

Town of Lincoln
Zoning Board of Review
100 Old River Road, Lincoln, RI
Minutes of March 4, 2025 Meeting

Present: David DeAngelis- Chairman, Frank Spezzano, Stephen Kearns, Valarie Bataille, Member Richard Denerstein, Attorney Ferreira, Building Official Hervieux

Excused: Kazem Farhoumand,

Minutes: February 2025 minutes

Correspondence:

Applications:

Motion to approve January meeting minutes- motion made by Member Kearns, second by Member Spezzano, with changes made by Member Bataille. All in favor.

Dawn Joly, 254 Central Street, Manville, RI 02838- Application for Use Variance for relief to add three more children to her home run daycare located on 254 Central Street, Manville, RI 02838 AP 38, Lot 015 Zoned: 260-9

Chairman: This application was continued from the January 14, 2025 meeting. I do not have access to the report sent by Tom Peck, former Town of Lincoln Zoning Official, in regards to this application. This application represents a request for a Use Variance to operate a daycare center at 254 Central Street, which is in a residential zone. Section 260-9J, family day care home, only allows for six or fewer unrelated children in a home daycare environment. Having more children moves this application to section 260-14J, Day-care center, which is not an allowed use in the RL-9 zone which this property resides. Applicant is not here for the record. Chairman spoke with solicitor- The Board would like to extend again, it is possible Town Council may amend the ordinance that the applicant would need to be here for. If ordinance does get amended Dawn Joly can withdraw, if it doesn't we will continue.

Building Official Hervieux: Going in front of Town Council for Public Hearing. We would need to continue after that (third Tuesday).

Chairman: Motion to continue to April 1st. Second by Member Kearns.
All in favor.

Keith and Lisa Williams, 1633 Old Louisquisset Pike, Lincoln, RI 02865- Application for Dimensional Variance for single family home with in-law apartment located at 1633 Old Louisquisset Pike, Lincoln, RI 02865. AP 45, Lot 54 Zoned: RS 20

Chairman: Reads zoning report, Keith & Lisa Williams: This application represents a request for a Dimensional Variance on an addition to add a bedroom. The closest point of the addition is 21.7' from the side (front) property line which 30' is required. Therefore, the applicant would need 8.3' of side (front) relief for the closest point of the addition. I was unable to determine if there was any other dimensional nonconformities from the plans submitted. The property, even with the addition, meets the lot coverage requirements.

Attorney Raheb for the applicant: Corner lot has two frontages.

Chairman: Reads standards for 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. More than a mere inconvenience.

Attorney Raheb: Applicant would like to add a small addition. Applicant is the parent of the owner. Need larger home to fit the family. The configuration of the lot has a curve to it. The road is 110 feet away from the finished build out. Need the front relief.

Chairman: Who lives there now?

Attorney Raheb: All 5.

Chairman: Size of current home?

Member Kearns: 38ftx25ft is shown as a rectangle with another 15ftx22ft. Is that included?

Attorney Raheb: That is the garage.

Member Bataille: Proposed is 20ftx16ft?

Attorney Raheb: Correct.

Chairman: In the addition, what is the layout?

Applicant: Bed and closet.

Chairman: Talk about the neighborhood.

Attorney Raheb: Home would still be a single family home, neighborhood is mixed but predominantly single family.

Member Kearns: Is this living area a basement? Kitchen?

Applicant: Yes.

Member Kearns: Use Permit for additional dwelling?

Attorney Ferreira: Negative, still single family home. Existing condition of home. New updates in the law allowed by right. Zoning setback issue is the reason they're here.

Chairman: Result if not granted?

Attorney Raheb: Parents couldn't stay in the home, not enough room.

Member Bataille: Septic system?

Applicant: Connected to sewer.

Member Bataille: The abutting land is that wetlands?

Applicant: Run off from Twin River Rd, not classified as wetlands.

Member Kearns: Existing staircase?

Applicant: Those go to the deck, abandon those and add new ones.

Chairman: Will addition match the existing color and materials?

Attorney Raheb: The improvements will match what is already there.

Member Kearns: Site distance from new driveway close to intersection.

Attorney Raheb: Need for DOT for safety, curb cuts. DOT permit has been approved.

Chairman: Public Portion open. No one from the public speaks about this application. Reads the TRC Report. The Technical Review Committee reviewed the submitted plans and application seeking a dimensional variance to add a 16'x20.5' addition onto the rear of the existing dwelling at 1633 Old Louisiquisset Pike. The TRC noted that the lot line is at an angle so that as you travel towards the rear of the lot, it becomes narrower. Moreover, although the addition requires a variance of 8.3' from the front property line off of Twin River Road, the addition will be some 80+/- feet off of the pavement itself due to the wide layout of the right-of-way. Accordingly, the TRC found the request to be warranted and reasonable. Based on the above findings and positive recommendation from the TRC, the Planning Board voted unanimously (4-0) to forward a positive recommendation to the Zoning Board of Review on the application of Keith and Lisa Williams.

Building Official Hervieux: Clarification, this will be built as an in-law- constructed differently than an ADU. ADU is rentable space; in- law would have an affidavit so when property is transferred it would not be transferred. DV for the setback.

Chairman: Motion to approve 1. Is there a hardship due to unique characteristics of land that is not any physical or economic disability? Testimony and plot map indicating irregular 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. They didn't build the original house. 3. Granting of the variance will not alter the general character of the neighborhood. Does not alter the neighborhood. Mixed structures. 4. More than a mere inconvenience. Testimony indicated wanting to keep the family together. Motion second by Member Kearns. All in favor.

Amica Mutual Insurance Company, 100 Amica Way, Lincoln, RI 02865- Application for Special Use Permit to add square footage to two signs located at 100 Amica Way, Lincoln, RI 02865. AP 31, Lot 168 Zoned: ML-05

Chairman: Amica Mutual Insurance Company: This application represents a request for a Special Use Permit for additional signage at a commercial office complex. The applicant is proposing to replace existing signage and add one additional sign and increase the square footage to 67.9 square feet. Therefore, the applicant would need a Special Use Permit to have more than one sign and relief of 3.9 square feet over the allowed signage. This SUP is allowed under section 260-37 of the zoning ordinance.

Samantha Ferrucci (represents Amica). Requesting Special Use Permit for two logo signs. There was a sign above entryway of building #100 and back entry way has since been removed. Two new signs 1-3d structural logo just over 55-sq./ft. 1- archways Amica logo fixed to the archway.

Chairman: Total number signs?

Samantha Ferrucci: These two and five-branded directional signal- total sq./ft. 70.89

Building Official Hervieux: Based on the 70.89, that would be 6.89-sq./ft. relief. Also granting relief for 6 total signs (only allowed 1 with ordinance).

Member Bataille: How many buildings?

Samantha Ferrucci: 1 building (#100) on this lot, 5 buildings on the total campus.

Chairman: Reads standards for Special Use Permit. 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. 3. Granting of the variance will not alter the general character of the neighborhood, and comply with the Comprehensive Plan. 4. Cannot yield beneficial use. With ordinance # 260-37. Is it seen from the street?

Samantha Ferrucci: It cannot be seen from the street.

Chairman: Prompting for the 5 "way" signs?

Samantha Ferrucci: There are 5 "way" finding signs there already, these will remain branded but updated with the new logo.

Member Bataille: Why so many signs for one building?

Samantha Ferrucci: Other routes to other buildings.

Todd Larson (Senior AVP): Sworn in. "Way" finding signs are in parking lots, and on sidewalks. They are for safety and directions to outside groups. Three in front of the building, two in the back.

Chairman: "Non" Amica people finding their way through the campus?

Todd Larson: Weekly.

Member Kearns: Questions the location of the signs.

Brian Kersanske (sign fab/ installer): Sworn in.

Chairman: Standard 2, any signs lit?

Brian Kersanske: Internally, all of them.

Chairman: 24 hr. operation?

Todd Larson: Yes.

Member Bataille: Signs are the same size?

Brian Kersanske: Increasing marginally (2ftx4ft to 3ftx5ft).

Chairman: Could the lights be put on a timer?

Brian Kersanske: Yes,

Chairman: Power there?

Brian Kersanske: Combination- power there and needed.

Samantha Ferrucci hands board packer of existing signs v. proposed signs

Chairman: Labels this as exhibit #1. Public portion open. No public to speak on application. Reads TRC Report: The Technical Review Committee reviewed the submitted plans and application seeking a Special Use Permit for modifications to signage at 100 Amica Way. The

Committee noted that two special use permits are required – one to exceed the number of signs (two are proposed) and a second special use permit to exceed the maximum allowable area of a sign by 3.9 sf. The TRC noted that the proposed signage does not appear to be out of scale for the size of the lot and building; moreover the signage is proposed at significant entry points. Based on the above findings and positive recommendation from the TRC, the Planning Board voted unanimously (4-0) to forward a positive recommendation to the Zoning Board of Review on the application of Amica Mutual Insurance Co.

Condition to cap it at seven signs and 71 sq./ft. of signage.

Chairman: Motion to approve application. Relief for signage ordinance granting Special Use Permit not to exceed seven signs and 71 footage of signage.

1- Yes. ordinance #260-37

2- Meets criteria (lighting) established.

3- Signs not visible from the road. Moot to standard.

4- Comprehensive Plan likes to keep a number of commercial spaces in town.

Seconded by Member Bataille. All in favor.

InFEWsion, 18 Maple Ave, Suite 240, Barrington, RI 02806- Application for Use Variance for solar installation on 678 George Washington Hwy, Lincoln, RI 02865. AP 30, Lot 32 Zoned: ML-05

Chairman: InFEWsion: This application represents a request for a Use Variance to install rooftop solar array on a commercial building located at 678 George Washington Highway. Currently this is not an allowed use in the ML-0.5 zone, which this property resides per section 260-19Z of the Town of Lincoln zoning ordinance.

John Shekarchi (attorney for the applicant): Technicality within the code. Special Use Permit removed to be consistent with the state. Asking for Use Variance.

Building Official Hervieux: New state law pushed Special Use Permit eliminated Special Use Permit (allowed v. not allowed) with the thought they would be revisited, this will be permitted use (just not right now). Going through the process just not there yet, they have to go to the Town Council.

Chairman: What is there now?

John Shekarchi: Self-storage.

Jackson Burttram: Sworn in.

Chairman: How many rows of solar?

Jackson Burttram: Five. Three of the five solar sizes of the system have already been approved. No rooftop, already 1 on the main structure. No ground, all concrete for a ground mount.

John Shekarchi: DEM land use restriction.

Chairman: Two types of solar?

Jackson Burttram: Sending electricity directly to RI Energy. Regrowth program (incentive).

Chairman: Major consumer on property?

Jackson Burttram: The main building- office space. Flat roof mount, barely visible on the storage unit.

John Shekarchi: Main purpose is to use the property for the intended benefit.

Public portion open, no one to speak.

Chairman: Reads TRC Report. The Technical Review Committee reviewed the submitted plans and application seeking a use variance to allow the installation of rooftop solar. The TRC discussed the industrial/commercial use of this site and the surrounding area, reviewed the application, and noted that rooftop solar panels would not be harmful or out of character with the neighborhood. The TRC discussed the modifications made to the Table of Use Regulations in 2023, which resulted from changes in state law necessitating “specific and objective” standards for each special use permit. The TRC acknowledges that the standards for granting a use variance are high, but finds that the preclusion of “utility scale renewable energy facilities” was likely not

intended to prohibit rooftop solar. Based on the above findings and positive recommendation from the TRC, the Planning Board voted unanimously (4-0) to forward a positive recommendation to the Zoning Board of Review on the application of InFEWsion, LLC.

Member Kearns: This type is preferred. Installation of solar (existing).

Motion to accept application; motion made by Chairman. 1- has to go on roof- land use restriction. 2- ordinance issue. 3- Already solar on property and barely visible. 4- Rely on guidance from solicitor property use at max potential. Second by Member Spezzano. All in favor.

Board Member status or roles.

Not discussed.

Progress of the of the Comprehensive Plan Advisory Committee

Member Kearns: Comp plan group is meeting 3/13 discussing the topic of future land use map.

Motion to adjourn: Motion made by Member Spezzano. Second by Member Kearns. All in favor.