

Town of Lincoln  
Zoning Board of Review  
100 Old River Road, Lincoln, RI  
Minutes of September 6th, 2022 Meeting

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

**Excused:**

**Minutes:** August Minutes

**Correspondence:**

**Applications:**

**Member Mancini:** Motion to accept August minutes, second by Member Kearns

**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 corner of Higginson Ave. Lincoln, RI 02865.**

**AP 6, Lot 213**

**Zoned: VCMU**

**Chairman:** This is a continuance from last month. There were some public concerns with soil contamination and testing of the site. This application was continued from the August 2, 2022 meeting for the applicant to provide a Phase I environmental study on the property. As of the writing of this report the study has not been received. 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 Special Use Permit. 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.

**Member Kearns:** I don't see the report in the packet.

**John Shekarchi for the applicant:** this is a Special Use Permit. There were some potential environmental concerns, I brought in David Hazebrouck an environmental engineer with a report of environmental concerns. Phase 1 has assessment for conditions. Doesn't involve soil sampling. There were 3 15,000 gallon tanks removed in 1999 85 cubic yards of surrounding soil had been removed, no further action report by DEM (no further action was needed).

**Vice Chairperson Lyle:** When does it get to need Phase 2?

**David Hazebrouck:** Sworn in, during construction if impacted soil then it would have to be removed and taken out. This should not be impacted.

**Member Kearns:** Was this location ever a gas station?

**Hazebrouck:** I don't know, don't recall. It was Fairlawn Oil.

**Vice Chair Lyle:** The report states it has been an oil company back in the 1940's.

**Member Ruggerio:** questions the depth of when it could be hazardous.

**Chairman:** At what point does it become an issue? What's the testing process throughout the project?

**David Hazebrouck:** When they start digging I would confirm where tanks use to be and excavate down to where the need to dig to and screen the soil.

**Chairman:** The ongoing testing information where does it get sent? Is it documented to DEM? Don't want to rely on the honor system.

**Vice Chairperson Lyle:** Is this property still on record with DEM, is there a tracking system on this property?

**David Hazebrouck:** No

**Zoning Official Hervieux:** The Building Official could ask for this but a condition should be made. Before issuing the Building C/O a stamped clearance should be giving by an engineer.

**Member Farhoumand:** Other than petroleum, anything else?

**David Hazebrouck:** Just petroleum.

**Chairman:** No further questions

**Chairman:** Reads recommendation from the TRC. 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 recommends **Approval** of the special use permit.

Public testimony: **David Hart:** Agreed with David Hazebrouck being on site while construction is happening, would like to see the Town have a report of the findings for record.

**John Shekarchi:** We will provide

**Vice Chairperson Lyle:** We were going to get a rendering of lighting as well.

**John Shekarchi:** Yes, at the planning hearing.

**Vice Chairperson Lyle:** Makes a motion to approve. Was originally concerned with traffic. Under 260-6-c and 260-66-67.1. 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. There will be 10 offsite parking spaces, proper trash pickup, and lighting. 3. The Special Use Permit will not alter the general character of the neighborhood. No altering to the neighborhood. It will fit in, and meets lot coverage. 4. The Special Use conforms with the Comprehensive Plan and Zoning Ordinances. Conditions: Accordance with drain, 260-42 available affordable units, environmental report excavation and disposed with regulations of DEM. Engineer will be onsite for testing and stamped environmental report by engineer before issuing of C/O and filed with the Town. A lighting plan will be submitted. **Motion Seconded by Member Kearns.**

**All in favor. Special Use Permit granted with conditions, applicant will work with Zoning Official Hervieux**

**Matt Fraioli, 1843 Old Louisquisset Pike, Lincoln, RI 02865- Application for Dimensional Variance for side setback relief for an addition on single family residential located at 1843 Old Louisquisset Pike, Lincoln, RI 02865**

**AP 25, Lot 132**

**Zoned: RA-40**

**Chairman:** This application represents a request for a Dimensional Variance for an addition. The applicant is proposing to construct an addition on the right rear of the existing house. The addition is proposed to be 19.62' from the side lot line which 35' is required. Therefore, the applicant would need **15.38'** of west side relief for the proposed addition. The property meets lot coverage requirements even with the addition.

**Merleann Mainelli Poulten:** Sworn in, owner. Builder is no longer involved.

**Robert Poulten:** Sworn in, owner

**Chairman:** 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.

**Merleann Mainelli Poulten:** House and pool area had a surveyor, he clarified we could only do an attachment and the only place is in the back of the house. The only place to attach to the house is in the back.

**Chairman:** 3 bedroom house, how many sq. /ft.? How long have you lived here?

**Merleann Mainelli Poulten:** 33 years

**Robert Poulten:** 2700 sq. /ft.

**Chairman:** What are you looking to do with the area?

**Merleann Mainelli Poulten:** Looking to have storage space and recreational space. Not a living area, no kitchen or separate bathroom. Will be able to access area through the attached garage.

**Chairman:** What size area?

**Merleann Mainelli Poulten:** 27 X 27

**Chairman:** Did you look anywhere else? You explore more areas?

**Merleann Mainelli Poulten:** Yes, this was the only place to put it.

**Member Mancini:** What is the year of the house?

**Merleann Mainelli Poulten:** 1978

**Chairman:** What kind of recreation?

**Robert Poulten:** at home gym, I am recently retired. And a music room and an art room.

**Merleann Mainelli Poulten:** I am a painter, I use to have a studio in Pawtucket but the rent is going up.

**Chairman:** No further clarifications. No public comment. Reads recommendation of TRC. Application for Dimensional Variance for side setback relief- AP 25, Lot 132. This project includes a request for side setback relief for the construction of an addition on a single family dwelling located at 1843 Old Louisquisset Pike. The property is located within a RA-40 zone which requires a 35 foot side setback. The applicant is requesting a 19.62 foot side setback resulting in a request of 15.38 feet of relief. Members of the TRC reviewed the submitted plans, application, and the surrounding area. The TRC felt that the shape of the abutting property (parcel 25-018) and the location of the dwelling on parcel 25-018 would minimize the impact of the requested relief. Barring any objections from the abutting parcel owners, the TRC recommends **Approval** of the side setback relief. Makes motion to approve. 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, no financial gain. 3. Granting of the variance will not alter the general character of the neighborhood, will not alter the general characteristics of the neighborhood. 4. What is asked of the Board is reasonable and least relief necessary, it is the least and the only spot on the property to put it. Had a surveyor on the property. 5. For a Dimensional Variance is there a hardship that's more than a mere inconvenience, which results in you needing this variance, would with rent increasing.

**Motion seconded by Member Ruggerio.**

**All in favor. Dimensional Variance Granted**

**Thomas and Pamela Ryan, 19 Memorial Ave, Lincoln, RI 02865- Application for Dimensional Variance for front setback relief for addition of front porch on a single family residential located at 19 Memorial Ave, Lincoln, RI 02865.**

**AP 9, Lot 129**

**Zoned: RG-7**

**Chairman:** This application represents a request for a Dimensional Variance for a porch addition. The applicant is proposing to construct a front porch onto an existing house. The proposed porch is 19.2' from the front property line which 20' is required. Therefore, the applicant would need **0.8'** of front relief for the proposed porch. The existing house has one encroachment into the setbacks. The rear of the existing house is 19.1' from the rear property line which 35' is required. Therefore, the applicant would need **15.9'** of rear relief for the existing house. The property meets the lot coverage requirements.

**Chairman:** Pamela A Ryan and Thomas Ryan sworn in.

**Chairman:** 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.

**Chairman:** Portion of your house exists and doesn't conform to the standards as they are right now.

**Applicant** wants a front porch, the previous owners did upgrades and they could afford to fix porch and ripped it out. The stairs will be recessed in.

**Member Ruggerio:** Are the stairs not part of the structure?

**Chairman:** They are

**Vice Chairperson Lyle:** Will there be an overhang roof?

**Thomas Ryan:** Yes the roof will cover the whole deck, siding will match the existing house. New front door but door will not be moved.

**Chairman:** Record amend request 19.2ft deck 6ft is 13.2 ft. 6.8 ft. of front set back relief.

**Applicant:** Agrees to amend original request of .8ft and approved new request of 6.8ft.

**Chairman:** Non-conforming in the rear 15.9 ft. relief, 6.8 front relief.

**Chairman:** Reads recommendation from the TRC. Application for Dimensional Variance for front setback relief- AP 9, Lot 129. This project includes a request for front setback relief for the construction of a front porch located at 19 Memorial Avenue. The property is located within a RG-7 zone which requires a 20 foot front setback. Members of the TRC reviewed the submitted plans and application and finds that while the overall concept is acceptable, a recommendation cannot be made because the requested relief is not clearly depicted on the plans or submitted material.

No public comment

**Vice Chairperson Lyle:** Makes a motion to approve application. Amend original setback of .8ft to 9.8ft. 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, does not result in financial gain. 3. Granting of the variance will not alter the general character of the neighborhood, 2 of the 7 houses in the neighborhood do not have pouches this would not alter the neighborhood. 4. What is asked of the Board is reasonable and least relief necessary, it is the 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.

**Motion second by Member Kearns, all in favor. Dimensional Variance Granted**

**Chairman:** October 4<sup>th</sup> next meeting. How many on the agenda.

**Zoning Official Hervieux:** 1, for a solar array.

**Next is the Election of Officials.**

**Council:** Under 260-78-A-5 and 260-75-C-2-A, The Board needs a secretary.

Questions of the duties and responsibilities of the Secretary as The Board has never had one.

The Board agrees the responsibilities will come with the job over time.

**Chairman:** Nominates Member Kearns as the Secretary. Second by Member Mancini, all in favor.

**Secretary Kearns:** Nominates David DeAngelis as Chairman, Second by Member Mancini. All in favor.

**Secretary Kearns:** Nominates Lori Lyle as Vice Chairperson, Second by Member Mancini. All in favor.

**Motion to Adjourn by Member Ruggerio, Second by Vice Chairperson Lyle. All in favor.**