

Town of Lincoln
Zoning Board of Review
100 Old River Road, Lincoln, RI
Minutes of April 6, 2025 Meeting

Present: David DeAngelis- Chairman, Frank Spezzano, Stephen Kearns, Valarie Bataille, Kazem Farhoumand, Member Richard Denerstein, Building Official Hervieux, Zoning Official Cabral, and Solicitor DeSisto

Excused:

Minutes: March 2025 minutes

Correspondence:

Applications:

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

New Zoning Official Cabral introduced by Building Official Hervieux

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 March 4, 2025 meeting. This application was continued for the applicant to seek a modification in the zoning ordinance. The applicant received an approval from the Town Council. Therefore, this request is no longer required. 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. Application continued; use variance. It was put on hold due to ordinance issues; it went to Town Council- where does this stand?

Building Official Hervieux: Applicant went to Town Council to change the ordinance, it was approved and is now null and void and can be withdrawn.

Chairman: Regarding information from the Building Official with changes in the ordinance from the Town Council-motion made by Chairman to withdraw the application. Motion seconded by Member Kearns. All in favor.

Ralph and Patricia Perfetto, 22 Sylvia Ln., Lincoln, RI 02865- Application for Dimensional Variance for outbuilding height and side setback relief for a residential home located at 22 Sylvia Ln., Lincoln, RI 02865. AP 25, Lot 108 Zoned: RA-40

Chairman: This application represents a request for a Dimensional Variance on a detached garage addition. The side of the proposed garage is 7' from the north side property line which 25' is required. Therefore, the applicant would need 18' of north side relief for the side of the proposed garage. The property, even with the proposed garage, meets the lot coverage requirements.

Ralph Perfetto sworn in.

Ralph Perfetto: Would like to make an amendment. Can conform to the 500 sq./ft. But I would like to have height relief (17.5ft.). Have plans to replace original plans, no longer need side relief (reducing under 500 sq./ft.).

Building Official Hervieux: Under the original application it was over 500 sq./ft. And did not qualify (under 260-28) it needed side yard relief but no height relief. This included the entire building (overhang too)- height limit is under 15ft. And this would be over (17ft, 2ft of relief).

Chairman: Applicant submitted set of plans labeled exhibit #1

Board reviewed plans

Member Kearns: This site plan in packet accurate? Does the building have a driveway?

Applicant: Yes, extended 10ft or so, brick garage same as building.

Chairman: This application is still considered Dimensional Variance but for height. 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.

When was house built? When did you move in?

Applicant: 1984, moved in in 2013, bought the house this way.

Chairman: Did you consider building a garage anywhere else?

Applicant: Same height regardless.

Chairman: What kind of garage now?

Applicant: 2-car garage with stairwell, one side is 19ft area, the other is 23ft. area?

Chairman: Why now?

Applicant: Old collector cars, a pickup truck- hard to get in.

Chairman: Any other detached garages in area?

Applicant: Yes.

Member Kearns: How do you enter the garage?

Applicant: From the side.

Member Farhoumand: 17/ 17.5ft trying to match?

Applicant: Matching the pitch, not to match the height, only pitch of roof- will not be highest peak.

Chairman: Opens public portion. No public here. No values to read the TRC report their renderings are on original setbacks, but those have since changed.

Chairman motion that the relief to 17ft for height of garage. 1. Is there a hardship due to unique characteristics of land that is not any physical or economic disability? - Testimony applicant trying to maintain consistency of pitch. 2. Is that there's a hardship that results and it's not from any prior action of yourself- House was built in 1984 and purchased in 2013. No prior action. 3. Granting of the variance will not alter the general character of the neighborhood other detached garages in the neighborhood. 4. More than a mere inconvenience- need to store vehicles in garage.

Motion second by Member Kearns. All in favor.

Global Home Sales Solution, LLC, 201 Reservoir Ave, Lincoln, RI 02865- Application for relief under mapped street ordinance, requesting relief pertaining to 220-26 Zoning Ordinance to construct a single-family home located at 172 Central Street, Manville, RI 02838. AP 37, Lot 47 Zoned: RG-7

Chairman: This application represents a request for relief under the mapped street ordinance to construct a house. The applicant is proposing to construct a single story dwelling on a vacant lot that does not have adequate access to a public way. This lot previously went before zoning for this same relief and was granted with conditions on January 8, 2019. The project was started when the Town applied a Stop Work order for improper placement of foundation. The project was subsequently abandoned. The property went through several owner changes. This applicant is proposing to restart this project. There is still a foundation on this property, which possibly does not meet the zoning setbacks.

Attorney Corey Allard: For the applicant. Back in 2019 hardship existed and granted relief from mapped street ordinance. Foundation was incorrectly poured- in the wrong spot (in the setback line).

Chairman: How was it found in the wrong spot?

Attorney Corey Allard: Building official came out and stopped building, wants to remove foundation and correct it. Trying to sell in the past, buyers back out with nervousness.

Chairman: Trying to seek relief from mapped street ordinance? Times out within 2 years- 5 years later. Should have been completed within 2 years.

Attorney Corey Allard: Need relief from mapped street ordinance- need to show hardship due to nature of property.

Chairman: What does mapped street require?

Attorney Corey Allard: Retaining wall, pavement, cul-de-sac.

Member Kearns: Questions plans, original foundation verses proposed.

Chairman: Structure built, installed will not need relief?

Attorney Corey Allard: Correct.

Member Kearns: Concerns with proposed, will not work with the grading in back. Drainage, run off in the street?

Attorney Corey Allard: Exactly the same plans as what was granted back in 2019.

Member Kearns: Need further information.

Attorney Corey Allard: It is exactly the same.

Solicitor DeSisto: Following Up: 45-23-1-4 General Law subsection B. 2019 the Police Chief and Fire Chief need to be on the record- main consideration. TRC said water/ sewer installed. Need statement from Sewer and Water and Lincoln Water Commission that is active. Don't see any updated statements from Police or Fire.

Attorney Corey Allard: I have 2019 letters, I will update with 2025 chiefs.

Member Kearns: Don't want any more pavements?

Attorney Corey Allard: Correct.

Member Kearns: How much of that hill will need to be chopped down to build that foundation? Need more info.

Member Denerstein: Lincoln Water Commission lines/ sewer lines and costs?

Attorney Corey Allard: Letter from LWC for sewer, no water.

Chairman: What triggers are needed for retaining wall?

Attorney Corey Allard: Abutting property.

Chairman: Ask to produce updated documentation. Emergency vehicles letter (police/ fire). Sewer/ water lines are ok'd.

Solicitor DeSisto: Clarification of the need for relief - new development but not fully developed. Needs relief from mapped streets to not have to build road.

Member Farhoumand: Still doesn't understand no retaining wall?

Attorney Corey Allard: **If the street were extended, it would be needed.**

Chairman: Members of the Technical Review Committee reviewed the submitted plans and application seeking relief under the Mapped Street Ordinance to construct a single-family home. The TRC discussed the history of the application, which was previously approved by the Zoning Board, but then issued a stop work order when the foundation was found to be in the wrong location due to ledge encountered on the lot. The TRC felt that the relief could be granted but asserted that any alteration to the location of the foundation identified in the site plan could be subject to further Zoning relief. Further the TRC noted that the construction of any dwelling on the lot would be subject to the extension of water and sewer to the lot. The TRC voted 4-0 to recommend approval of the requested relief under the Mapped Street Ordinance. Public portion open:

Sara Dumas: Sworn in. Owns 170 Central St and 143 Prospect St. All the property around 172 Central Street concerns with erosion and ledge work scrapped and not sustained.

Craig Couture: Sworn in. Adjacent property concerned about construction, road blocked and impact of sewer/ water.

Chairman: Address tonight or when we come back.

Attorney Corey Allard: When I come back.

Chairman: If the project goes forward, would you make sure erosion is mitigated? And construction vehicles?

Attorney Corey Allard: Correct, clear on what needs to be obtained.

Member Kearns: Better drawings with elevations

Chairman: Continued to June meeting- June 3rd. Your wish to extend?

Attorney Corey Allard: Yes it is.

Chairman: Motion to extend. All in favor.

Chairman: No applications for May- but convene a meeting in May to discuss applications going electronic.

Building Official Hervieux: Work session. State passed a law that all Zoning had to be electronic by October. "Open Gov." would like to be up and running by June.

Solicitor DeSisto: Town going paperless, members should get laptops.

Discussion of possibilities to access online

Progress of the of the Comprehensive Plan Advisory Committee

Member Kearns: Sent link with updated Comprehensive Plan revisions, next step is finishing final version of future land use map. Plans go to state comments go to Planning Board.

Motion to adjourn: Motion made by Member Farhoumand, second by Member Kearns. All in favor.