

Town of Lincoln
Zoning Board of Review
100 Old River Road, Lincoln, RI
Minutes of January 14, 2025 Meeting

Present: David DeAngelis- Chairman, Kazem Farhoumand, Frank Spezzano, Stephen Kearns, Attorney Antonucci,

Excused: Valarie Bataille

Minutes: October 2024 minutes

Correspondence:

Applications:

Motion to approve October meeting minutes- motion made by Member Kearns, second by Member Spezzano. All in favor.

Knock on Wood Furniture, 206 Nate Whipple Highway, Cumberland, RI 0286- Application for Extension of Vesting Rights to rebuild building which was destroyed by fire on 12-1-2022 location on 1661 Lonsdale Ave, Lincoln, RI 02865 AP 5, Lot 25 Zoned: VCMU

Chairman: This application is for a building/ business destroyed in a fire. They are extending their vesting right.

Michael Gordon: Sworn in. President/ owner of Knock on Wood Furniture. Burned down December 2022. Seeking extension.

Chairman: Questions for Zoning Official Peck. Extended to February 6th this year?

Zoning Official Peck: Correct.

Chairman: Questions to solicitor about motion- what is the correct time frame?

Michael Gordon: Hoping for 1 year.

Chairman: I think 18 months is fair. Feb 6th, 18 months out would be August 6th 2026.

Member Farhoumand: Any limit on total extension?

Attorney Antonucci: Silent on that, discretion of the board.

Member Farhoumand: How about the end of 2026?

Chairman: December 31st, 2026- agrees.

Chairman: Motion to extend vesting rights to December 31st 2026, second by Member Kearns. 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 02864 AP 38, Lot 015 Zoned: 260-9

Chairman: Request is seeking use variance, right now in home daycare, which caps it at a certain number of children. Looking to raise that number.

Carol Ricker Attorney for the applicant Dawn Joly- both sworn in.

Chairman: Reads standards for a 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. And it does not result from the desire to realize any greater financial gain.

Attorney Ricker: Client has in-house daycare and is at 8 kids. Families are pregnant and would like to include these three additional kids. Temporary use.

Chairman: Right now 8 kids. Town is ok with 8, state is- in compliance. Next grade with the state would jump to 12 kids, but only specifically asking for 11.

Dawn Joly: Yes.

Chairman: They sleep there?

Dawn Joly: No, 7:30am-5:30pm- normal day hours, we do breakfast, projects, play outside, lunch, nap, snacks then pick up.

Chairman: Earliest 7:30am, latest 5:30pm?

Dawn Joly: Yes. I can have 6, and with an assistant I can have 8. No more than 4 under 18 months. One was born in October, two more will be in August 2025.

Member Kearns: I live in Manville. Is the state ok with expanding, just looking for us to be ok with it?

Dawn Joly: Correct. I have letter from the state, and fire marshal approval.

Chairman: Reads TRC recommendation The Planning Board discussed the application and the definition of home-based family daycare. The Board discussed the limitation to 8 children referenced in the Zoning definitions and questioned whether the addition of 3 children would trigger handicap accessibility or commercial building code requirements, such as sprinklers. The Planning Board ultimately opted to make no recommendation either in favor of or against the application, finding that the comprehensive plan does not address this issue and further that the Zoning Board will be privy to information and testimony that the Planning Board is not. Accordingly, the Planning Board is neutral in its recommendation on the use variance Chairman opened the public portion.

Ken Pichette: Sworn in. Has known Dawn for a while. Live two doors down. Does the Zoning Ordinance stay with the daycare or property?

Chairman: Ability to condition the approval. Be conditioned with the person.

Ken Pichette: In favor.

Tarra Melfi: Sworn in. Daughter goes to the daycare. Is expecting another in May. Doesn't want to separate or have to find another place. Loves it there.

Stephanie Mulloy: Son has been going for almost a year now. Loves the daycare. Is pregnant with my 2nd child, so it would be hard to find another place.

Chairman: What is the process with looking for a daycare?

Stephanie Mulloy: Local groups, waitlists. Very competitive.

Chairman: No one present to speak against it? Spoke with attorney, wanted to hear testimony but need more time to get finalized info for standards. Need more time to for last standard.

Member Kearns: Which standard?

Chairman: Tough on the last standard. I think it is that last one.

Member Kearns: If we don't approve she will still have a daycare just with 8.

Chairman: Cannot have beneficial use if it is required to confirm. That is where they will have to do more work.

Member Kearns: I do not think she needs it. Unnecessary burden to the applicant. Confused by our task as a board.

Discussion of the board on standard #4

Solicitor: The standards are the standard. If the Town Council changes that number. The attorney can come back with further cases helping with the specific application.

Member Farhoumand: Why did the Town Council say 8? Why does RI say 12?

Attorney Ricker: Requests to have continuance to March 4th 2025.

Chairman: Motion to continue to March 4th, 2025. Second by Member Farhoumand. All in favor.

Holly Fusco, 2 First Street, Lincoln, RI 02865- Application for Dimensional Variance for rear and side setback relief, nonconforming by area on a single family residential located on 2 First Street, Lincoln, RI 02865 AP 17, Lot 42 Zoned: R-12

Chairman: This is a Dimensional Variance for a 2nd floor addition. Currently one story single family residential. Additional is 1,024 sq./ft. No expansion. House built prior to zoning ordinance regulations. Here to put the house in conformance.

Matthew Landry Attorney for Holly Fusco: Sworn in.

Chairman: Side relief right rear- 11.55 ft. (16.75ft is required), right front 11.05ft (16.78 required). Rear relief 24.95 (30.15ft required). Right rear 24.45 ft. (30.15 required). One other existing non-conforming corner is 21.15 where 30.15ft is required. Dimensional Variance 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. More than a mere in convenience.

Matthew Landry: Reason for calculations is to legal non-conforming. Modification was to demo and build but cost prohibited. This is less intrusive. Footprint not changing, straight up to 35ft.

Chairman: Other two stories.

Matthew Landry: Yes, i have photographs, letters of support

Holly Fusco: The house was sold to me by my father in 2015, looking to expand to add another bathroom. I work from home full time, lived here for 10 years, and my daughter is 11. I intend to live here.

Matthew Landry: Existing structure- three beds, one bath. Complete would be 4 bed, 2.5 baths.

Chairman: Living space now?

Matthew Landry: 1270 replacing the first floor.

Member Farhoumand: Where are these setbacks from?

Matthew Landry: Site survey.

Member Farhoumand: What surveyor? Questions about the lack of surveyor stamps. Questions the encroachment of the shed.

Insite engineers sworn in: Joseph Pastore and Richard Pastore.

Zoning Official Peck: Based on size of the shed, it is in compliance.

Chairman: Exhibit #1 photo.

Matthew Landry: Asks Fusco about images in exhibit #1. Size comparison to other homes near hers.

Chairman: Detriment if The Board says no?

Holly Fusco: Work from home everyday.

Member Kearns: Excellent improvement based on submission, would fit into the neighborhood.

Chairman: Read the TRC report. The Planning Board discussed the application and reviewed the existing structure and its context to surrounding properties. The Planning Board finds that granting the relief from the required side and rear yard setback would be consistent with the Comprehensive Plan and the character of the surrounding area and would not undermine the intent of the Zoning Ordinance. Therefore, the Planning Board voted (6-0) to recommend that the Zoning Board of Review grant this dimensional variance. Public portion open.

Soraia Monterio: Sworn in. Owner of 4 First St. All for bettering the neighborhood. Concerns with raising the house. Violates privacy. Impacts her house.

Kathy Drezek: Sworn in- also sent in a positive email. Support project. Lives across the street. The request to the group would confirm with the neighborhood. In support.

Rachel Araujo: Sworn in. Corner of Olney and First St. Support project.

Soraia Monterio: Only found this out today.

5 minute break

Matthew Landry: Talks about the public concerns- 1- Privacy; our point is there are no windows on that side of the house. Compromise would be arborvitaes- the objector did not want. Privacy goes both ways. Respectfully did what we could. Client will try to work this out. Two additional letters of support.

Chairman: Exhibit #2, #3, #4 are letters from neighbors. Exhibit #5 plans (four page architect plan/ proposed floor plan).

Soraia Monterio: Back window concerns. Do not want to maintain plants. Town complained against her fence. Value of home will decrease.

Solicitor: Concerns are on the record, you need to hire your own attorney to appeal this.

Chairman: Motion to approve Dimensional relief on the record to bring home to compliance.

1- small undersized lot, 2- not prior action of applicant, 3- Not alter other homes are two stories, 4- If DV was not granted the applicant would not have enough room. With conditions that drawing is stamped by a surveyor, and supplied to the Town. Second by Member Kearns. All in favor.

Board member status adds to agenda for March

Member Kearns Update to combine Planning Board and Zoning Board?

Solicitor: Possibly- combining roles.

Motion to adjourn- made by Member Farhoumand, Second by Member Spezzano. All in favor.