

Town of Lincoln
Zoning Board of Review
100 Old River Road, Lincoln, RI
Minutes of December 2, 2025, Meeting

Present: David DeAngelis- Chairman, Kazem Farhoumand, Stephen Kearns, Richard Denerstein, Frank Spezzano, Paul Santos, Attorney Antonucci, and Zoning Official Cabral.

Excused: Valerie Bataille,

Minutes: November 2025

Correspondence: No

Applications:

Motion to approve November meeting minutes- motion made by Member Kearns second by Member Denerstein. All in favor.

Joseph Fernandes, for Norman Tashach 280 Front St., Lincoln, RI 02865- Application for Dimensional Variance for removal and rebuild of existing deck located at 280 Front St., Lincoln, RI 02865.

AP 10, lot 148 Zoned: BL- 05

Joseph Fernandes (contractor for the applicant) Sworn in

Chairman: Remove and reconstruct existing deck? Will the new deck be any bigger?

Fernandes: No.

Chairman: Pre-existing non-conforming deck.

Norman Tashach (owner) Sworn in.

Chairman: Reads standards. #1- Hardship exists due to unique land characteristics.

#2- Hardship not prior action of applicant.

#3- the project fits into the surrounding neighborhood.

#4- If not granted, would it be more than a mere inconvenience.

Norman Tashach: Deck build in 2010. I didn't own it then- I bought it in 2019.

Zoning Official Cabral: No documentation of the 2010 build. House itself is non-conforming also. Anywhere deck is built would be non-conforming.

Norman Tashach: Property was originally a garage. Currently the foot doctor and a residential upstairs.

Zoning Official Cabral: Original home built in 1940's.

Chairman: It is a safety issue. Tear is down.

Fernandes: Tear down and completely replace, secondary door for the apartment.

Member Farhoumand: Is relief for all of it?

Zoning Official Cabral: It is relief for the construction that is being done.

Solicitor DeSisto: Correct.

Chairman: Questions site plan. Drawings presented.

Member Farhoumand: Boundaries?

Fernandes: Received from Town Hall.

Chairman: Main function?

Norman Tashach: Tenant access, there would be no secondary access, only logistical place to put it.

Fernandes: Material- pressure treated, everything will be vinyl railing.

Member Kearns: Do we need some survey?

Solicitor DeSisto: Put condition on the approval that new deck does not exceed existing parameters?

Chairman: TRC Report The applicant seeks variances of approximately 21.5 feet (on the westerly side) and 9.5 feet (on the easterly side) to remove and reconstruct a deck. A side yard setback of 25 feet is required in the BL0.5 zoning district. The proposed deck will be in the same footprint as the existing one. The Technical Review Committee discussed this application at their November 13, 2025 meeting.

The TRC noted that the deck appears to be in disrepair and likely provides the second means of egress for the second story, accordingly the deck is a necessity. Ultimately, the Comprehensive Plan has little bearing on this application as it is not explicit in this vein, however safe and habitable structures are a tenet of the Zoning Ordinance and local planning documents. The TRC voted 6-0 to recommend a positive recommendation by the Planning Board that the deck be replaced in kind. No one from the public to speak on behalf of this application.

Chairman: Motion to approve #1- Hardship exists due to unique land characteristics. - Only place to put it.

#2- Hardship not prior action of applicant. - Deck was built before purchasing the property.

#3- the project fits into the surrounding neighborhood. - Every type of business, house, commercial in that area.

#4- If not granted, would it be more than a mere inconvenience. – Wouldn't have full use of property.

Condition: New deck does not exceed footprint of existing one. Second by Member Kearns. All in favor.

Thomas R Omar, 12 Loring Dr., Lincoln, RI 02865- Application for Dimensional Variance to add second story over existing garage located at 12 Loring Dr., Lincoln, RI 02865.

AP 12, lot 310 Zoned: RL-9

Thomas Omar sworn in.

Chairman: 4ft side setback relief.

Thomas Omar: Roof of garage and go up one-story full-size area.

Solicitor DeSisto: Need relief- non-conforming and going on top of the non-conforming.

Chairman: Reads Standards. #1- Hardship exists due to unique land characteristics.

#2- Hardship not prior action of applicant.

#3- the project fits into the surrounding neighborhood.

#4- If not granted, would it be more than a mere inconvenience.

You need 4ft on the side, before 1980?

Omar: Yes.

Chairman: When did you move?

Omar: Not the owner. Ride side of garage needs 4ft.

Chairman: How many in the house right now?

Omar: 4, new area is for entertaining.

Member Kearns: Access to it?

Omar: Stairway through the garage, no second floor now- three bedrooms no in total.

Chairman: TRC Report. The applicant seeks a variance of approximately 4 feet to construct a second story addition onto an existing garage consisting of living space. The garage is 11 feet from the side property line where 15feet are required. The addition will be vertical only. The property is located in the RL-9 zoning district. The Technical Review Committee discussed this application at their November 13, 2025. The TRC questioned the amount of the variance given that there was no survey plan provided but ultimately agreed that the addition was vertical only and would not extend further into the side yard setback. Ultimately, the Comprehensive Plan has little bearing on this application. The TRC voted 6-0 to recommend a positive recommendation by the Planning Board.

Public portion:

David Hart: Sworn in- lives across the street supports application.

Motion to approve application by Member Kearns.

#1- Hardship exists due to unique land characteristics.

#2- Hardship not prior action of applicant. - built in the 50's

#3- the project fits into the surrounding neighborhood.

#4- If not granted, would it be more than a mere inconvenience.

Condition: Do not exceed existing footprint.

Second by Member Farhoumand. All in favor.

Wesly Powell, 1674 Old Louisquisset Pike, Lincoln, RI 02865- Application for Special Use Permit to change capacity of children at in house daycare located at 1674 Old Louisquisset Pike, Lincoln, RI 02865.

AP 43, lot 123 Zoned: RS-20

Wesly Powell sworn in.

Chairman: Special Use Permit to have 12 kids in daycare at in home daycare.

Reads standards. #1- Regulation #260-66 and 67 complies with.

#2- Complies with Zoning regulations.

#3- the project fits into the surrounding neighborhood.

#4- Conforms with the Comprehensive Plan.

Wesley Powell: Home daycare would like to have 12 kids instead of 6, has enough room. Separate entrance and exit. 7:30am-5pm drop offs are staggered. Mostly siblings/ parents with multiple kids. Opened 3 years ago.

Chairman: Traffic issue ever?

Wesley Powell: Never.

Member Denerstein: Have permits changed?

Solicitor DeSisto: No, she just needs a Special Use Permit.

Member Kearns: Employees?

Wesly Powell: Two, one is in the middle of the day – kids come by 9am.

Chairman: No structural changes?

Wesly Powell: No.

Member Kearns: Inspections? Fire/ DOH?

Wesly Powell: Yes.

Member Kearns: Drop off in parking lot?

Wesly Powell: Yes. No street drop off.

Member Farhoumand: 6 to 12 kids jump? *Refers to prior applications*

Zoning Official Cabral: Matter of building approval to stay the same. She's allowed 8 children over 2.5 years of age. She can have 8 kids over 2.5 years of age and others under 2.5 years of age. According to the building official.

Chairman: Reads TRC report he applicant seeks a special use permit to operate a home-based daycare for 7 or more unrelated children (up to 12). The property is located in the RS 20 zoning district.

The Technical Review Committee discussed this application at their November 13, 2025 meeting.

The TRC noted that the applicant should document compliance with hours of operation in the Zoning Ordinance. The TRC was generally supportive of the application. Ultimately, the Comprehensive Plan has little bearing on this application. The TRC voted 6-0 to recommend a positive recommendation by the Planning Board. The TRC recommended that the applicant demonstrate adequate on-site parking for the maximum number of children dropped off or picked up at any one time and accommodate any current or future staff. If necessary, the Zoning Board should consider staggering drop off and pick up times.

No public comment.

Motion to approve application- Motion made by Chairman.

#1- Regulation #260-66 and 67 complies with- Use is permitted

#2- Complies with Zoning regulations. - meets Z/O regulations testimony from application, ample off-street parking.

#3- the project fits into the surrounding neighborhood. - Doesn't alter neighborhood.

#4- Conforms with the Comprehensive Plan. - Conforms with comprehensive plan and use ordinance.

Motion second by Member Kearns. All in favor.

John Pereira, 15 Morgan Court., Lincoln, RI 02865- Application for Dimensional Variance to add two car garage on property located at 15 Morgan Court., Lincoln, RI 02865.

AP 26, lot 65 Zoned: RA- 40

Chairman: Applicant is looking for 48.6ft of relief for garage.

Peter Petrarca for the applicant- presents documents to The Board.

Chairman: Reads Standards. #1- Hardship exists due to unique land characteristics.

#2- Hardship not prior action of applicant.

#3- the project fits into the surrounding neighborhood.

#4- If not granted, would it be more than a mere inconvenience.

Record exhibit #1 (from Casale code consulting).

Peter Petrarca: client due to unique nature of lot, pool on property. Looking for entertainment - only place to put it. Also, I would like to use it for storage. Had lot not been so unique there may have been another place. Very little area to put anywhere else. Narrows out in the back. Can't fully use that area.

No public.

Chairman: Reads TRC Report. The applicant seeks a variance of 48.6 feet from the minimum required combined rear/side yard setback of 55 feet to construct a garage. The Technical Review Committee discussed this application at their November 13, 2025 meeting. The TRC noted that the garage was very close to the rear property line and recommended that the garage be reduced in size in order to have a lesser setback requirement per building code. The TRC noted that there appear to be wetlands off-site and the applicant should consult with RIDEM. Ultimately, the Comprehensive Plan has little bearing on this application. The TRC voted 6-0 to recommend a positive recommendation by the Planning Board with two conditions: that the increase in stormwater run-off be managed in compliance with RIDEM regulations and that the applicant seek a certificate of applicability from RIDEM for construction within wetlands jurisdictional buffers.

Peter Petrarca: Had someone look at the property. Having a wetlands area check. Will also look a storm water runoff.

Concerns with the wetlands

Solicitor DeSisto: If the application is granted- condition for a wetland's delineation presented to Zoning Official.

Member Farhoumand: Why is that the only place to put it? What is in the back?

John Periera: Sworn in. I can't put it in front of the house. Where we are putting it, the driveway is accessible.

Chairman: Three car garage?

John Periera: Two cars proposed. For one car and for storage. One level.

Chairman: Basement finished when bought?

John Periera: Yes.

Concerns with wetland

Chairman: Number of people.

John Periera: Wife and me.

Member Kearns: Seems like a lot of relief but considering the shape/ size of the lot, I agree.

Motion to approve. Motion made by Chairman.

#1- Hardship exists due to unique land characteristics. – Irregular shape lot.

#2- Hardship not prior action of applicant. - no prior action.

#3- the project fits into the surrounding neighborhood. - Does not alter the characteristic of neighborhood.

#4- If not granted, would it be more than a mere inconvenience. – Would not fully enjoy property.

Condition: Wetland delineation be had for DEM involvement.

Second by Member Farhoumand. All in favor.

No January meeting. February 3rd next meeting.

Motion to adjourn at 7:30pm. Motion Made by Member Farhoumand. Second by Member Kearns. All in favor.