

Town of Lincoln  
Zoning Board of Review  
100 Old River Road, Lincoln, RI  
Minutes of June 7th, 2021 Meeting

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

**Excused:**

**Minutes:** May minutes approved

**Correspondence:**

**Applications:**

**BNB Enterprises, LLC, 25A Carrington St., Lincoln RI 02865 – Application for Special Use Permit. Permission to locate a musical and artistic performance space serving liquor and live and/or recorder entertainment at mixed use mill building located at 25A Carrington St., Lincoln RI 02865.**

**AP 5, Lot 62 Zoned: ML-05**

**Chairman:** this application is withdrawing.

**Zoning Official Hervieux:** The attorney has asked me to represent him, he sent me a notice asking for a withdrawal of the application due to fire code issues they will not be able to overcome.

**Chairman:** we have correspondence in response to the application. Marked as exhibit one- an email to **Zoning Official Hervieux**. Chairman Make a motion to honor the request and withdraw application. Seconded by member Ruggerio

**All in favor.**

**Terry Lavoie, 5 Holiday Court, Lincoln, RI 02865 – Application for Dimensional Variance for lot coverage relief to install an above ground pool at single family residential located at 5 Holiday Court, Lincoln, RI 02865.**

**AP 11, Lot 126 Zoned: RS-12**

**Chairman:** Swears in applicant. Reads into the record the 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.

**Applicant:** have two small children and want to teach them how to swim. When first purchased the house didn't know they were already at the max for relief. Hasn't been to public pools due to covid. I hope to teach the kids how to swim.

**Chairman:** You live on Holiday Court

**Applicant:** Yes

**Chairman:** Your lot is zoned at RS-12, which means you're allowed to cover 20% of your lot with structures. Right now you're at 21.7% probably because your house was built before the Zoning Ordinance said that it could just be 20%. Right off the bat you're at 1.7% over. With the addition of a 12 by 24 pool, you'd be at 23.6% coverage again where 20 is allowed. You're looking at a 3.6% increase in lot coverage. Really the pool is going to add an additional 1.9%. Who lives in the house?

**Applicant:** Me and my wife and two twins.

**Chairman:** How did you choose a 12 by 24 size?

**Applicant:** My wife was hoping to do laps and an 18 would be too small. We looked at rounds but they wouldn't make the setback requirements.

**Chairman:** So what you're saying is that if you chose a round pool you'd be seeking more relief that's why you changed to oval. Is that correct?

**Applicant:** Yes

**Member Mancini:** Very familiar to the area. I think the pool size was a good choice. That's a reasonable size for that property.

**Chairman:** Thought process how the installation of the pool and how it connects with covid.

**Applicant:** We wanted to go to the Y, but with covid we had to shift that and put in application for lot coverage.

**Member Kearns:** In the photographs it looks like there is a fence going around the property. Is the front open? This will totally enclose the pool? How about lighting?

**Application:** the fence will enclose the pool, I haven't decided about that, i do have motion sensing flood lights already out there.

**Member Kearns:** You wouldn't need to add any additional lighting?

**Application:** I don't believe so.

**Chairman:** Are there any pools in the neighborhood?

**Application:** Over the last two years, I believe there are three pools that were installed.

**Chairman:** Members of the Technical Review Committee reviewed the submitted plans and application seeking a Dimensional Variance for lot coverage relief to install an above ground pool at a single family residence located at 5 Holiday Court, Lincoln, RI 02865. The Planning Board recommends Approval of this Dimensional Variance. According to the submitted site plan, the amount of lot coverage over the allowed 20% is a mere 3.2%. The Planning Board feels that the application presents the least relief needed. The Planning Board feels that granting these

dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

No public comment

**Member Mancini:** Makes a motion to approve this application and allow the 3.2% increase in lot coverage. 1.Is there a hardship due to unique characteristics of land that is not any physical or economic disability? The hardship is due to the fact he purchased a house that already exceeded lot coverage, he should be allowed to install a pool. And the house was built prior to the zoning rules.

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 finance gain.

3. Granting of the variance will not alter the general character of the neighborhood. Does not alter the characteristics of the neighborhood.

4. What is asked of the Board is reasonable and least relief necessary. The size of the pool is reasonable for the size of the lot.

5. For a Dimensional Variance is there a hardship that's more than a mere inconvenience, which results in you needing this variance. Hardship would prevent a family for the convenience of having a pool, instead of traveling.

**Seconded by Member Kearns.**

**Zoning Official Hervieux:** Correction it is 3.6% not 3.2%.

Clarify it is a 3.6% increase in lot coverage. TRC miscalculation.

**Attorney DeSisito:** the motion includes with it the condition that all of the regulations, local and state of the construction and the maintenance of a pool in the residential area be adhered to.

**Zoning Official Hervieux:** That would be automatic that would be in the State Building Code.

**Member Spezzano:** AYE

**Member Ruggerio:** AYE  
**Member Kearns:** AYE  
**Member Mancini:** AYE  
**Chairman:** AYE

**Variance has be granted**

**John Santoro, 6 Bridle Dr., Lincoln RI 02865 – Application for Dimensional Variance for lot coverage relief for the installation of an in ground swimming pool at single family residential located at 6 Bridle Dr., Lincoln, RI 02865.  
AP 26, Lot 132 Zoned: RA-40**

**Chairman:** This is in a RA-40 zone which means 15% of the lot can be constructed upon, either with structure or a swimming pool. The property is under the 15% at 14.95% with the proposed swimming pool the lot coverage is proposed to increase from 14.95% to 16.68% therefore the difference being a 1.68% increase in lot coverage therefore the applicant is seeking the 1.68% lot coverage relief.

**Applicant:** Has 4 children, 8 grandchildren, wants to put a pool in so that everyone can enjoy the summers together. This was designed to be the least encroachment necessary to give them both the pool and the pavilion.

**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.

Swears in Peter Casale- Zoning Official

**Attorney DeSisito:** Go through qualifications, and provide opinion testimony. Don't qualify as an expert.

**Applicant:** Goes through Peter Casale- Zoning Official qualifications.

**Chairman:** How many people live in the house now?

**Applicant:** 2

**Chairman:** the pool will be contracted for family enjoyment. How many children does the applicant have?

**Applicant:** 4 children, 8 grandchildren. All live in Rhode Island.

**Chairman:** Looking at 14 people in the pool. The 18 by 36, is the size of the pool.

**Vice Chairperson Lyle:** Can we confirm what structures are being added? Pool and pavilion.

**Applicant:** Yes pool and pavilion, we do not need coverage for the pavilion. Just the pool needs the variance.

**Zoning Official Hervieux:** Yes that is true. I notified the applicant when they applied for a building permit.

**Vice Chairperson Lyle:** I also noticed in the pictures there are two tree stumps, are they being taken down for the pavilion.

**Applicant:** Yes for the pavilion.

**Chairman:** Any other questions?

**Member Kearns:** Lighting, have any additional lighting?

**Applicant:** Yes around the perimeter there will be lighting. We just don't know the design yet.

**Member Kearns:** I am not sure the closest neighbors from here, but some of the lighting is dark sky so it won't go into the neighbors?

**Applicant:** They will be pointing up, going up. Not disturbing neighbors or houses.

**Vice Chairperson Lyle:** It will be in the back of the house not the front so you won't really see it.

**Applicant:** Correct

**Chairman:** Members of the Technical Review Committee reviewed the submitted plans and application seeking a Dimensional Variance for lot coverage relief to install an in ground swimming pool at a single family residence located at 6 Bridle Dr., Lincoln, RI 02865. The Planning Board recommends Approval of this Dimensional Variance. According to the submitted site plan, the amount of lot coverage over the allowed 15% is a mere 1.62%. The Planning Board feels that the application presents the least relief needed. The Planning Board feels that granting these dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

No public comment

**Chairman:** Makes a motion to approve application grant 1.68% increase in lot coverage.

1. Is there a hardship due to unique characteristics of land that is not any physical or economic disability? The existing home takes up 14.95% out of the 15% unable to do anything without relief.

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. The house is provable through Town records the house has no prior action it is the same as when it was purchased.

3. Granting of the variance will not alter the general character of the neighborhood. There are homes in the area that has swimming pools now

4. What is asked of the Board is reasonable and least relief necessary. Reasonable request as far as size.

5. For a Dimensional Variance is there a hardship that's more than a mere inconvenience, which results in you needing this variance. The applicant wouldn't have full potential of the property.

**Second by Member Ruggerio**

**Member Kearns:** AYE

**Member Mancini:** AYE

**Vice Chairperson Lyle:** AYE

**Member Ruggerio:** AYE

**Chairman:** AYE

**Variance has be granted**

**Edward R. D'Agostino, 14 David Dr., Lincoln RI 02865 – Application for Dimensional Variance for lot coverage relief for the installation of an in ground swimming pool at single family residential located at 14 David Dr., Lincoln, RI 02865.**

**AP 14, Lot 202 Zoned: RS-12**

**Chairman:** Application to install a 17 by 33 oblong in ground pool, RS-12 zoning district where 20% lot coverage is allowed. The property is currently at 19.0% lot coverage with the house and a shed. The addition of the proposed swimming pool would bring the property lot coverage to 22.9%, the difference being 2.9%. Therefore the applicant is seeking 2.9% lot coverage relief. Swears in the applicant.

Read into record the 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.

**Applicant:** I have a raised ranch, moved in about 3 years ago. Did expand on the home and added a shed. My wife and I primarily work from home. Family of 5. We would like to stay there and make it our forever home. Would like to put a pool in. For us to find something with the same living space and a pool it would cost twice as much.

**Chairman:** What kind of modifications did you make to the home?

**Applicant:** Expanded on the living square footage

**Chairman:** What is driving your desire to install a pool?

**Applicant:** My father has a pool and the kids love the pool, I am not sure how long he is planning on keeping the pool up. We work from home too so during the summer it would be convenient.

**Chairman:** Is this something you want to get done this year?

**Applicant:** if they can keep me on the schedule, we would like to have it this year.

**Member Ruggerio:** What year was the house built?

**Applicant:** 1995

**Vice Chairperson Lyle:** Is this exactly what the pool is going to look like?

**Applicant:** For the most part, yes.

**Vice Chairperson Lyle:** And the fence as well?

**Applicant:** There will be another 6ft fence around the pool.

**Member Kearns:** So you will be moving the playground?

**Applicant:** Yes

**Chairman:** Are there any other pools in the neighborhood?

**Applicant:** At least 4.

**Chairman:** Recommendation from the Members of the Technical Review Committee reviewed the submitted plans and application seeking a Dimensional Variance for lot coverage relief to install an in ground swimming pool at a single family residence located at 14 David Dr., Lincoln, RI 02865. The Planning Board recommends Approval of this Dimensional Variance. According to the submitted site plan, the amount of lot coverage over the allowed 20% is a mere 3.95%. The Planning Board feels that the application presents the least relief needed. The Planning Board feels that granting these dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

**Public Comment:**

**Amanda Difilippo:** Sworn in. Lives in the downhill. Impact on the soil and the hill? Stone fence that runs along the property line will that get disturbed? Lighting? Trees coming down? What happens when the pool needs to be drained?

**Applicant:** The stone fence is behind the fence in my yard that is not going to get touched. We are only going to where the existing fence is about 6ft from where the stone wall is to the fence. The stone wall will not get touched. Lighting, there are two flood lights on the back of the addition that go over the playground with no additional lighting that is currently there. Trees that are coming down, there's no trees that are coming down, there are branches that hang over my yard which would be over the pool. Those would be cut. The pool won't be drained.

**Chairman:** Where would you drain it?

**Applicant:** Normally towards the front near the street.

**Chairman:** Miss Amanda Difilippo addressed some concerns, the applicant has indicated the stone wall will not be touched. The fence will go up.

**Zoning Official Hervieux:** He made a comment about surrounding the pool with a 6ft fence?

**Applicant:** The side yard has a 6 foot fence the back is 5 foot, the back part will be raised and then straight down the yard will be blocking off the pool.

**Chairman:** No additional lighting other than what is already there. Not taking down trees but may cut canopied branches. As far as draining we don't really know the answer but the whole pool won't be drained and some will be drained to the front. The digging is in proximity 15ft from the back drop.

**Member Mancini** makes motion to approve this application and increase lot size by 2.9%.

1. Is there a hardship due to unique characteristics of land that is not any physical or economic disability? No, the only restriction is the restriction in lot size.

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. Does not alter the characteristics of the neighborhood.

4. What is asked of the Board is reasonable and least relief necessary. The size of the pool is reasonable for the size of the lot.

5. For a Dimensional Variance is there a hardship that's more than a mere inconvenience, which results in you needing this variance. Giving the children an opportunity to have a pool is essential.

**Second by Member Ruggerio**

**Vice Chairperson Lyle:** AYE

**Member Ruggerio:** AYE

**Member Mancini:** AYE

**Member Ruggerio:** AYE

**Chairman:** AYE

**Variance has been granted**

**Chairman:** Next meeting is July 12th.

**Vice Chairperson Lyle:** Possibility may not make the July meeting.

**Chairman:** If it looks like there may be an issue with quorum. Please get back to us sooner rather than later. But as of right now it is July 12th.

**Member Kearns:** A while ago we had a discussion about changing some wording on the ordinance, where do we stand with that?

**Attorney DeSisto:** The Council had some issues that they had to attend to, they are doing some other language changes. Once those issues are taken care of they will be on that, possibly August.

\*discussion of housing bills\*

**Member Ruggerio:** Motion to adjourn Second by **Member Ruggerio**

**All in favor meeting adjourn**