

Town of Lincoln
Zoning Board of Review
100 Old River Road, Lincoln, RI
Minutes of July 12th, 2021 Meeting

Present: David DeAngelis- Chairman, John Mancini, Stephen Kearns, Frank Spezzano, Charles Ruggerio, Council

Excused: Lori Lyle- Vice Chairperson, Kazem Farhoumand,

Minutes: Discussion of June minutes

Correspondence:

Applications:

David Sisson, LLC, 345 Taunton Ave, East Providence, RI 02914 – Application for Dimensional Variance to add a second floor addition over a garage on a single family home located at 3 Andrews Dr., Lincoln, RI 02865.

AP 14, Lot 113 Zoned: RS-12

Chairman: David Sisson, LLC: This application represents a request for a Dimensional Variance for rear setback relief to construct an addition. The applicant is proposing to construct a second story addition over an existing garage and a first story deck. The property is located in the RS-12 zoning district. The proposed second story addition is 23.5' from the rear property line which 45' is required. Therefore the applicant would need 21.5' of rear relief for the proposed second story addition. The proposed deck is 25.25' from the rear property line which 45' is required. Therefore the applicant would need 19.75' of rear relief for the proposed deck. The stairway to the proposed deck will need relief however it is not marked on the attached plan. The existing house has some dimensional nonconformities. The existing garage is 24.5' from the rear property line which 45' is required. Therefore the applicant would need 20.5' of rear relief for the existing garage. The existing sunroom and existing bulkhead also need relief however the information is not listed on the plan. The property meets the lot coverage requirements even with the proposed additions. Swears in the applicant.

David Sission- Architect: Sworn in.

Russell Holt - Co owner: Sworn in.

Chairman: Non conformity due to being built prior to standards. Reads in standards: 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 Sission- Architect: The house is a three bedroom single family house, single bathroom. Client wanted another bathroom- it is a small style ranch house, they wanted more space and another bathroom. We knew it would violate the Zoning Ordinance because the house already does. The bathroom is the primary project but also, a bedroom near the garage. The request is with the existing shape of the lot, the shape of the lot is difficult with the rear backyard.

Chairman: The existing garage is what breached the setback?

David Sission- Architect: The survey of the site and site plan. The house itself violates almost completely in the back.

Member Mancini: When was the house built?

Russell Holt - Co owner: 1962

Member Mancini: what room will the stair be coming out of?

David Sission- Architect: Very small addition to the corner of the garage the stairs will be in the garage. It will be part of the house. It will lead to a bathroom and bedrooms.

Member Kearns: The garage still functions as a garage?

David Sission- Architect: Yes

Member Ruggerio: Will it be accessed through the garage?

David Sission- Architect: You stay inside the house.

Member Ruggerio: The relief is due to the garage already violating, but you are also seeking relief for the construction of a deck. Is there already a deck?

Russell Holt - Co owner: No, a screened in patio- it will remain.

Chairman: Will the deck go out further than the patio?

David Sission- Architect: Yes slightly.

Chairman: That will need relief, what is the calculation?

David Sission- Architect: 25.25 ft. of relief for proposed deck. 19.75 ft. of relief from rear setback for proposed deck.

Discussion of the logistics of the house necessities- Chairman/ Russell Holt - Co owner:

Three kids, with four bedrooms. One bedroom is in the basement. One current bathroom.

Children are ages 9, 7 and 3.5. Looking to expand a bedroom and a bathroom. Two smaller bedrooms, the bathroom is the key to the project. Want to avoid the bathroom in the basement.

Moved to Lincoln for the school system and community, wants to stay in the neighborhood- kids have friends. Want to stay, and feel that the bathroom is a necessity.

Chairman: What other options did you explore?

David Sission- Architect: the vast majority of the garage is in the rear setback. The majority of the house fits within the set back. If we were to add to the right, and front we would be entirely over. But going left you would have to exit the house and go back in. The rear wasn't a good place for a bathroom to go into and wasn't a good place to walk through. This left us with two places above the garage or the house.

Chairman: The other standard is not altering the character of the surrounding neighborhood. What is the rough number of square feet of the existing house?

David Sission- Architect: 1500 sq. /ft. with the addition adds 590 sq. /ft.

Member Mancini: His house would not look out of place.

Russell Holt - Co owner: Two to the side and across the street are double story.

Member Kearns: What is the height of the structure?

David Sission- Architect: 21.6 ft.

Chairman: Members of the Technical Review Committee reviewed the submitted plans and application seeking a dimensional variance to add a second floor addition over a garage on a single family home located at 3 Andrews Dr., Lincoln, RI. Currently, the existing house and garage exceed the rear yard setback. The Planning Board recommends Approval of this Dimensional Variance. The applicant submitted a comprehensive site plan showing that the application presents the least relief needed. The Planning Board feels that granting the dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan. No public comment.

Member Ruggerio: Also a bulkhead that needs relief? Can you tell us the relief?

David Sission- Architect: Existing bulkhead- 2.42 ft. relief.

Chairman: 19.7ft for rear desk and 21.5ft for the addition you also seek 2.42ft for the existing bulkhead and the sunroom 13.6 ft. Four calculations.

Member Mancini: 19.7ft for rear desk and 21.5ft for the addition; also seek 2.42ft for the existing bulkhead and the sunroom 13.6 ft. Four calculations. 1. Is there a hardship due to unique characteristics of land that is not any physical or economic disability? Because of the shaped lot. 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. Not getting financial gain. 3. Granting of the variance will not alter the general character of the neighborhood. There are more houses in the area that are similar. 4. What is asked of the Board is reasonable and least relief necessary. Based on the testimony it is the only alternative they have to build the

addition. 5. For a Dimensional Variance is there a hardship that's more than a mere inconvenience, which results in you needing this variance. Need another bathroom for the amount of people in the family. **Seconded by Member Kearns**

Member Spezzano- AYE

Member Ruggiero- AYE

Member Mancini- AYE

Member Kearns- AYE

Chairman- AYE

Dimensional Variance Granted.

James Risko, 555 South Water Street Unit #303, Providence, RI 02903 – Application for Special Use Permit to add message board to an existing pylon sign located at 172 Front Street, Lincoln, RI 02865.

AP 10, Lot 59 Zoned: BL-05

Chairman: This application represents a request for a Special Use Permit for a message board sign. The applicant is proposing to install a 28"x94" double faced changeable copy message board sign attached to an existing pylon sign. The property is located in the BL-0.5 zoning district which allows for additional signs with a Special Use Permit under section 260-37. The property has a commercial retail shopping plaza.

James Risko: Sworn in

Mortlia Supulva: Sworn in

Chairman: Reads standards 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.

James Risko: 17 unit commercial, bakery took over a space- it was 18 units.

Chairman: Just words or graphics

James Risko: Just words

Member Kearns: how often would they change?

James Risko: every 15 mins.

Chairman: There may be a condition attached that will have this interval of time. Will all 17 tenants have an opportunity to put something on this sign?

James Risko: Just the name.

Member Mancini: questions why Special Use Permit.

Zoning Official Hervieux: There are very few message boards, anything that changes on a sign falls under flashing sign. The ordinance does not specify a message board because it has not been updated. Message boards fall under flashing signs. The YMCA and near the Lincoln Mall has one of these signs, enforcement of these signs is extremely difficult.

Chairman: In the ordinance the light has to turn off a half hour after the business closes.

Member Ruggiero: the brightness of the sign- would it be as it gets darker the sign dims.

James Risko: Yes, it happens automatically.

Zoning Official Hervieux: Currently each business owner has a sign, the pylon sign doesn't currently, so this would be a second sign. Additional square footage.

Chairman: We don't have the square footage of the current sign. If each business was under the 64 sq. /ft. and The Board capped the sign, did you explore any other options to get that street exposure?

Zoning Official Hervieux: the pylon sign is by itself because it just says Lincoln Shopping Center.

Chairman: 1152 sq. /ft. of signage over 18 businesses on that property. If you totaled them all up and it was 800 then you would still have the remaining amount of feet of signage you are

allotted for. Think we will hit a speed bump because we don't know the existing calculations of the existing signs. "Lincoln Shopping Center" is its own sign/ own business. We need to know those calculations.

Zoning Official Hervieux: Special use permit is to the property not to the business, the potential of each business to have 64 sq. / ft. of sign, however it doesn't give them the right to Have a total 1152 sq. / ft.

Member Spezzano: the size of the existing Lincoln Shopping Center sign?

Chairman: Double sign you have to double the amount.

Member Ruggerio: Since we don't presently have the dimensions, I would be in favor of continuing once we do not have the dimensions.

Chairman: Members of the Technical Review Committee reviewed the submitted plans and application seeking a Special Use Permit to add a message board to an existing pylon sign located at 172 Front Street, Lincoln, RI 02865. The Planning Board recommends Denial of this special use permit. The Planning Board expressed many concerns relating to public safety of the people driving along Front Street. The Planning Board felt that motorists will be distracted by the message board. The Board noted a large amount of curb cuts and a mix of uses along Front Street will add to the distraction. Additionally, the Board felt that the application should be reviewed by the Chief of Police. The Planning Board also noted that every existing business within the plaza currently has signage. The Planning Board questioned the overall need to add additional signage. The application does not represent the least relief needed. The Planning Board feels that granting a special use permit will impair the intent and purpose of the Zoning Ordinance, and the Comprehensive Plan.

Public portion:

Marion Dale: Keeps property immaculate, across the street have a similar sign at the bank- in favor of the sign.

Jean Birchell: Agree with it being distracting looking at the sign, the bank, the post office and the coffee shop. Accidents when slowing down to read the sign. - Not in favor of the sign.

Ed Fox: Doesn't think it's distracting. - In favor of the sign.

Dave Hart: Other signs around town. Only 11 curb cuts. You can't pick out the business when driving by. - In favor of the sign.

Chairman: Correspondence from Chief Brian Sullivan: I do not have concern with this sign at the Lincoln Shopping Center.

Chairman: Due to the fact that the businesses separate from the tenant, calculations need to be provided for us to go forward- existing and additional signs, we need to know the calculations to know if they are over the 64 sq. /ft. or under. Give the Zoning Official all the needed information for next month, new document of the sizes or original sizes from when it was first put in.

Member Ruggerio: Motion to continue application to August 2nd based on applicants request.

Seconded by Member Kearns

All in favor

Application continued to August 2nd.

50 Industrial Circle LLC, 5 Grace Lane, Attleboro, MA 02703 – Application for Special Use Permit for utility scale roof mounted solar array on commercial building located at 40 Industrial Circle, Lincoln, RI 02865.

AP 2, Lot 89 Zoned: MG-05

Chairman: This application represents a request for a Special Use Permit for a utility scale photovoltaic system. The applicant is proposing to install a 200 kilowatt photovoltaic system on the roof of an existing commercial building. The property is located in the MG-0.5 zoning district which allows for utility scale renewable energy systems under section 260-19Z.

Joshua Willey: Sworn in

Chairman: Reads standards 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.

Joshua Willey: Right now we have an industrial space and we are trying to utilize our roof space. Tenants are a distributor.

Steve Depina: Sworn in. Owner of the solar company. Electrical and solar licensed.

Keith Pudims: Sworn in. 555 panels on the roof 249 kW.

Joshua Willey: The roof in front is about 40 ft. Not possible to get to the roof without a ladder.

Keith Pudims: Panel size is 119 millimeters by 2260 millimeters.

Chairman: Anywhere near you have solar panels.

Joshua Willey: Across the street.

Steve Depina: solar permit will be pulled which is a building permit and electrical permit.

Member Kearns: Are you selling it right to the grid?

Keith Pudims: Yes

Chairman: Members of the Technical Review Committee reviewed the submitted plans and application seeking a Special Use Permit for the installation of a utility scale rooftop solar system for property located at 40 Industrial Circle, Lincoln, RI. The Planning Board recommends Approval of this Special Use Permit. The installation will be located on the rooftop of the existing building and will not exceed the permitted building height. The Planning Board feels that the 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 public comment.

Member Kearns: the calculations have been done for weather situations to hold? And wind load associated?

Keith Pudims: Yes, the wind load is from the North East and the wind speed max is 135 mph.

Chairman: Motion to approve application. 1. The use is permitted in the exact subsection in the ordinances that it's permitted in. 260-19-Z 2. The Special Use Permit meets all the criteria in the Zoning Ordinance such as parking and lighting and various use regulations. These don't fit these but other safeties fit the building permit level. 3. The Special Use Permit will not alter the general character of the neighborhood, there's other solar in the neighborhood. 4. The Special Use conforms with the Comprehensive Plan and Zoning Ordinances, anytime we can preserve open space, and open space is in the Comprehensive Plan it conforms.

Council: 260-19-Z1B the discussion had also covered this section.

Chairman: Amend motion with the addition of 260-19-Z1B

Member Ruggiero: Second the amended motion

Member Spezzano- AYE

Member Ruggiero- AYE

Member Mancini- AYE

Member Kearns- AYE

Chairman- AYE

Special Use Permit Granted.

55 Conduit St Realty LLC, 5 Grace Lane, Attleboro, MA 02703 – Application for Special Use Permit to install solar on industrial building located at 55 Conduit St, Lincoln, RI 02865.

AP 2, Lot 97 Zoned: MG-05

Chairman: 55 Conduit Street Realty LLC: This application represents a request for a Special Use Permit for a utility scale photovoltaic system. The applicant is proposing to install a 200 kilowatt photovoltaic system on the roof of an existing commercial building. The property is located in the MG-0.5 zoning district which allows for utility scale renewable energy systems under section 260-19Z.

Applicants already sworn in from previous application.

Chairman: Reads standards 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.

Joshua Willey: Business is located in this property, there are other tenants, and it is an industrial building. Roof height is about 25-30 ft.

Keith Pudims: 497 panels.

Member Kearns: Do you own all those buildings?

Joshua Willey: I don't own all of them, I own where the solar is on the plan.

*Same structure and installation of previous application.

Steve Depina: panels don't go, it is the operating system that goes. Have all the supplies for this project already. We are ready to go.

Zoning Official Hervieux: One year start time and one year finish unless building permit issue.

Steve Depina: Special panels bifacial that absorbs on both sides of the panel.

Council: Nuisance issues, getting into panels.

Keith Pudims: No access up on the roof and fall protection. Lock on door to roof hatch. Ground markings and fall protection 6ft measure.

Chairman: Members of the Technical Review Committee reviewed the submitted plans and application seeking a Special Use Permit for the installation of a utility scale rooftop solar system for property located at 55 Conduit St, Lincoln, RI. The Planning Board recommends Approval of this Special Use Permit. The installation will be located on the rooftop of the existing building and will not exceed the permitted building height. The Planning Board feels that the 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 public comment.

Chairman: Motion to approve application. 1. The use is permitted in the exact subsection in the ordinances that it's permitted in. 260-19-Z 2. The Special Use Permit meets all the criteria in the Zoning Ordinance such as parking and lighting and various use regulations. These don't fit these but other safeties fit the building permit level, 260-19-Z1B. 3. The Special Use Permit will not alter the general character of the neighborhood, there's other solar in the neighborhood. 4. The Special Use conforms with the Comprehensive Plan and Zoning Ordinances, anytime we can preserve open space, and open space is in the Comprehensive Plan it conforms.

Member Kearns: Second motion

Member Ruggiero- AYE

Member Spezzano- AYE

Member Mancini- AYE

Member Kearns- AYE

Chairman- AYE

Special Use Permit Granted.

Chairman: Next meeting is August 2nd. Two applications, continuance and new one.

Member Ruggiero: Motion to adjourn Second by **Member Mancini**
All in favor meeting adjourn