

Town of Lincoln
Zoning Board of Review
100 Old River Road, Lincoln, RI
Minutes of August 2nd, 2022 Meeting

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

Excused:

Minutes: June and July Minutes

Correspondence:

Applications:

Member Mancini: Motion to accept June minutes, second by Member Kearns

Vice Chairperson Lyle: Motion to accept July minutes, second by Member Kearns

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 was continued from the July 12, 2022 meeting for information on sizes of signs. No information has been provided as of this report. 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 SUP under section 260-37. The property has a commercial retail shopping plaza. Standards read into the record of the last meeting. Recommendation for the Technical Review Committee as well as correspondence from the Lincoln Police Chief. Basically it was in agreement that the applicant keep the plaza in exceptionally clean condition. However, the tenant in the plaza contend to the fact that the actual structure is set back a distance from the road way in comparison to other businesses in the area (Honey Dew, Post Office etc.). Because of the structure of the plaza the applicant is here to expand the pylon sign to provide his tenants with time on a digital board to show their logo, and rotate through each business. The Lincoln shopping center is its own individual business, separate from the other businesses. It is the Lincoln Shopping Center sign that we are talking about, separate from each business in the plaza. This is additional signage on the existing pylon that is there now. The signage cannot exceed 64 sq. ft. in size. Both sides of a two face sign. We did not have calculations of the existing signs. We asked the applicant with dimensions submitted by a sign company. Was provided to this board. 108 inches x 72 inches, 9 ft. x 6ft one side 54 sq. /ft. double for a two face sign 108 ft. of signage. The proposed sign is 28.375 inches x 94.5 inches, which is 18.62 sq. /ft. for one side which is 32.24 sq. /ft.

Vice Chairperson Lyle: I came up with 46.70

Zoning Official Hervieux: 7,776 sq. /in on the main side and 2,682 on the message board side, double and divide by 144, come up with 145.25sq/ft. total signage

Chairman: Divide in half

Zoning Official Hervieux: 81.25 sq. /ft.

Member Mancini: When this sign went up with 54sq/ft. it was under the 64, was there a waiver?

Zoning Official Hervieux: There is no paper work in our files

Chairman: We have a Special Use to add the lighted sign and then the relief within that permit of 81.25 sq. / ft. meaning relief over the 65 which is in the ordinance. This Special Use permit is either to allow/disallow the lighted sign and with that we will be allowing 81.25 sq. /ft. of relief.

Member Ruggerio: Are we taking two actions?

Chairman: No it would just fall within the Special Use permit as a condition.

Attorney DeSisto: Under 260-37-B3 larger signs may be permitted by Special Use permit in the ordinance.

Chairman: On this application last month will be the voting members on this application today, Member Spezzano, Kearns, Mancini and Ruggerio and myself. But Member Farhoumand and Vice Chairperson Lyle can ask questions. Open up the public portion.

Member Farhoumand: What is going on this sign specifically?

Applicant sworn in **James Risko:** More signage for tenants because of how far away from the road they are. Prevent drivers from having to scan the plaza, and have them look at the sign. Amber alerts/ silver alerts.

Member Farhoumand: Have you talked to the DOT? The sign is on your property but DOT might have regulations on State roads.

Attorney DeSisto: This is correct 1.7 of the DOT F. rules and regulations new technology. No legally conforming signs may be converted to tri signs unless approved by DOT. No videos must be allowed, LED, if a sign is converted to new technology the dept. might require a percentage to public services ex: amber alert. Would require DOT approval if the application would be approved.

Chairman: Should a motion be made to be approved but RIDOT standard as a condition.

Attorney DeSisto: Yes

Chairman: Would not take effect until the condition was made satisfied.

Vice Chairperson Lyle: Lyle: 260-37, did we ask if the sign is above the roof line?

Zoning Official Hervieux: Free standing the sign cannot be taller than 20ft.

Chairman: Can only be lit a half hour after closing of business or at 10pm, is the existing sign light up?

James Risko: The existing sign inside is lit up.

Member Farhoumand: Only allowed to use the board for business that are on that site so no-off site advertising.

Zoning Official Hervieux: The ordinance 260-37, he is correct. No off-site advertising. Only business on the property. Historically conditions have been made on what can go on the sign. It is already in the ordinance, and what RIDOT requires is on the applicant.

Attorney DeSisto: RIDOT approval that pretty much covers everything, it is up to the applicant

Chairman: Public portion

David Hart: Reiterate last month. Has anyone asked the State about the other signs in town, on George Washington Highway or the one on Breakneck Hill Rd.? Those are both State Roads.

Zoning Official Hervieux: Can answer the 116 sign that was before me. The one on Breakneck Hill Rd. They applied for a building permit for the sign and requested a physical alteration permit which comes from DOT, which means they have to look at the permit before we approve that sign.

David Hart: I understand but the ordinance says the sign is supposed to be a half hour after the bank is 24 hours. By having the sign there I like the idea of amber alerts.

Vice Chairperson Lyle: Who will be directing the information of alerts?

Chairman: Staff and they will be in control of the sign electronically and remotely. How will the messages be relayed?

Zoning Official Hervieux: The one on 116 is directed by the police and that was an obligation through a condition made.

Chairman: An additional condition would be the Lincoln Police would have the ability to create public service announcements.

Member Mancini: Made a motion to approve the application. 1. The use is permitted in the exact subsection in the ordinances that it's permitted in, which is 260-37. 2. The Special Use Permit meets all the criteria in the Zoning Ordinance such as parking and lighting and various use regulations,

Attorney DeSisto: 260-37-B-3- have to include 3 other factors, the aesthetic impact, the second being the total amount; site the numbers and the visibility of the use.

Member Mancini: 3. The Special Use Permit will not alter the general character of the neighborhood, based on my experience with Front St. driving back and forth where the sign would not be a distraction to anyone. I think this would fit in with the shopping center. 4. The Special Use conforms with the Comprehensive Plan and Zoning Ordinances. Yes, as long as we approve the relief of 81.25 ft. as far as the Zoning Ordinance will accept the relief above the 64ft in the Ordinance. In addition, the conditions. 1. Between 10pm and 6am the signs will be off, unless a business is open longer than 10pm that the ordinance states half hour after the business closes the sign has to be off. 2. Receive approval from DOT about the sign. And 3. Based on the Lincoln Police you should follow the Federal and State guidelines. Seconded by **Chairman** to approve.

Chairman: 260-37-B-3, in any case larger signs may be permitted. The Zoning Board needs to have the following in the factors. The aesthetic impact testimony in the record and renderings of the size, color and style and the impact it will have on the road, the second being the total amount- with the calculations of the existing sign and the proposed sign 81.25 sq/ft of relief and capping the allowed signing for the business on the pylon sign 145.25 sq/ft of capping; site the numbers and the visibility of the use- The Board met the standard when it put a condition on the motion to meet RIDOT conditions. Capping it at 145.25 sq/ft final condition that the Lincoln Police Dept. be allowed to provide messages for public announcements.

Ruggerio: Have to second the amended motion?

Attorney DeSisto: Clarification of Member Mancini's motion.

Member Spezzano- Aye

Member Ruggiero- Aye

Member Mancini- Aye

Member Kearns- Aye

Chairman- Aye

Sign has been granted but must get approval from RIDOT

Lonsdale Management LLC, 6 Cook St., Lincoln, RI 02865- Application for Special Use Permit to locate a 5 unit residential building on vacant land located at Smithfield Ave at the corner of Higginson Ave. Lincoln, RI 02865.

AP 6, Lot 213 Zoned: VCMU

Chairman: This application represents a request for a Special Use Permit for a 5 unit residential building. The applicant is proposing to construct a five unit residential building on a vacant lot. The property is located in the VCMU zoning district which allows multi-family residential with a SUP. The property meets the dimensional requirements for a five unit residential. The plan shows the required 10 off street parking spaces. There is no information on lighting or trash receptacles on the plan. This request would require at least one affordable unit under section 260-42 of the ordinance. No information on affordable units has been provided. The proposal meets the lot coverage requirements.

Dan Campbell: Sworn in - Civil Engineer on the project

Edward Pimentel: Sworn in - Surveyor on the project.

Eli Osko: Owner of the property, owns many multi-family properties in Lincoln and Central Falls. Has been in the business for many years, started with one now has 75 of multi residential housing. Has section 8 housing and low income family housing as well.

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.

Chairman: Application for a Special Use Permit for Residential Multi-Family Development at the intersection of Higginson Avenue and Smithfield Avenue - AP 6, Lot 213 This project includes the construction of a 5-unit multifamily residential building within a VCMU (Village Commercial Mixed Use) zone located at the intersection of Higginson Avenue and Smithfield Avenue. Multi-family housing is allowed in the VCMU zone with a Special Use permit. According to our Subdivision and Land Development Regulations, Section 6A(2), a project requiring both Planning Board and Zoning approvals must first obtain an advisory recommendation from the Planning Board as well as conditional Planning Board approval for the first approval stage of the proposed project. This Application received these at the May 25, 2022 Planning Board meeting. Members of the TRC reviewed the submitted plans and application seeking a special use permit to construct a five (5) townhouse style residential development and recommended approval of the Special Use Permit. Anyone from the public wishes to speak on this application.

Public Portion:

David Hart: Concerns on soil contamination because the property used to be a gas station and is concerned with gas/oil contamination on how far down it goes. With new digging and development the contamination will be brought to the surface. Would like to see a clean soil evaluation.

Yvette Pina: Concerns with the population size this development will bring and the amount of traffic and cars it will bring to the area.

Chairman: Due to not having a clean soil evaluation in the packet, would like to continue the application to the September meeting, with the condition that the clean soil evaluation will be done.

Applicant Eli Osko: Agrees to come back next meeting with the clean soil evaluation completed.

Motion to continue to September meeting (September 6th) made by Chairman, seconded by Member Ruggerio. All in favor.

Motion to adjourn: Motion made by Member Ruggerio, Seconded by Member Kearns.