

Lincoln Planning Board

April 25, 2007

Approved

A meeting of the Planning Board was held on Wednesday, April 25, 2007, at the Town Hall, 100 Old River Road, Lincoln RI.

Chairman Mancini called the meeting to order at 7:05 p.m. The following members were present: John Mancini, Michael Reilly, Fred Ordonez, Gerald Olean, Ken Bostic and John Hunt.

Gregory Mercurio was absent.

Also in attendance were Town Planner Albert Ranaldi, Town Engineer N. Kim Wiegand and Town Solicitor Anthony DeSisto. Candice Larson kept the minutes.

Chairman Mancini advised six members present, have quorum.

SECRETARY'S REPORT

There was not a Secretary's Report available for approval.

CONSENT AGENDA

Chairman Mancini stated that any item on the consent agenda could

be removed and discussed separately by making a motion.

Mr. Ranaldi stated that he has been working with Dennis Andrews on the 2007 Block Grant Application and he recommends approval based upon the fact that as it is consistent with the comprehensive plan of the Town.

Mr. Olean asked if on the grant, the organizations that receive them are usually broken down into a list, for example Christ Church.

Mr. Ranaldi noted that the organizations that receive them are usually broken down as sub-recipients, and there are 4 sub-recipients this year but the number of sub-recipients does vary from year to year. There are normally 2-4 sub-recipients in a year.

Mr. Mancini asked about Douglas G. Vaughan, who is asking to vary to convert a first floor into 2 residential units. The TRC is saying that it should come before the Planning Board as a comprehensive permit, or for a zoning change. Mr. Mancini asked how something would get on to the Zoning Board agenda.

Mr. Ranaldi stated that any property owner has the right to apply for a variance. Mr. Mancini noted that the Zoning Board cannot approve the variance until it goes before the Planning Board. Mr. Ranaldi noted that because it is not commercial, they could have a use variance.

Mr. Mancini stated that the recommendation is, then, to come in with a comprehensive permit rather than a zoning change. Mr. Ranaldi

noted that on one side of the property there is a gas station and on the opposite side there is a home, so it is a residential area and the zoning should reflect that.

Unless there is a comprehensive permit or a recommendation to the Zoning Board needed, it will not go before the Planning Board. Mr. Ranaldi noted that the standards for a use variance are very high, and because it is an existing building that has parking and the area that it needs, and the appearance is more residential, they are trying to convey to the applicants that it should remain residential.

Mr. Olean made a motion to accept the consent agenda as presented. Mr. Bostic seconded the motion. The motion passed unanimously.

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COMPREHENSIVE PERMIT

Chamberland Subdivision

Mr. Mancini noted that there would be a public hearing for the consideration of approval at the preliminary level and the following abutters were present:

Ruth Chamberland

Ron & Suzanne Cournoyer

Mr. Ranaldi stated that the application is for a comprehensive permit,

under RI General Law 45-53 which is the Low to Moderate Income Housing Act. The Planning Board has until July 10, 2007 to make a decision.

The public hearing is for a subdivision of one lot with two house dwellings on it. Each housing unit would then have its own lot. The parcel of land does have two buildings and associated parking, and there are 5 total units. There is existing sewer and water and there are parking spaces but they do not meet the parking requirements or dimensional requirements. However, the properties were built in 1900 and the residences have been making use of the parking that exists and on-street parking. The Technical Review Committee (TRC) said that the parking is something that the Town could accept, and the applicant is proposing to put in more parking, but it will be 6 spaces total and not the required 10. The TRC recommends approval with conditions. There are 5 conditions as follows:

-The proposed driveway enlargement must be constructed to direct runoff from the abutting garage into a new drywell in the area between the houses.

-An excavation permit is required to cut and remove the existing curbing and replace it with curb returns.

-The existing sewer connection must be separated for each of the proposed lots for health and safety reasons. Both lots must obtain their own connection to the new PVC pipe because it is required by the Town.

-Both public sewer services inside the building must be upgraded to include a backflow preventor and pressure reducing valve.

-The service at 115-117 Central St. must also replace the meter, which is provided by the Water Commission at no charge.

-Final plan approval will be delegated to the Administrative Officer.

Mr. Olean asked if the plan had gone before the Zoning Board.

Mr. Ranaldi stated that it did go to Zoning, and received a positive recommendation but he was uncertain whether the Town Solicitor's office had written it yet.

Mr. DeSisto noted that although it was approved by the Zoning Board, it had not yet been written by the Town Solicitor's office yet. Mr. Mancini stated that the even though the Planning Board are the ones that approve comprehensive permits, the decision was to seek an advisory opinion from the Zoning Board, and he asked for a copy of the minutes from the Zoning Board meeting that would show any negatives as well as the fact that it was ultimately approved.

Mr. DeSisto stated that when the Town Solicitor's office forwards the recommendation, they will attach a copy of the Zoning Board meeting minutes as well.

Mr. Olean stated that the Planning Board would be unable to vote upon the subdivision because there was a procedure set up with the comprehensive permits that required the advisory of the Zoning Board, and that even though it is a smaller subdivision, a precedent should be set and followed. Mr. Reilly concurred that the Planning Board should see what the Zoning Board had to say about the subdivision in their recommendation.

Attorney John Shekarchi for the applicant was present. Mr. Shekarchi asked that because there was an expert present to give testimony, that they be allowed to give their presentation even though there will be no vote so that the expert does not have to return for the next meeting.

Mr. Mancini stated that the presentation should be this month because it is a public hearing even though the vote would not be until next month.

Mr. Shekarchi stated that the subject property is currently nonconforming due to use. There are 2 separate buildings that contain 5 separate units, and both are located on one septic line. The intent is to separate the land into two separate parcels. The purpose is to allow and encourage additional dwellings for low to moderate income housing. The current physical aspects of the site will not change, and sewer, water and parking are available. All cross easements needed to access the utilities will be recorded in the land evidence records.

Before an application for a project such as this one can be heard, a letter of eligibility must first be secured from RI Housing. RI Housing has approved the project and has conditions that one unit in each building be rented for a per-month rate of \$750 or less, and they will monitor the property to ensure that the rate is followed.

The applicant did appear before the Zoning Board, and they gave unanimous approval to recommend the project be done. They are

aware of the TRC recommendations and are willing to adopt them. Mr. Shekarchi then submitted as correspondence the letter of approval from RI Housing.

They assessed the current use of the two buildings and an analysis of the surrounding neighborhood for consistency purposes. They then considered the needs of the town for affordable housing. The plan notes that rental housing is needed because of the negatives of single family home ownership. Villages are characterized by a cluster of dense housing including large and multi-family rental housing and the plan allows for affordable housing rehabilitation.

Because buildings with 4 or more units are treated commercially, it is difficult to get loans and funding. The goal is to divide them so that there are a duplex and a 3-unit property. The applicant is planning to retain the properties currently, but it would also make it easier to sell them in the future. There will then be 2 properties of 5,000 square feet, which is small, but there is no new construction being introduced. It is a corner lot which allows another driveway to be put in.

Because affordable housing has to be dispersed evenly, they are placing one unit in each property, which adds up to 40%, or 2 out of 5 units. These units already exist, so they will be now counted towards affordable housing quotas.

Mr. Mancini asked if there were any further questions about the plans, and asked anyone that had any questions or comments on this particular development to come forward.

Ron Cournoyer, a butter to the property, stated that his concern was water runoff. The added parking spaces that will be asphalted will add to the water runoff. There is a drywell included in the project, but his concern is that he has water runoff now and does not want it increased. Mr. Cournoyer is glad to see the increased parking because parking is a problem in the area.

Mr. Mancini noted that the water runoff had been addressed in the plans, and ensured that although the plan will not stop the water runoff, but it will not make it worse.

There being no further comments, Mr. Olean made a motion to close the public hearing. The motion was seconded by Mr. Reilly. The motion passed unanimously.

Mr. Mancini asked if it were a problem that the Board will the vote at next month's meeting as far as timing of the construction goes. If it was a problem, it would be a possibility to put the vote on a special meeting agenda for the meeting that will be on May 9th. The Planning Board will need a copy of the Zoning Board minutes before they will vote.

Mr. Shekarchi stated that the timing would not be a problem.

Mr. DeSisto stated that he would be able to have his office's decision to recommend to the Planning Board before the May 9th meeting.

Mr. Olean made a motion to defer the decision of the Board until the special meeting on May 9th. Mr. Bostic seconded the motion. The

motion passed unanimously.

Next Public Hearing

Mr. Mancini noted that this is a Major land development review at Albion Crossing office park.

There were no abutters present.

Mr. Ranaldi noted that this is an application for master plan of approval because it is commercial property. The Planning Board voted to elevate it to a preliminary plan because significant engineering has been done that brought it up to that level. Therefore, the Planning Board has until July 10, 2007 to make a decision.

It is a redevelopment of the A.T. Cross building. They are proposing to move A.T. Cross to the further end of the building to free up the front portion that is on George Washington Hwy. which will be developed into office space with several large areas to lease out. One of the main concerns was with parking, but they have successfully met and actually exceeded parking requirements. There was development of new parking spaces under the Narragansett Electric easement and the water runoff from the development of the parking has also been addressed with under ground retention mechanics. The other parking area existed in the 1990s and is going to be reinitiated. The TRC recommends approval with conditions, barring any

unforeseen deterrents from the public hearing. The conditions are as follows:

-The existing crosswalk that is located on Albion Road between the complex and parking lot shall be re-striped.

-The applicant is required to apply for and receive a Narragansett Bay Commission approval for additional sanitary sewer discharges.

- Storm water discharges and new connections to the state system must be approved by RI DOT.

-Storm water discharges to the wetlands must be approved by RI DEM.

-The RI DOT must approve as part of the physical alterations permit any changes to the traffic from the property as well as changes to the access to the state road.

-Final approval will be delegated to the Administrative Officer.

Robert Manning, Managing Partner of Albion Crossing LLC was present. Mr. Manning stated that the project is a reuse of the development at A.T. Cross which is freeing up about 130,000 square feet of manufacturing space which will become office space. They will be adding parking to get it closer to the standard.

The development will be fairly straight forward, with a construction period in the range of 9 months. Based upon Mr. Ranaldi and Ms. Wiegand, they do not believe that there are any significant variances and they have submitted all applications necessary.

Mr. Mancini asked how old the building is, and Mr. Manning noted that there is a part that was built in 1961. There is also one entrance

that will be closed off so that there will be one entrance off of George Washington Hwy.

They hope to have a maximum of 6 clients in the office space, which makes it the only large office space in Northern RI.

John Hunt asked for clarification if Narragansett Electric would allow parking in their easement. Mr. Manning stated that A.T. Cross has granted an easement for Narragansett Electric and in turn they have allowed parking there.

Mr. Mancini opened up the public hearing to comments and questions from the public.

There being no public discussion, Mr. Olean made a motion to close the public hearing portion of the meeting. Mr. Bostic seconded the motion. The motion passed unanimously.

Mr. Olean made a motion to accept the TRC recommendation based upon the 5 conditions. Mr. Hunt seconded the motion. The motion passed unanimously.

Mr. Olean made a motion to delegate the final approval to the Administrative Officer. Mr. Reilly seconded the motion for the purpose of discussion. Mr. Mancini noted that if there were any problems with the development, Mr. Ranaldi would let the Planning Board know. The motion passed unanimously.

90 Industrial Circle

Mr. Ranaldi noted that this is a master plan development project, and the public hearing was held at the previous month's Planning Board meeting. It is the residential development of a single lot that is 1.9 acres, and it is zoned MG-05. It received a zoning use variance for 48 residential condominium units with 10% designated as affordable. The Planning Board has until May 15, 2007 to render a decision. It is basically converting the inside because the parking is already there as is the actual building. During review, it was noted that there were past environmental concerns on the property which was discussed at length. The TRC recommends keeping the project at the master plan level until the environmental land use restriction issues are resolved, but approving it at that level with conditions. They do believe that the issues can be resolved if they work with DEM, and that the project will go smoothly once it is resolved.

One of the conditions is that the applicant resolves the environmental land use restriction and submits a confirmation in writing from DEM before submitting their preliminary plan. They must also receive dimensional relief for the existing zoning issues.

Mr. Ranaldi noted that it is common practice to ask applicants with existing nonconformance issues to resolve them, and they are dealt with at the Zoning Board level as administrative issues.

Mr. DeSisto noted that Section 60-72 of the Zoning Ordinance allows the Planning Board to attach any conditions that they feel are appropriate if they feel it is necessary.

John Mancini, of A.F. Homes and representative of the applicant, was present. John stated that in respect to the environmental issues, they have spoken with DEM and they have preliminarily concurred with the applicant's interpretation of the environmental land use restriction and they just need a letter from the appropriate official. They will follow through with the variance with the Zoning Board while putting on record that they object to it due to the fact that it is nonconforming by dimension. They did go before the Zoning Board in October of 2005 to address the issue because the deficiencies in dimension are something that cannot be fixed.

Mr. Olean made a motion to accept the TRC report with conditions. The motion was seconded by Mr. Reilly. The motion passed unanimously.

Morris Minor Subdivision

Mr. Ranaldi noted that this application is a minor subdivision of 2 residential lots into 3 residential lots. All of the lots are accessed from an existing roadway. The applicant received a Certificate of Completeness on April 9, 2007. The Planning Board has until June 13, 2007 to make a decision, which is 65 days because it is a minor subdivision.

The TRC reviewed the application, and the applicant did receive a copy of the TRC report and has addressed almost all of the concerns that the TRC had. The only issue that was not addressed was the

graphic scale on the plan in a vertical datum point was not shown.

One of the concerns that the TRC do have is the sewers. In general, the plans are fine but the concern is that they are proposing gravity sewers in a 20 foot easement with Albion Rd. In the calculations that were proposed by the engineer, two of the houses worked and a third older house does not work because there is not enough pitch. Ms. Wiegand recommends that the houses could use forcing to the catch basins. Ms. Wiegand stated that she believes that they can connect to the sewers, however she does not believe that there is enough cover for the furthest house to make it by gravity, and she would like to see what is done because there may be a manhole involved.

Raymond Morris was present. Mr. Morris stated that he is requesting the subdivision and had spoken with some excavators and people who will be doing the sewer work, and they do realize that the furthest house will not have the cover. When sewers were connected on the street, they were not allowed a connection at the front of the house. What they will probably do would be a forced main connection for the one house and gravity for the other two.

Ms. Wiegand stated that you cannot have a gravity connection and a forced main connection together unless it is in a manhole. Mr. Olean noted that it would be owner responsibility.

Ms. Wiegand noted that they will need vertical data which is not usually required on smaller subdivisions but is necessary in this particular subdivision.

Mr. Olean made a motion to accept the TRC recommendations and defer the decision to the next meeting. Mr. Bostic seconded the motion. The motion passed unanimously.

Rosa Minor Subdivision

Mr. Ranaldi noted that this is a minor subdivision of one lot into two residential lots. Both the existing and proposed lots would be accessed from existing roadways. On April 9, 2007 the applicant received a Certificate of Completeness. The Planning Board has until June 13, 2007, or 65 days, to make a decision. The TRC reviewed the application, and sewer and water are available and there are no wetlands on the property. There is a high level of seasonal ground water, therefore one of the conditions would be that no finished floors be constructed below the ground water level. The utilities are shown and have been confirmed, and the proposed driveway is acceptable. One of the concerns that the applicant has to address is that it is an old house that is nonconforming by dimension. They are scheduled to go before Zoning in May for that purpose. Additionally, the existing house is also nonconforming by use because it is a 2 family that should be a single family residential. The applicant has decided to convert it to a single family. Mr. Ranaldi noted that getting a use variance would probably be more difficult than the conversion. There is an existing 3-bay garage that is sitting on the proposed property line, and it would have to be removed. The TRC does believe that the

concerns could be easily rectified and that the applicant has agreed to the terms and they recommend approval with conditions as follows:

-The applicant receives dimensional relief for the existing zoning issues on the existing house.

- The developer must submit a sedimentation and erosion control plan to the engineering office for approval at the time of the building permit for the new proposed lot.

- The developer must obtain permission from the Narragansett Bay Commission for additional and direct discharge from the new lot.

-The final water plan approval must be granted from the Lincoln Water Commission for the new proposed lot.

- A note must be added to the final record plan stating that no finished floors or basements shall be constructed at or below the seasonal high ground water elevation for the new lot.

- A note must be added to the final record plan stating that the zoning setbacks shown on the record plan are for records only. Actual setbacks will be determined at the time of construction or development of the land.

- A note must be added to the final record plan stating that the proposed new house must have drywells installed to capture the roof runoff.

- Granite bounds must be shown on the final plans marking the location of all the new property corners of the new lot.

- Approval of the final plan will be delegated to the Administrative Officer.

Attorney Michael Horan was present on behalf of the applicant. Mr. Horan stated that they accept all of the TRC recommendations. As indicated, they have agreed to convert the dwelling back into a single family and to remove the existing 3-bay garage. They will still go to Zoning Board for the dimensional relief relative to the front yard setback of the house and they accept and will meet all of the additional conditions.

Mr. Olean made a motion to accept the TRC report with conditions. Mr. Reilly seconded the motion. The motion passed unanimously.

Mr. Olean made a motion to delegate final approval to the Administrative Officer. Mr. Hunt seconded the motion. The motion passed unanimously.

The next Special Meeting of the Planning Board is on May 9th at 5:30 pm for a site inspection, and at 7:00 pm.

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.

The meeting adjourned at 8:24 pm.

On April 9, 2007, at 2:30 pm, the Technical Review Committee met to review the agenda items for the April 25, 2007, meeting of the

Planning Board. In attendance were Al Ranaldi, Kim Wiegand, Michael Reilly, and Russ Hervieux. Below are the Committee's recommendations:

Comprehensive Permit

a. Chamberland Subdivision AP 37 Lot 170 Public Hearing – 7:15 PM

**- Ruth M. Chamberland Sayles Hill Road Comprehensive Permit Review,
Discussion / Approval**

This application is to be reviewed under RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled “An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53”.

On March 12, 2007, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Preliminary Plan review must be made by July 10, 2007, or within

such further time as may be consented to by the applicant.

This application represents the subdivision of one lot into two lots. The current parcel contains two buildings and associated parking. One building contains two dwelling units while the other building contains three dwelling units. There are a total of five dwelling units on the subject lot. The buildings, parking and public infrastructure are all existing improvements. This proposal entails subdividing the property into two lots thereby permitting greater latitude in the marketability of the separate properties. The present configuration renders homeownership difficult considering financial institutions treat properties such as this one as commercial apartment complexes unlike duplexes and triplexes that are defined as residential dwelling units.

In order to accomplish the above subdivision, numerous subdivision waivers and zoning relief would be required. Therefore, the property owner is proposing a Comprehensive Permit with the establishment of two affordable housing units – one unit per building. While Comprehensive Permits have been controversial in the past, this unique proposal represents the conversion of already existing buildings and infrastructure. No new construction is proposed.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled “An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in

Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53”, the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled “Plan of Land for Ruth Chamberland”, AP 37 Lot 170, Central and Division Streets in Lincoln, Rhode Island, prepared by Marsh Surveying Inc., dated November 13, 2006. The following concerns were noted by the Technical Review Committee for the proposed development.

Site Plan

There are two existing houses on the corner of Central and Division Streets. Six parking spaces are proposed. In order to accommodate the additional on-site parking, one existing driveway is proposed to be enlarged on Division Street. Another driveway is proposed on Central Avenue. This will result in additional stormwater drainage. The driveway must be constructed to direct runoff away from the abutting garage and into a new dry well in the area between the houses. An excavation permit is required to cut and remove existing curbing and replace it with granite curb returns. This work must be performed before final approval is given.

Utilities

The lot has connections to public water and sewer. It is unclear where the sewer connections are located. It may go through the house at # 115-117 Central Street to #58 Division Street. For separate

lots the sewer connections must be separated for each of the lots for health and safety reasons. The new lot must obtain its own sewer connections or if joined outside the houses, an easement, as a condition of the final approval. According to the superintendent of the Lincoln Water Commission, the houses on the existing lot are serviced by public water. Both services inside the buildings must be upgraded to include a backflow preventor and a pressure reducing valve. The service at #115-117 Central Street must also replace the meter (which is provided free). Owners should contact the Water Commission for details.

Zoning Board Review

On April 3, 2007, the Zoning Board of Review met to review and issue an advisory opinion. According to the Zoning Official, the Board voted to issue a positive recommendation to the Planning Board. This recommendation will be written as soon as the minutes are produced.

This application is in front of the Planning Board for a public hearing. If no unforeseen concerns arise from the public hearing, the TRC recommends Approval with Conditions for this application. The conditions of approval are as follows:

- 1. The proposed driveway enlargement must be constructed to direct runoff away from the abutting garage and into a new dry well in the area between the houses.**
- 2. An excavation permit is required to cut and remove existing curbing and replace it with granite curb returns.**

- 3. The existing sewer connections must be separated for each of the proposed lots for health and safety reasons. The new lot must obtain its own sewer connections or if joined outside the houses, an easement would be required as a condition of the final approval.**
- 4. Both public water services inside the buildings must be upgraded to include a backflow preventor and a pressure reducing valve.**
- 5. The service at #115-117 Central Street must also replace the meter (which is provided free). Owners should contact the Water Commission for details.**
- 6. Final plan review and approval be delegated to the Administrative Officer of the Planning Board.**

Major Land Development Review

a. Albion Crossing Office Park AP28 Lot 41 Public Hearing – 7:30 PM

- Albion Crossing LLC Albion Road Preliminary Plan Land Development

Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the commercial redevelopment of a single lot containing approximately 25 acres. The property is located in a ML-0.5 (Manufacturing Limited) zoning district. This project is in front of the Planning Board for a Public Hearing and Preliminary Plan Land Development Review. On March 12, 2007, the project received a Certificate of Completeness. According to our Subdivision

Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Preliminary Plan review must be made by July 10, 2007, or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division has reviewed the above-proposed development according to the Land Development and Subdivision Regulations standards and requirements and standard engineering practices. The submission includes a set of Existing Conditions Plans entitled “Albion Crossing”, AP 28 Lots 14, 41, 42 and 106, George Washington Highway, Lincoln, Rhode Island, prepared for the applicant, Gray’s Point Investment , by Crossman Engineering Co., dated February 2007. A revised set of plans, “Albion Crossing, Wetlands Submission”, AP 28 Lots 14, 41, 42 and 106, George Washington Highway, Lincoln, Rhode Island, dated March 22, 2007 prepared by RGB for the above applicant were received March 30, 2007. A revised Drainage Report prepared by RGB for the applicant, dated March 2007 was received March 30, 2007. Below are the Technical Review Committee’s comments.

Site Plan

This is an existing facility with frontage and access to two State

roads. The development plan includes additional parking, signage, landscaping and drainage systems. Some the proposed work is within the RI Department of Environmental Management (RIDEM)'s jurisdiction. The plans show an additional parking area and associated drainage in the southwestern portion of the site. This construction is not included in the drainage report and, according to the applicant's engineer; it is not a part of the RIDEM wetlands submission. Therefore, it is not considered in this approval process by the Town. The site plan also shows additional parking for 166 vehicles on lot 106 which is owned by the applicant and is located across Albion Road. This parking area was used by the existing facility during times of significant work load. In recent years, the usage of this lot was greatly reduced. The applicant proposes to re-establish this parking area. The existing crosswalk will be re-striped. Based on the submitted site plan, it appears that the proposed layout and associated drainage structures will satisfactorily service the new proposed office space while preserving the existing office usage located to the rear of the property.

Utilities

The existing site is currently supplied by public water. The applicant has contacted the Lincoln Water Commission (LWC) regarding service to the facility and the water service is consistent with their standards and regulations (per conversation with John Faile, March 8, 2007). The Limerock Fire Department must approve the renovations for compliance with fire suppression requirements. The existing

building is currently connected to public sewers. The plans show existing connections to the public sewers, the Narragansett Bay Commission (NBC) interceptor in George Washington Highway. The Town is not aware of any problems with the current availability. The applicant must confirm availability of public sewers from the NBC. The applicant is required to apply to NBC for approval of any additional sanitary sewer discharges.

Drainage

The existing site has two storm water discharge outlets to the RI Department of Transportation (DOT) drainage system and two piped outfalls to the wetlands/ stream system to the west. It is proposed to mitigate peak runoff from the new parking areas using onsite underground detention structures. Stormwater discharges and new connections to the State system must be approved by RIDOT. The discharges to the wetlands must be approved by RIDEM. The drainage report shows mitigation up to the 100 year frequency storm for the proposed conditions. The property owners will be responsible for the operation and maintenance of the storm drainage system on the site. The proposed plan as submitted successfully incorporates the new development.

Traffic

The RIDOT must approve any changes to the traffic from properties as well as changes to the access to state roads. It is proposed to close one access onto George Washington Highway. The RIDOT

would review sight distance, peak intersection traffic impact and road safety. If there is to be a change in traffic volume or peak flow, this would need to be approved by RIDOT as part of a Physical Alteration Permit (PAP). The applicant has stated that there is no proposed major change regarding the traffic from this facility (conversation with Town Engineer January 2007). As mentioned above, RIDOT would also need to approve new connections and/ or flows to the State drainage system through a PAP.

This application is in front of the Planning Board for a public hearing. If no unforeseen concerns arise from the public hearing, the TRC recommends Approval with Conditions for this application. The conditions of approval are as follows:

1. The existing crosswalk located on Albion Road between the complex and parking lot shall be re-striped.
2. The applicant is required to apply to the Narragansett Bay Commission for approval of any additional sanitary sewer discharges.
3. Stormwater discharges and new connections to the State system must be approved by RIDOT.
4. Stormwater discharges to the wetlands must be approved by RIDEM.
5. The RIDOT must approve as part of a Physical Alteration Permit (PAP) any changes to the traffic from properties as well as changes to the access to state roads.
6. Final plan review and approval be delegated to the Administrative

Officer of the Planning Board.

**b. 90 Industrial Circle AP 2 Lot 82 Master Plan Land Development
- A. F. Homes Walker Street & Industrial Circle Discussion /
Approval**

This application is under the 2005 Subdivision Regulations and represents the residential development of a single lot containing approximately 1.9045 acres. The property is located in a MG-0.5 (Manufacturing General) zoning district and received a use variance for 48 residential condominium units with 10% designated as affordable. This project is in front of the Planning Board for a Master Plan Land Development Review – Public Informational Meeting. On January 16, 2007, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan review must be made by May 15, 2007, or within such further time as may be consented to by the applicant. No new information has been presented since the last meeting. Therefore, the follow review is a copy of the review submitted last month.

The Technical Review Committee and the Engineering Division has reviewed the above-proposed development according to the Land

Development and Subdivision Regulations standards and requirements and standard engineering. The most recent submission includes a set of plans entitled “Master/Preliminary Plan Submission” for AP 2 Lot 82, Walker Street and Industrial Circle, Lincoln, Rhode Island, prepared for the applicant A.F. Homes by Cataldo Associates Inc., dated February 13, 2007. Also included was a report “Soil Erosion & Sediment Control and Stormwater Management Report” prepared by the above consulting engineer for the above developer. A “Traffic Impact Study for the Proposed Condominium Development” prepared by the above consultants for applicant, dated June 16, 2006, was previously reviewed. The following are concerns noted by the Technical Review Committee for the proposed development.

Site Plan

The site plan shows onsite parking and access to Industrial Circle. In order to provide egress, the developer proposes to eliminate a narrow traffic island opposite the access way. The developer also proposes to stripe and mark the stop bar on Industrial Circle. It is recommended that the other narrow traffic island be removed as well and the area repaved before re-striping.

Utilities

The applicant has contacted the Lincoln Water Commission (LWC) regarding public water for the development. The Lincoln Water Commission (LWC) must approve the water service. Preliminary Plan

approval will be contingent on receipt of a letter from the LWC stating that there is sufficient public water for the project and that the plans are acceptable. The Saylesville Fire Department must approve the development's water supply service and access for fire suppression as well as the location of any fire hydrants.

The existing location and discharge points for the building's sanitary sewerage may not be properly connected to the sewers, according to current standards and regulations. However, the development proposes to connect with a new lateral to the existing sewer in Industrial Circle, ensuring that new flows will be properly treated. The plans note that existing sewer connections will be capped. The project will also be required to obtain approval from the Narragansett Bay Commission for the sanitary sewer discharge. It is recommended that the structure labeled cesspool on the south side of the building be removed and/or filled and closed.

The property has several utilities on and across it, including but not limited to water, sewers and drains. These utilities are subject to easements in the Land Evidence Records. It is advised that the developer work with the Town and the LWC (and others, as necessary) to clarify the location, current use, ownership and responsibility for the utilities in the easements. The developer has also been advised that there are old, (greater 100 years) vitrified clay sewers in and cross the area that are to be avoided, as they are fragile and likely to break/fracture easily.

Drainage

The site drains generally east towards Industrial Circle. It is proposed to direct runoff from the parking area into an onsite infiltration system with overflow to the existing storm drainage system which discharges dually to Saylesville Bleachery Pond and the Moshassuck River. The developer will be responsible for the operation and maintenance of the storm drainage system which includes the onsite catch basins and the infiltration system. The development will require an Underground Injection Control permit from RIDEM. The UIC system and catch basins will improve the current water quality of the storm water runoff as well as mitigate any future impacts from the development. The outlet from the onsite storm water system is proposed to connect to drainage in Industrial Circle. It is recommended therefore, that the curb inlet and drainage manhole on the eastern side of Industrial Circle which appears to drain into the pond, be rehabilitated with a grated inlet and deep sump catch basin.

Environmental

The site was a former industrial building. There is an area designated as an Environmental Land Use Restriction (ELUR) on the property due to a previous finding of contamination from the past industrial use. This area is shown on the plans. The property was given a “variance” for continued industrial use. The restriction recorded in the Land Use Evidence Record states that “No residential use of the contaminated site shall be permitted.” The site will need to be in conformance with the RIDEM’s Direct Exposure Criteria for residential

use. An environmental site investigation would determine what, if any, other restrictions or remediation are required. Before preliminary approval can be granted, the Planning Board needs confirmation as to how the property will be brought up to residential standards.

Traffic

The Traffic Impact Study findings indicated that the project will not significantly impact the safety or levels of service on the roadways. The study analyzed the existing and future development conditions at several intersections. An important element of this analysis is the RIDOT's proposed Smithfield Avenue improvements which are scheduled to begin construction in March 2007. The improvements include a traffic signal at the intersection of Walker Street, Woodland Avenue and Smithfield Avenue. The analysis states that there is adequate sight distance at the location of the proposed entrance to the site, as well as at the intersection of Industrial Circle and Walker Street.

Zoning

While the project received a use variance for the proposed residential development, the applicant did not request or receive any variances for the existing building. It has been the policy of the Town that when any existing properties come before the Town for a new proposed use or addition, that the applicant correct all existing zoning issues. Usually, this administrative action is combined when the applicant is

being reviewed for any new zoning relief. This has not happened for this project. Therefore, the TRC recommends that while the applicant is working through the Planning Board process, that they address the existing zoning issues.

Based on the above noted concerns and the public hearing in which no concerns were voiced, the TRC recommends Approval with Conditions for this application. This recommendation is for the Master Plan stage only. The TRC feels that at this review level, the project works in concept. The conditions of approval are as follows:

1. The applicant resolves the Environmental Land Use Restriction (ELUR) and submits written confirmation from RIDEM before they submit for Preliminary Plan.
2. The applicant receives dimensional relief for the existing zoning issues.

Minor Subdivision Review

a. Morris Minor Subdivision AP 41 Lots 10 and 11 Preliminary Plan Discussion /

- Matthew L. and Raymond E. Morris Albion Road Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of two lots into three residential lots. All lots are accessed from an existing road. The proposed project is classified as a Minor Subdivision. On April 9, 2007, the Preliminary Plan submittal for the above noted project received a Certificate of

Completeness. According to our Subdivision Regulations – Section 14(G), “if no street creation or extension is required, the Planning Board shall approve, deny, or approve with conditions, the preliminary plan within sixty five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board, according to the requirements of Section 8 herein. Therefore, a decision on the Preliminary Plan review must be made by June 13, 2007 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division has reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled “Minor Subdivision Plan”, AP 41 Lots 10 & 11, Albion Road in Lincoln, Rhode Island, prepared for Matthew L. & Raymond E. Morris by Baron Engineering, Ltd., revision date March 10, 2007.

Site plan

The graphic scale is shown as 1 inch equals 50 feet, but the plan states 1 inch equals 40 feet. The plan appears to be at 40 scale; the correct scale must be stated on the plan. The plan must include vertical datum point. The final record plan must be prepared and stamped by a RI registered land surveyor. Granite bounds, not iron pipe, must be installed at the outer subdivision corners. The Town solicitor must review the easement for the private sewer connections

prior to recording. The location of the driveway for the proposed new house lot must be shown on the plan and approved by RIDOT through a Physical Alteration Permit as a condition of this subdivision approval. There are steep slopes and wetlands on the subject properties; however there appears to be adequate buildable area for each of the lots. The name and address of the abutters on the east side of Albion Road have not been displayed on the plan. Existing wells and septic disposal systems on the properties or within 200 feet on abutting lots must be shown or a note shown on the plan stated that none are present, if that is the case. Any existing wells or septic systems to be abandoned on the subject lots must be closed according to state regulations.

Wetlands

Wetlands have been shown on the plan. It is not stated who delineated the wetlands. A note as to who delineated the wetlands must be placed on the plans. However, the wetlands coincide approximately with the wetlands flagged for the condominium developments whose land lies behind the properties. It appears that the wetlands are outside of any areas of disturbance, so a permit or a letter of non-jurisdiction from RIDEM Wetlands is not required. Per the Town ordinance a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site.

Utilities

If the new lot is to be connected to public water, this connection must be shown as well as any connections to the existing lots if serviced by public water. At present, the two existing residences are served by individual septic disposal systems, according to records in the Building Official's office. The applicants propose to connect to the gravity sewer service lateral installed for lot 10. The private lines are proposed to be located within a private 20 foot wide easement alongside Albion Road. These sewers would not be a part of the Town's sewer system. The applicant must get written confirmation from the sewer supervisor that public sewers are available for the new lot and the house on existing lot 11. The applicant must obtain a permit from Narragansett Bay Commission for any proposed new sewer discharges. For three lots to connect to the public sewer system through the existing sewer stub there needs to be a manhole or clean out structure at the junction with the private line. The plan must show the following information about the private line: whether gravity or forcemain, inverts, slopes, type of pipe and details. This can be shown in plan view or in profile.

Based on the above noted concerns, the TRC recommends that the applicant addresses the concerns noted and appear before the Planning Board during their May meeting. The revised plans should be submitted to the TRC as soon as possible.

b. Rosa Minor Subdivision AP 16 Lot 10 Preliminary Plan Discussion /

- Gary and Lori Rosa Westwood Road Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. All lots are accessed from an existing road. The proposed project is classified as a Minor Subdivision. On April 9, 2007, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations – Section 14(G), “if no street creation or extension is required, the Planning Board shall approve, deny, or approve with conditions, the preliminary plan within sixty five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board, according to the requirements of Section 8 herein. Therefore, a decision on the Preliminary Plan review must be made by June 13, 2007 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division has reviewed the above proposed subdivision according to the Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The submission includes a two plan set entitled “Minor Subdivision” AP16 Lot 10, Westwood Road and Carriage Drive in Lincoln, Rhode Island, prepared for Gary & Lori Rosa by Marsh Surveying Inc., revision date February 15, 2007.

Groundwater/ Drainage/ Wetlands

No wetlands appear to be present on the property. However, this area is subject to high levels of seasonal groundwater. In the notes on the plan, note #16 (No finished floors or basements shall be constructed at or below the seasonal high groundwater, as located by a certified soil evaluator.) should be a condition for subdivision approval. The plan also shows a proposed location for a dry well to be installed. This detail must be included for review at the time that the building permit application is filed. Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site. Any unused wells on site must be closed according to the appropriate RIDEM regulations.

Utilities

The new lot is shown to be connected to public water and sewer. The sewer supervisor confirmed that public sewers are available. The applicant must obtain a permit from Narragansett Bay Commission for sewer discharge. The applicant must received approval for water service to the proposed new lot from the Lincoln Water Commission. Please note that such approvals are only valid for one year.

Site plan

The location of the proposed driveway for the new house is acceptable.

Record plan

Granite bounds must be shown marking the location of the new property corners.

Based on the above noted concerns, the TRC recommends that the application be Approved with Conditions. Below are the following conditions.

- 1. The applicant receives dimensional relief for the existing zoning issues relating to the existing house.**
- 2. The developer must submit a sedimentation and erosion control plan to Engineering for approval at the time a building permit is requested for the new lot.**
- 3. The developer must obtain approval for the Narragansett Bay Commission for the additional indirect discharge for the new lot.**
- 4. Final Water Plan approval must be granted from the Lincoln Water Commission for the new lot.**
- 5. A note must be added to the final recorded plans stating that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation for the new lot.**
- 6. A note must be added to the final recorded plans stating that the zoning setbacks shown on the recorded plans are for reference only. Actual setbacks to be determined at the time of construction/development of the land.**
- 7. A note must be added to the final recorded plans stating that the proposed new house must have dry wells installed to capture the roof runoff.**
- 8. Granite bounds must be installed and shown on the final recorded**

plans marking the location of all new property corners of the new lot.

9. Final plan review and approval be delegated to the Administrative Officer of the Planning Board.

Zoning Applications (*) – May Zoning Applications

Edward and Linda Sliney, 1159 Smithfield Avenue, Lincoln, RI – Application for Use Variance for the construction of a 40' x 26' two-family home on a vacant lot located at Branch Avenue, Lincoln, RI.

AP 2, Lot 103 Zoned: RG 7 and MG 0.5

Members of the Technical Review Committee visited the site and reviewed the submitted site plan and application. Based on the submitted plans, the proposed use variance for the construction of a two family house is due to the split zoning of the parcel. The Planning Board feels that requested use variance is appropriate but the application does not address some critical issues such as access and off street parking for the adjacent house. The applicant owns the subject lot and the abutting lot number 33. This lot has two houses on it and offers no off street parking. Currently, there is a gravel driveway that provides access and parking to the house located on Lot 33. The submitted plans do not address this concern. The Planning Board feels that a recommendation can not be offered until

these issues are addressed. The Planning Board would like to review the revised plans in order to offer a recommendation to the Zoning Board.

Edward and Linda Sliney, 1159 Smithfield Avenue, Lincoln, RI – Application for Dimensional Variance seeking lot width relief and rear yard setbacks for the construction of a 40' x 26' two-family home on a vacant lot located at Branch Avenue, Lincoln, RI.

AP 2, Lot 103 Zoned: RG 7 and MG 0.5

Members of the Technical Review Committee visited the site and reviewed the submitted site plan and application. Based on the submitted plans, the proposed dimensional variances for lot width relief and rear yard setback relief are for the construction of a two family house. The Planning Board feels that requested dimensional variances are appropriate but the application does not address some critical issues such as access and off street parking for the adjacent house. The applicant owns the subject lot and the abutting lot number 33. This lot has two houses on it and offers no off street parking. Currently, there is a gravel driveway that provides access and parking to the house located on Lot 33. The submitted plans do not address this concern. The Planning Board feels that a recommendation can not be offered until these issues are addressed. The Planning Board would like to review the revised plans in order to offer a recommendation to the Zoning Board.

JCM, LLC, 3434 Mendon Road, Cumberland, RI – Application for Dimensional Variance seeking lot width relief for the purpose of subdividing property located at Jenckes Hill Road, Lincoln, RI.

AP 26, AP 2 Zoned: RA-40

Currently, there are no submitted subdivision plans for review by the Planning Board. Therefore, the request for a dimensional variance is premature. No recommendation is offered.

Gary & Lori Rosa, 34 Westwood Road, Lincoln, RI - Dimensional Variance for front yard setback under Article VII F (1), (2), (7), and (8) to convert a two family residential dwelling into a one family; reduction of lot size; remove existing four stall garage and shed.

AP16, Lot164 Zoned: RS-12

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The proposed dimensional variances are to clear up the pre-existing nonconformance of this parcel of land. This lot and existing buildings were platted and developed before present day zoning regulations. Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of this application. The Technical Review Committee 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.

Daniel DeAmaral & Michele Mayer, 16 DuCarl Drive, Lincoln, RI – Dimensional Variance for side yard setback for the construction of a bedroom and bathroom.

AP 23, AP 164 Zoned: RS-20

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Denial of the application for a dimensional variance. The Technical Review Committee feels that the application does not meet any of the standards for relief of a dimensional variance as presented in the Zoning Ordinance. More specifically, the Technical Review Committee feels that the site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The Committee feels that the applicant has sufficient room to the back of the property to locate an addition without having to request a variance. The Technical Review Committee feels that the dimensional variance will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Paul & Debra Demers, 30 Kennedy Boulevard, Lincoln, RI - Dimensional Variance for side yard setback to enlarge an existing garage.

AP34, Lot 252 Zoned: RS-20

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of this application. The Technical Review Committee feels that the proposed design and layout of the existing single family limits the owners to the area in which they can enlarge the garage. The Technical Review Committee finds that the applicant presents a realistic site layout that meets the intent of the zoning and would not be detrimental to the neighborhood.

Douglas G. Vaughan, 1036 Great Road, Lincoln, RI – Use Variance to convert first floor into two one bedroom residential units and maintain the third floor as a residential unit.

AP 34, Lot 191 Zoned: BL-0.5

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends that the applicant request a zone change or submit a comprehensive permit rather than a use variance. The TRC feels that by including this parcel of land into the abutting residential zone would clear up the use of this parcel.