

# **LINCOLN PLANNING BOARD**

**AUGUST 25, 2004**

## **MINUTES**

**The regular meeting of the Planning Board was held on Wednesday, August 25, 2004 at the Town Hall, 100 Old River Road, Lincoln, RI.**

**Chairman Mancini opened the meeting at 7:05 p.m. The following members were present: Diane Hopkins, John Mancini, Gregory Mercurio, William Murphy, Gerald Olean and Michael Reilly. Absent was David Lund. Also in attendance were Town Planner Albert Ranaldi, Engineering Aide Ann Marie Ethier, and Assistant Town Solicitor Roger Ross. Margaret Weigner kept the minutes.**

**Chairman Mancini advised six members present; have a quorum.**

## **SECRETARY'S REPORT**

**Mr. Olean made a motion to dispense with the reading of the minutes from July 28, 2004. Mr. Reilly seconded motion. Motion passed unanimously.**

**Mr. Olean made a motion to accept the minutes of July 28, 2004 as presented. Mr. Reilly seconded motion. Motion passed unanimously.**

## **CONSENT AGENDA**

**Mr. Olean commented that at the Area of Planning Concern Committee meeting on August 19, 2004 on Nextel, there was a lot of public opposition. The APC wasn't there to discuss the merits of the plan. Mr. Mercurio commented that a microwave tower presents health dangers. Chairman Mancini and Mr. Mercurio both questioned the zoning application for JCM, LLC. Mr. Ranaldi explained that the applicant was on the Board's agenda for Major Subdivision under Vernon Estates. Mr. Reilly asked if the signs at Lincoln Mall would be on the street or building and Mr. Ranaldi stated that the signs would be on the building and were varying sizes, but nothing outrageous. They had to go before Zoning because the Zoning requirements are very strict. Chairman Mancini asked about Mr. Alves' application and Mr. Ranaldi explained that they appeared before the Zoning Board two or three months ago asking for a greater variance than they are now, but never submitted new plans for the TRC to review.**

**Mr. Olean made a motion to accept the Consent Agenda as recommended by the Technical Review Committee. Mr. Reilly seconded motion. Motion passed unanimously.**

## **MAJOR SUBDIVISION REVIEW**

**a. Cider Mill Subdivision      AP 23 Lots 118 & 206      Public  
Hearing – 7:15 p.m.**

**Robert J. Bouthillier    Great Road – Cider Mill Lane**

**Chairman Mancini explained the procedures of the public hearing – there is one held at Master Plan level and one at Preliminary Plan level. In this particular case, the Town Planner will explain situation, the developer or representative will speak, the Planning Board members can ask questions, and then the public can speak.**

**Mr. Ranaldi stated that the applicant received approval as a 7 lot subdivision – 5 new lots and 2 existing lots. It will be an extension of Cider Mill Lane and a cul de sac. The subdivision fell under the 1995 Subdivision Regulations. The applicant is back for a Preliminary Plan amendment. The public had many concerns with this development originally, so plans were sent to abutters notifying them of proposed amendment. The original approved plan needed a waiver on Lot #2 on 2 ½:1 ratio which the TRC found to be in order and recommended approval.**

**Chairman Mancini stated that when a developer comes to the Board for an amendment to an approved plan, the Planning Board can look and make a determination to approve without a public hearing. Since this amendment was to increase the number of lots from 7 to 8, the Board felt the public should know and be able to comment on plans.**

**Attorney Peter Ruggiero, representing the developer, stated that on the approved plan, Lot #2 (16 acres) needed a waiver. Lot #2 is now being divided into Lot #2 (3 .5 acres) and Lot #3 (12.83 acres). There is a buffer setback and delineation of wetlands. The new Lot #3 will require a 2 ½:1 ratio waiver.**

**Jeffrey Hanson, an engineer with Caito Corporation, stated that in response to the TRC report, he has filed with RI Department of Environmental Management (DEM) for a wetlands permit. He will review drainage with the Town Engineer. Mr. Ruggiero asked if the homeowners could use part of the buffer setback for their back yard. Mr. Hanson replied that the backyard area is 30' maximum plus side yards.**

**Abutter Jeffrey Boisvert of 3 Cider Mill Lane asked why this wasn't done originally. Mr. Ruggiero stated that there was a question on usable space of Lot #2. Chairman Mancini commented that this is why a public hearing was being held. Mr. Boisvert asked if this lot satisfied DEM requirements and Mr. Ruggiero stated that it does.**

**Mr. Olean made a motion to close public hearing. Mr. Mercurio seconded motion. Motion passed unanimously.**

**The Board has until October to approve, approve with conditions or deny amendment. Chairman Mancini stated that the applicant can be**

**put on September's agenda for a decision on amended plan.**

**Ms. Hopkins made a motion to move agenda out of order – to move Item 5C before**

**Item 5B as there was still time before next public meeting scheduled for 8:00 p.m. Mr. Mercurio seconded motion. Motion passed unanimously.**

**c. Lipka Subdivision AP 38 Lot 10 Master Plan Discussion/  
Olida Michaud Plante Living Trust 430 Old River Road Approval**

**Mr. Ranaldi stated that the applicant is on the agenda again, but the surveyor called and asked for a continuance. He is working with a traffic engineer on site distance. Lots may have to be reconfigured to meet site distance requirements. Wetlands concerns will also be addressed. The Board has until October 1, 2004 to make a decision on Master Plan.**

**Mr. Mercurio made a motion to grant continuance and to notify applicant in writing informing them of time frame. Mr. Murphy seconded motion. Motion passed unanimously.**

**Mr. Olean commented that he wanted applicant to be aware that the Board doesn't like to grant extensions.**

**Ms. Hopkins made a motion to move Item 6A up on agenda before**

## **Item 5B.**

### **Minor Subdivision Review**

#### **a. ReMed Group Subdivision AP 28 Lot 10 Preliminary Plan Discussion/**

##### **ReMed Group George Washington Hwy. Approval**

**Mr. Ranaldi stated that this is a minor subdivision of one lot into two. It is a commercial lot on Route 116 consisting of Wendy's and the medical building behind it. The subdivision fits all the requirements of the Subdivision Regulations. There is enough parking for both uses, even if a fence is put up.**

**Steve Long stated that this is the division of one lot into two. No new developments are planned; meets current zoning regulations, no waivers or variances are needed. Mr. Olean asked if there were two separate driveways on site, and Mr. Long replied that there are two separate entrances – one for each lot.**

**Mr. Olean made a motion to accept the TRC recommendations for Preliminary Plan approval. Mr. Mercurio seconded motion. Motion passed unanimously.**

**Mr. Olean made a motion to allow Administrative Officer to grant final**

approval. Mr. Mercurio seconded motion. Motion passed unanimously.

## **CORRESPONDENCE/MISCELLANEOUS**

### **a. Staff Reports**

Mr. Ranaldi advised the Board that an appeal of Lincoln Hills, LLC for a Comprehensive Permit was received. Mr. Mercurio asked where the development was located and Mr. Ranaldi stated that the proposed development was behind Timberland Drive.

Mr. Ranaldi also advised the Board that the Town Council will be setting up a public hearing to discuss the Affordable Housing Plan. He has found a considerable amount of vacant land that can be developed into one or two family homes. Zoning changes – zoning tools are proposed in the plan. One suggestion is to create housing in a vacant mill. The plan must be submitted to the state by December 31, 2004 for the Town to have control over housing applications. Mr. Ross stated that the Council will probably schedule a meeting in September. Once the plan is approved, it becomes part of the Comprehensive Plan. Mr. Olean reminded the Board that an amendment would be necessary to make any changes to Comprehensive Plan.

**Chairman Mancini stated that the Board must get back to the Subdivision Regulations revisions and schedule a work session. A work session will be held on October 7, 2004 at 7:00 p.m.**

**Mr. Ranaldi told the Board about the Secretary of State's website and the requirements for posting all meetings and minutes.**

**Chairman Mancini asked about the Zoning regulations. Mr. Ranaldi stated that he needs to write a Request for Proposals (RFP). Chairman Mancini reminded everyone that it is the Board's responsibility to make updates to regulations.**

## **MAJOR SUBDIVISION REVIEW**

**b. Vernon Estates Subdivision AP 26 Lot 2 Public Informational Hearing – 8:00 p.m.**

**George Vernon 119 Jenckes Hill Road Master Plan Discussion/Approval**

**Chairman Mancini explained the procedures of the public informational hearing. The Town Planner will explain the situation and the recommendations of the TRC, the developer will speak, the Planning Board can ask questions, and then the public can comment.**

**Mr. Ranaldi explained that the applicant would like to split one lot**

into two and is looking for conditional approval for Zoning. The area is zoned RA 40 which requires 150' of frontage. The applicant is proposing a lot with 50' of frontage and is seeking a variance of 100' from the Zoning Board. The TRC looked at the application and area and made specific findings. Section 1 of the Subdivision Regulations is more general than Section 5. The TRC recommends denial of this application. The TRC feels the plan is not appropriate land design, does not fit the area or the intent of the Comprehensive Plan. The majority of the developments in the last ten years all comply with required zoning. All have 150' of frontage and the 40,000 sq. ft. required. Hockey stick lots do not fit design and in his professional opinion, the proposed project is not in conformance with modern or good planning.

Attorney Joseph Raheb, representing the applicant, stated that there is no question that it is a hockey stick lot and there is no question that there could be more ideal configurations. This plan would minimize asphalt and removal of trees. The TRC has placed an emphasis on drainage and water flow, but the front of the property is higher than the street. Water on this property will not impact surrounding properties. The Zoning Board will determine if the variance is reasonable. According to their engineer, the plan meets all criteria. The main thing is that asphalt coverage will be reduced by 50% and mature trees will be preserved.

Chairman Mancini stated that the TRC verified sections of

**Subdivision Regulations. The Planning Board can not deny solely on zoning on zoning variance. However, numerous items were identified as not applicable to Comprehensive Plan and Zoning Regulations.**

**Mr. Mercurio asked about the advantages/disadvantages of abutters. In what way does this lot improve the values of neighbors and not adversely impact the sale of abutting properties. Mr. Raheb responded that a 15' driveway with trees is less offensive than a 30' road. Mr. Mercurio asked why the plan can't be less offensive to the neighborhood.**

**Abutter Brian Curti of 121 Jenckes Hill Road stated that he feels that all houses should be built within the zoning laws. He wouldn't have bought his house three years ago if he knew this was going to happen.**

**Abutter Sam Roberts of 20 Morgan Court stated that he has lost five sales due to this proposed plan. He feels it is an unacceptable plan, would have direct economic impact to abutters, and asked the Board to protect everyone in Lincoln from this plan.**

**Abutter David Mercier of 123 Jenckes Hill Road stated that he has lived there since 1986 and feels that this plan will have a negative impact.**

**Abutter Joe Garvey of 136 Jenckes Hill Road, the attorney for Mr.**

**Verdon stated that Brian Curti's lot is the same as the proposed subdivision. Mr. Verdon has owned his land for many, many years. His house is equal to or better than abutting houses. There are similar developments on Harris Avenue and Angell Road. He supports the proposed subdivision plan.**

**Councilman Richard Foster stated that he is not an abutter, but has concerns with hockey stick lots in town in general. He feels that the Zoning laws shouldn't be that flexible because it creates problems. There are a number of lots on Great Road that look out of place. He recommended to the Planning Board that they make a recommendation to the Zoning Board to deny.**

**Mr. Olean made a motion to close public hearing. Mr. Murphy seconded motion. Motion passed unanimously.**

**Mr. Mercurio asked for a point of order on something that he is confused about. He heard Attorney Raheb state that this plan is better than plan that could be presented. Chairman Mancini stated that the Board is looking at the merits of this plan only. This plan should stand or fail on its own merits. Mr. Raheb stated that the Board can't ignore alternatives, and Mr. Reilly commented that the Board would look at alternatives when they were presented to the Board. Chairman Mancini stated that the Board looks at the Subdivision Regulations, Zoning Regulations, and Comprehensive Plan when evaluating proposed developments.**

**Ms. Hopkins made a motion to accept the recommendation of the TRC and deny Master Plan approval. Mr. Mercurio seconded motion. Motion passed unanimously.**

**There being no further business to discuss, on a motion made by Mr. Olean and seconded by Mr. Reilly, it was unanimously voted to adjourn. Meeting adjourned at 8:35 p.m.**

**Respectfully submitted,**

**Margaret Weigner**

**Attached August 25, 2004 TRC Report:**

**On August 17, 2004 at 3:30 pm the Technical Review Committee met to review the agenda items for the August 25, 2004 Planning Board meeting. In attendance were Al Ranaldi, Kim Wiegand, Diane Hopkins, Anne Marie Ethier, and Henri Thibaudeau. Below are the Committee's recommendations:**

**Major Subdivision Review**

**a. Cider Mill Subdivision AP 23 Lots 118 and 206 Public Hearing – 7:15**

**- Robert J. Bouthillier Great Road-Cider Mill Lane**

**The developer has submitted an amendment to the approved preliminary plans for the above noted subdivision. The amendment is to reconfigure the seven (7) lot subdivision to increase the number of proposed lots to eight (8) lots. The TRC examined this amendment and concluded that the addition of one more lot fits all of requirements of our 1995 Land Development and Subdivision and Zoning regulations that the subdivision is vested in and is consistent with the Comprehensive Plan.**

**Pending any additional comments from the public hearing, the Technical Review Committee recommends approval of this amendment with the condition that the applicant submits a new drainage report that includes the calculations of the new lot and an approved RIDEM wetlands plan amended to include the new lot.**

**b. Vernon Estates Subdivision AP 26 Lot 2 Public Informational Hearing – 8:00**

**- George Vernon 119 Jenckes Hill Rd Master Plan Discussion / Approval**

**This application is under the 2001 Subdivision Regulations and represents the subdivision of one lot into two. The proposed project was submitted to the Administrative Officer then to the Planning**

**Board. The Administrative Officer determined that the project would require a zoning variance. According to Section 1, Article B (41), Minor Subdivision – a plan for a subdivision of land consisting of five (5) or fewer lots, provided that such subdivision does not require waivers or modifications as specified in these regulations; therefore, this minor subdivision was elevated to a major subdivision. Also, according to Section 6(A) (1) “Where an applicant requires both a variance from the zoning ordinance and Planning Board approval, the applicant shall first obtain an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous; then obtain conditional zoning relief, then return to the Planning Board for subsequent required approval(s).”**

**The plan received Certificate of Completeness on May 17, 2004 in which the Planning Board has 120 days (September 14, 2004) to approve the Master plan as submitted, approve with changes and/or conditions, or deny the applicant. The plan represents the division of one lot into two residential lots. The new proposed lot would only have 50 feet of frontage. Zoning for this area requires 150 feet of frontage. The applicant is applying to the Zoning Board for this relief.**

**While the proposed application fits all of the technical subdivision regulations at the Master Plan stage, the Technical Review Committee finds that the application does not meet the general intent of the 2001 Land Development and Subdivision Regulations as stated in Section 1, Article A or the specific standards stated in Section 5, and is not**

**consistent with the Comprehensive Plan. Therefore, the Technical Review Committee recommends Denial of this application for master plan approval. Below are the TRC's findings.**

**Section 1, Article A:**

**(2) Promote high quality and appropriate design and construction of land development and subdivision;**

**The TRC finds that the above noted subdivision does not promote high quality and appropriate land development design. The applicant is proposing to develop a house behind a house. This will be accomplished by asking for a 66% variance of the lot width standard in that area. The TRC reviewed the existing developments in that area in order to determine what types of development have occurred over the past ten years. Based on this informal analysis, the TRC concluded that all of the residential lots developed over the last ten years or so have met or exceeded this zoning requirement. Development in this area have met the standard and therefore established a level of subdivision design. The proposed zoning lot width is actually less than the required lot width for the lowest zoning district within the Town.**

**(3) Promote the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;**

**The TRC finds that developing the back portion of this property may cause significant drainage problems for the abutting properties. The Engineering Department visited the site and concludes that drainage from the Jenckes Hill Road flows from the south side of the road to the north side down to the low point of Jenckes Hill Road where the lot is located. No development can be allowed to impede or redirect the existing drainage from this point causing an adverse impact to abutting property owners or structures. Any design and/or placement of a driveway or access to the back of the lot for the proposed subdivision would have to ensure that there is no impact.**

**(4) Promote design of land development and subdivisions that are well integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can allow the best support for the appropriate uses by reason of natural characteristics and existing infrastructure;**

**As stated above, the TRC reviewed that existing developments in that area have concluded that all of the residential lots developed over the last ten years or so have met or exceeded the front lot width zoning requirement of 150 feet. Development in this area have met the standard and therefore established a level of subdivision design. The proposed zoning width is actually less than the required lot width for the lowest zoning district within the Town. The proposed subdivision will not be well-integrated with the surrounding neighborhoods and will distract from the existing rural characteristics of the area.**

**(5) Encourage local design and improvement standards to reflect the intent of the Lincoln Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the Town;**

**The TRC reviewed the Comprehensive Plan and found that generally and specifically, this application does not reflect its intent. According to the Comprehensive Plan's Land Use Element, Section III –Review of Key Land Use Issues, the Town of Lincoln has been successful in keeping the existing zoning districts in place but the plan notes, “holding these zoning districts will be a major challenge for the future” (2003 Town of Lincoln Comprehensive Plan, page LU-8). The proposed application is asking for a 66% variance of the lot width standard in that area thus jeopardizing the zoning requirements for this area. The Comprehensive Plan specifically notes that the rural character of the Limerock area should be maintained and that future land developments should be well-managed extensions of the current land development patterns of the Limerock area (2003 Town of Lincoln Comprehensive Plan, page LU-11 and LU-22).**

### **Section 5 of the Land Development and Subdivision Regulations**

**According to SECTION 5. PROCEDURES REQUIRED FINDINGS: All administrative, minor and major development applications shall address each of the general purposes stated in Section 1 hereof. In**

**approving such development projects, the Planning Board, shall make positive findings of the following standards, as part of the proposed project record prior to such approval being granted.**

**(1) The proposed development is consistent with the Lincoln Comprehensive Plan and/or has satisfactorily addressed the issues where there may be inconsistencies.**

**The application represents the subdivision of one lot into two. The TRC has reviewed the submitted plan and concluded that the plans incorporated all of the technical requirements of our 2001 regulations BUT do not represent good design principles, does not fit into the surrounding neighborhoods, and are not consistent with the Comprehensive Plan. The standards in Section 1 Article A present the specific references which the TRC used to develop this finding.**

**(2) The proposed development is in compliance with the standards and provisions of the Lincoln Zoning Ordinance.**

**Based on the submitted plans, the Technical Review Committee finds that the applicant is clearly not compliant with the standards and provisions of the Lincoln Zoning Ordinance. The proposed subdivision application is requesting a 66% variance from the lot width requirement of the RA-40 zoning district. The proposed zoning lot width is actually less than the required lot width for the lowest zoning district within the Town.**

**(3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions of approval.**

**Based on the submitted plans, the Technical Review Committee concludes that drainage from the Jenckes Hill Road flows from the south side of the road to the north side down to the low point of Jenckes Hill Road where the lot is located. This development may impede or redirect the existing drainage from this point causing an adverse impact to abutting property owners or structures. Any design and/or placement of a driveway or access to the back of the lot for the proposed subdivision would have to ensure that there is no impact**

**(4) Subdivisions, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be unpractical. (See definition (9) building lot and (10) building lot area). Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.**

**Based on the submitted plans, the Technical Review Committee finds that the proposed new lot does not conform to the standards and**

**provisions of the Lincoln Zoning Ordinance.**

**(5) All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.**

**Based on the submitted plans, the Technical Review Committee finds that the proposed new lot has adequate and permanent physical access to a public street although environmental impact of the proposed access driveway has not been addressed at this stage.**

**(6) Each lot in the subdivision conforms to the standards and provisions of the Lincoln Zoning Ordinance. Provided, however, that lots not being created for the purpose of present or future development need not meet the area and other dimensional requirements of the Zoning Ordinance provided that (a) a notation is shown on the recorded plat that the lot being created is not a buildable lot; and (b) a conservation or preservation restriction pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended, is granted to the Town of Lincoln prohibiting any such present or future development.**

**Based on the submitted plans, the Technical Review Committee finds that the proposed new lot does not conform to the standards and provisions of the Lincoln Zoning Ordinance. The proposed subdivision application is requesting a 66% variance from the lot**

**width requirement of the RA-40 zoning district. The TRC reviewed that existing developments in that area have concluded that all of the residential lots developed over the last ten years or so have met or exceeded this zoning requirement. Development in this area have met the standard and therefore established a level of subdivision design. The proposed zoning lot width is actually less than the required lot width for the lowest zoning district within the Town.**

**(7) Each subdivision shall provide for safe circulation of pedestrian and vehicular traffic, for adequate surface water run-off, for suitable building sites, and for the preservation of natural, historical or cultural features that contribute to the attractiveness of the community.**

**Based on the submitted plans, the Technical Review Committee cannot determine if the proposed subdivision can provide for adequate surface water run-off and for the preservation of natural, historical or cultural features that contribute to the attractiveness of the community. This standard would be addressed at the next stage of the subdivision process.**

**(8) The design and location of streets, building lots, utilities, drainage improvements and other improvements in each subdivision shall minimize flooding and soil erosion.**

**Based on the submitted plans, the Technical Review Committee can**

**not determine if the proposed subdivision can provide for adequate drainage improvements and other improvements to minimize flooding and soil erosion. This standard would be addressed at the next stage of the subdivision process.**

- c. Lipka Subdivision AP 38 Lot 10 Master Plan Discussion/  
- Olida Michaud Plante 430 Old River Road Approval  
Living Trust**

**At the time of the Technical Review Committee meeting, the applicant was still addressing the presented concerns. The TRC recommends that no action be taken this month and looks forward to reviewing their plans when they are presented. A decision on the Master Plan review must be made by October 1, 2004 or within such further time as may be consented to by the applicant.**

### **Minor Subdivision Review**

- a. Re-Med Group Subdivision AP 28 Lot 10 Preliminary Plan Discussion /  
- Re-Med Group George Washington Highway Approval**

**This application is under the 2001 Subdivision Regulations and represents the subdivision of one lot into two. The plan received**

**Certificate of Completeness on August 12, 2004 in which the Planning Board has 65 days (October 16, 2004) to approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant. The TRC reviewed the submitted plan and concluded that the plan incorporated all of the requirements of our regulations. The plan represents good design principles, fits into the surrounding neighborhood, and is consistent with the Comprehensive Plan. There are no engineering concerns with this proposed subdivision. There appears to be no impact to existing conditions regarding traffic, drainage, utilities or environmental concerns. The TRC recommends that the applicant be approved for Preliminary Plan and advance to the Final Plan stage.**

### **September's Zoning Applications**

**JCM, LLC, 3437 Mendon Road, Cumberland, RI – Dimensional Variance for front yard setback for property located on Jenckes Hill Road, Lincoln, RI.**

**AP 26, Lot 2 Zoned: RA 40**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends denial of the application for a dimensional variance. The Committee feels that the application does not meet any of the standards for relief for a dimensional variance as presented in the Zoning Ordinance. In**

**particular, the committee feels that if this dimensional variance is allowed, the residential character of this area will be changed and therefore impair the intent of the Lincoln Zoning Ordinance and Comprehensive Plan.**

**Mario Alves, 17 Mussey Brook Road, Manville, RI – Dimensional Variance for side yard setback for the construction of a garage/mudroom.**

**AP 34, Lot 325                      Zoned: RS 20**

**During a Zoning Board hearing, the Board requested additional information and updated plans. As of the date and time of the Technical Review Committee meeting no new information or plans were offered for review. Therefore, the TRC cannot offer a recommendation on this application.**

**Nextel Communications, 40 Hartwell Avenue, Lexington, MA – Use Variance for antennas for a telecommunications facility to be located at 41 Westwood Road, Lincoln, RI.**

**AP 16, Lot 123                      Zoned: RS 12**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends approval of the application for a use variance. This application represents the attachment of antennas to an existing municipal water tank and the location of associate equipment at the base of the tank.**

**Due to the unique nature of this property, the TRC finds that granting a use variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan. The TRC would like to bring to the Zoning Board's attention that according to Article II, section 7.14, the applicants for a wireless communication use is subject to the review of the Area of Planning Concern committee (APC). The applicant went in front of the APC on August 18, 2004; please refer to the committee's recommendation during your review.**

**Roland and Katherine Corcoran, 1089 Great Road, Lincoln, RI – Use Variance for the operation of an antique shop on property located at 1089 Great Road, Lincoln, RI.**

**AP 29, Lot 9**

**Zoned: RS 12/RS 20**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends denial of the application for a use variance. The Committee feels that the application does not meet any of the standards for relief for a use variance as presented in the Zoning Ordinance. In particular, the committee feels that if any commercial uses are allowed, the residential and historic character of this section of Great Road will be change and therefore impair the intent of the Lincoln Zoning Ordinance and Comprehensive Plan.**

**W.P Realty/L.B. Lincoln Mall Holdings, LLC, One Wynnewood Road, Wynnewood, PA – Special Use Permit for the installation of signage in excess of that permitted pursuant to Article V of the Lincoln Zoning Ordinance.**

**AP 41, Lot 7**

**Zoned: BL 05**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends approval of the application for a special use permit. This application represents property that is located within an existing commercial area. The TRC finds that the granting a special use permit for the installation of signage in excess of that permitted pursuant to Article V of the Lincoln Zoning Ordinance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**

**W.P Realty/L.B. Lincoln Mall Holdings, LLC, One Wynnewood Road, Wynnewood, PA – Dimensional Variance for the installation of light structures in excess of the applicable zoning requirement of 20 feet.**

**AP 41, Lot 7**

**Zoned: BL 05**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends approval of the application for a dimensional variance. The Committee feels that due to the existing commercial location and use of this property, the application meets the standards of relief for a**

**dimensional variance. The TRC finds that the relief requested will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**

**John Dalton, Jr., 1890 Louisquisset Pike, Lincoln, RI – Dimensional Variance for front and side yard setbacks for the construction of an addition.**

**AP 27, Lot 22                      Zoned: RA 40**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends approval of this application. A site visit indicated that most of the older houses in this area represent unique situations. These older homes were built before our present day zoning regulations. The committee finds that the dimensional variance will not alter the general character of the surrounding area and will not impair the intent or purpose of the zoning ordinance, nor the Comprehensive Plan.**

**Nautica Capital Group, Inc., 648 Snug Island Clearwater, FL/ Group 295, c/o Blish & Cavanaugh, 30 Exchange Street, Providence, RI – Special Use Permit for the construction of thirty age-restricted elderly residential condominiums on property located at Albion Road, Lincoln, RI.**

**AP 41, Lots 12/73/portion of 44      Zoned: BL**

**The Technical Review Committee recommends Approval of this application. Based on a site visit, the Committee feels that the general character of the area has evolved into a mixed-use area made up of light commercial and multi-unit housing developments. The TRC finds that the granting of a special use permit will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**