns: aye

Vice Chairperson Lyle: aye

Member Mancini: aye

Chairman: aye

Motion to adjourn Vice Chairperson Lyle, second by Member Mancini. All in favor.