

LINCOLN PLANNING BOARD

OCTOBER 24, 2007

MINUTES

The regular meeting of the Planning Board was held on Wednesday, October 24, 2007, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Mancini called the meeting to order at 7:03 p.m. The following members were present: John Mancini, Gerald Olean, Michael Reilly, Kenneth Bostic, and John Hunt. Members Wilfred Ordonez and Greg Mercurio, Jr. were excused. Also in attendance were Town Planner Albert Ranaldi, Town Engineer N. Kim Wiegand and Town Solicitor Joelle Sylvia. Russell Hervieux kept the minutes.

Chairman Mancini advised that five members were present; have quorum.

SECRETARY'S REPORT

The Board was given one set of minutes to review for the meeting of September 26, 2007.

Motion made by member Olean to dispense with the reading of the minutes was seconded by member Reilly. Motion was approved

unanimously.

Discussions took place concerning the July 19, 2007 minutes that was tabled at last months meeting. The members decided to wait until next month.

Town Engineer, N. Kim Wiegand, had some issues with the September 26, 2007 minutes. Ms. Wiegand handed written changes to the Board. The changes concerned her testimony in the Angell Road Subdivision discussions. Eric Brainsky, Attorney for Angell Road Development offered the Board the stenographer's transcript of the hearing for clarification. Town Solicitor Joelle Sylvia will examine the transcript and offer her opinion at the next meeting.

Motion was made by member Olean to table the minutes of September 26, 2007 until the next meeting was seconded by member Bostic. Motion was approved unanimously.

CONSENT AGENDA

Chairman Mancini reminded members that consent agenda has zoning applications and a Minor Subdivision Final. A consent agenda is normally voted on in total unless a member motions to remove an item. Chairman Mancini requested to make a correction on the TRC report. Town Planner Albert Ranaldi stated that we should wait until

the attorney for that applicant is present. Chairman Mancini agreed.

Some discussion took place as to the zoning applications on the consent agenda. Mr. Ranaldi answered some questions of clarification on the Fuller application. Chairman Mancini had a question on the Bigonette application. Mr. Ranaldi stated that the applicant was present and would like to address the Board. Mr. Ranaldi also stated that the Bigonettes are an indirect family relation and he has no financial stake in their application.

Motion was made by member Olean to remove the Bigonette zoning application from the consent agenda was seconded by member Hunt. Motion was approved unanimously.

Motion was made by member Olean to accept consent agenda as amended was seconded by member Reilly. Motion was approved unanimously.

Chairman Mancini wanted to get back to the correction on the TRC report since Attorney Eric Brainsky was now present. The correction is on page 4 of 6, of the TRC report. A statement was made that “While the TRC feels that this project is not inconsistent...” should actually read “While the TRC feels that this project is inconsistent...”.

Motion made by member Olean to move Zoning Applications to the next order of business was seconded by member Reilly. Motion was

approved unanimously.

ZONING APPLICATIONS

John Bigonette, Jr., 290 Albion Road, Lincoln, RI – Application for Dimensional Variance seeking side yard setback for the construction of a garage.

AP 31, Lot 206 Zoned: RS-20

Town Planner, Al Ranaldi spoke of what was submitted in this application for dimensional relief. He explained that this proposed garage needs side yard setback relief and relief for an accessory structure in the front of the house. The application expressed the sections of the code the applicant needs relief from but did not state why they need the relief.

Kim Bigonette, applicant and owner of the property, spoke to the Board about the Victorian home built approximately nine years ago. The subject property has a great deal of ledge. The house does have a garage underneath but because of the land is hard to get into. The applicant plans to keep the existing garage. The existing garage can not be seen from the road.

John Hoyle, architect for applicant, spoke of the reasoning for locating the proposed garage in the front yard. The best place for the garage is in the front because of geographic conditions and ledge to

the rear. There is no reasonable place to attach a new garage to the existing structure. Member Olean questioned as to how long the owner has lived at this property. The owner responded that it was nine years and they had the house built.

Motion made by member Olean to remove the TRC recommendation of denial for this application and forward a “Planning Board refrains from making a recommendation” was seconded by member Hunt. Motion was approved unanimously.

MAJOR SUBDIVISION REVIEW

a. Angell Road Subdivision-Modification AP 44 Lots 12, 90 Project Phasing

Angell Road Development Co. Angell & Whipple Final Plan Approval

Mr. Ranaldi stated that this is a major subdivision at the final plan stages and is in front of the Board tonight for a reexamination. At last months meeting this applicant received final plan approval with the condition that the final layer of asphalt be installed immediately. During the last month, the applicant and the Town Engineer have met to discuss their options. One option to avoid final coat at this time is to lower the grades to binder course level. This would involve lowering approximately three grades so the roadway drains into the drainage system. This would meet the objective of the original

condition. The TRC feels that this is a reasonable alternative to the original condition. Chairman Mancini agreed.

Motion was made by member Olean to accept the recommendation of the TRC to alter the condition of final approval to lowering drainage grates to binder course level was seconded by member Bostic. Motion was approved unanimously.

b. Sables Road Subdivision – Phase 2 AP 44 Lot 33 Preliminary Plan Extension

Leslie W. Sables Lantern & East Lantern Road

Town Planner Al Ranaldi stated that this application is for Phase 2 of the Sables Road Subdivision which has eight lots off East Lantern Road. There is no new road as part of this phase. The applicant received preliminary plan approval on November 15, 2006. The applicant is requesting a time extension. The TRC reviewed the information and is recommending approval of a one year extension until November 17, 2008.

Eric Brainsky, Attorney for the applicant, explained to the Board that his firm is representing the applicant. His client is requesting a one year extension for the reasoning that the Town Planner has already explained.

Motion made by member Olean to accept the TRC recommendation to approve a one year extension until November 17, 2008 was seconded by member Reilly. No discussion took place. Motion was approved unanimously.

**c. Vernon Estates AP 26 Lot 2 Master Plan Discussion/
JCM, LLC Jenckes Hill Road Approval**

Town Planner Al Ranaldi stated that this application is under a master plan discussion/approval. This project is under the 2005 subdivision regulations and was elevated from a minor subdivision to a major subdivision because it requires a zoning variance for lot width. This is a one lot being divided into two lots with one lot having only fifty feet of frontage on Jenckes Hill Road. The applicant is required to receive a conditional master plan approval before going before the Zoning Board. The application received a certificate of completeness on September 24, 2007. The TRC reviewed the application and determined that this application meets the standards with the exception of lot width on a technical point of view. The TRC also looked at this application from a comprehensive plan/land development point of view. The TRC feels that this application is inconsistent with both documents. This plan will create one regular shaped lot and one irregular shaped lot. This condition would be created by the applicant with this subdivision. Therefore, the TRC recommends that this application proceed forward to the public informational meeting so the Board and the TRC could get public

comment before making a decision. The Chairman agreed with the TRC comments.

Motion was made by member Olean to move this application to a Public Informational Meeting in November 2007 was seconded by member Reilly. Discussion ensued explaining to the applicant that this is not an endorsement of the plan just a means to get public comment. Motion was approved unanimously.

CORRESPONDENCE/MISCELLANEOUS

Chairman Mancini wanted to discuss some minutes of meetings that are still owed to the Board. Secretary Reilly stated that he has two from March 2006 still outstanding. April, June and December of 2006 are also owed.

Motion made to adjourn by member Olean was seconded by member Hunt. Motion was approved unanimously. Meeting adjourned at 7:47 p.m...

Respectfully submitted,

Russell Hervieux

Attached October TRC Report:

On October 16, 2007, at 2:30 pm, the Technical Review Committee met to review the agenda items for the October 24, 2007, meeting of the Planning Board. In attendance were Al Ranaldi, Russell Hervieux, Margaret Weigner, Kim Wiegand, John MacQueen, and Wilfred Ordonez. Below are the Committee's recommendations:

Major Subdivision Review

a. Angell Road Subdivision AP 44 Lots 12, 90 Project Phasing

- Angell Road Development Co. Angell Road, Whipple Road Final Plan Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of two lots into fifteen single family lots. The proposed lots will be serviced with public sewer and water. The subject lots are located in zoning district RS-20 (20,000 square feet – Residential Single Family). A substantial portion of the public improvements have been installed.

During the September Planning Board meeting, the applicant received approval to allow the project to be divided into phases in accordance with Section 21 of the Subdivision Regulations. A condition of that approval was that the applicant shall pave the new road to its finish course. After the meeting, the applicant and the Town Engineer reviewed this matter. It was determined that the same objective of allowing the surface water to enter the new drainage system can be

accomplished if the applicant lowered the existing drains and grates in the road to the level of the existing binder course. Therefore, the applicant is respectfully asking the Planning Board to modify its approval to reflect this proposed option. This request is presented in a letter from Law Offices of Michael A. Kelly dated October 2, 2007.

The Technical Review Committee and the Engineering Division reviewed the above request. Based on this proposal, the TRC recommends approval of this modification to the final plan approval. The TRC feels that this option is a reasonable solution to the concerns that the engineering department had at the last Planning Board meeting.

b. Sables Road Subdivision – Phase 2 AP 44 Lot 33 Preliminary Plan Extension

- Leslie W. Sables Lantern and East Lantern Rd

This Preliminary Plan – Phase 2 (11-15-06) application is under the 2005 Subdivision Regulations and represents the second phase of a subdivision of one lot into 8 single-family residential lots having access from East Lantern Lane. On November 15, 2006, the Preliminary Plan was approved with conditions. As presented in the application for a time extension dated September 20, 2007, the applicant has been diligently working to obtain the necessary document approvals from the Lincoln Water Commission, the Homeowners Association, and the sewer maintenance schedule. The applicant is requesting a one year extension until November 17, 2008

to submit for Final Plan. The TRC has reviewed the application and recommends approval of this request.

**c. Vernon Estates AP 26 Lot 2 Master Plan Discussion /
- JCM, LLC Jenckes Hill Road Approval**

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The proposed project is classified as a Major Subdivision due to the project's need for a dimensional variance for the lot width. The new proposed lot would only have 50 feet of frontage while the zoning for this area requires 150 feet of frontage. The applicant will have to applying to the Zoning Board for this relief. In order for this to proceed, the applicant would need conditional master plan approval of the plan according to Section 6(A)1 of the Subdivision Regulations.

The plan received Certificate of Completeness on September 24, 2007 in which the Planning Board has 120 days (January 22, 2008) to approve the Master plan as submitted, approve with changes and/or conditions, deny the application, or within such further time as may be consented to by the applicant. The Technical Review Committee and the Engineering Division have 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 plan entitled "Minor Subdivision Plan for Vernon Estates," on Jenckes Hill

Road AP 26 Lot 2, in Lincoln, Rhode Island, prepared for property owner; Melissa McKee, and Developer JCM, LLC by Darveau & Associates, Inc., dated August 16, 2007. Below are the TRC recommendations for this project.

At Master Plan level, the application meets all of the technical subdivision requirements. While the applicant has not submitted water and sewer availability letters yet, the public services are available to the parcel. 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. This would be a condition of this subdivision and required at the building permit stage. Due to the known seasonal high groundwater in this area, a condition of any approval must include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as located by a certified soil evaluator. A certified seasonal high groundwater elevation must be established prior to the release of any building permit. This condition should be included on the final plans. In addition, roof drainages will be required for the proposed house. This would be a condition of this subdivision and required at the building permit stage. Jenckes Hill Road is a State road and requires a Physical Alteration Permit from RIDOT for any new access to the State right of way. A Physical Alteration Permit must be obtained as a condition of this subdivision.

The developer would also be required to obtain a permit from Narragansett Bay Commission for the additional connection to the public sewer as a condition of this subdivision.

Consistency with the Comprehensive Plan and Land Development and Subdivision Regulations

The Technical Review Committee feels that the project is inconsistent with the Lincoln Comprehensive Plan and the General Purpose of Land Development and Subdivision Review Rules and Regulations which have been developed and will be maintained in accordance with RIGL 45 23 and the Lincoln Comprehensive Plan (which complies with RIGL 45.22.2) and the Lincoln Zoning Ordinance (which complies with RIGL 45.24 27 et seq.)

As presented in the Land Use element of the Comprehensive Plan, the Town of Lincoln has been successful at managing its land use development by following the Comprehensive Plan and the Zoning and Subdivision Regulations. The 2003 Comprehensive Plan Update points out that the pressure to deviate from these plans will become greater as the amount of available vacant land decreases. This project is a clear indication of the pressures the Town will be confronted with in the future (2003 Comprehensive Plan – Land Use Element).

Within Section 1 of the Subdivision Regulations, the general purposes of the regulations are presented. The TRC reviewed the purposes that the regulations are intended to address and feel that this project does not promote or address several of these purposes. Specifically, the TRC feels that this project does not promote or address subdivision purposes number 2 – 5 (2005 Land Development and Subdivision Regulations, page 3).

• **Purpose (2) - Promote high quality and appropriate design and construction of land development and subdivision - The project “does not promote high quality and appropriate design and construction of land development and subdivision”. The proposed subdivision would create an irregular shaped lot commonly referred to as a hockey stick lot. This type of lot configuration is not of high quality or appropriate design for the sole purpose of creating one new house.**

• **Purpose (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 - The project does not “encourage local design and improvement standards to reflect the intent of with regard to the physical character of the various neighborhoods and districts of the Town”. Limerock village is an area where the Town “seeks ways to use less land” for development. The applicant is proposing to take an existing lot and subdivide it into tow lots with the creation of an irregular shaped lot. While there may be one or two examples of irregular shaped lots within the surrounding area, these lots were created several decades ago. The development within the last two decade all display commonly accepted lot configurations.**

• **Purpose (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 project does not “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”. As stated above, the applicant is proposing to take an existing lot and subdivide it into two lots with the creation of an irregular shaped lot. While there may be one or two examples of irregular shaped lots within the surrounding area, these lots were created several decades ago. The development within the last two decades all display commonly accepted lot configurations.

While the TRC feels that this project is not inconsistent with the Lincoln Comprehensive Plan and the General Purpose of Land Development and Subdivision Review Rules and Regulations which have been developed and will be maintained in accordance with RIGL 45-23 and the Lincoln Comprehensive Plan (which complies with RIGL 45.22.2) and the Lincoln Zoning Ordinance (which complies with RIGL 45.24-27 et seq), Section 6(A)1 of the Subdivision Regulations requires that the project proceed in the normal course of the Master Plan stages so that the Planning Board members and the general public can receive an objective review of the proposal. Therefore, the TRC recommends that a public informational meeting be scheduled for next month.

Zoning Applications (*) – November Zoning Applications

Richard & Claudette Fuller, 4 Kennedy Boulevard, Lincoln, RI – Application for Dimensional Variance seeking rear yard setback for the construction of an addition under Section 260-22 of the Lincoln Zoning Ordinance.

AP34, Lot 210 Zoned: 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 dimensional variance. The Committee feels that the application does not meet 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. The Technical Review Committee feels that the applicant has sufficient room to the left side of the property to locate some of the 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.

A.F Homes, LLC, PO Box 2312, Pawtucket, RI – Application for extension of Decision rendered by this Board on October 3, 2006 for property located at 90 Industrial Circle, Lincoln, RI.

AP 2, Lot 82 Zoned: MG 0.5

This Special Use Permit to construct 48 residential units was

rendered by the Zoning Board on October 3, 2006. The applicant is requesting a one year extension of this permit. The Technical Review Committee reviewed the submitted application and recommends Approval of this request. As stated in the application, the applicant has been working diligently to obtain RIDEM permits necessary to proceed to the next phase in the Planning Board approval process.

John Bigonette, Jr., 290 Albion Road, Lincoln, RI – Application for Dimensional Variance seeking side yard setback for the construction of a garage.

AP 31, Lot 206 Zoned: RS 20

The Technical Review Committee would like to bring to the attention of the Zoning Board that an additional variance would be required for this proposal. The TRC feels that a variance is needed from §260-28(B) in addition to the dimensional variance. 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 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. The Technical Review Committee feels that the applicant has sufficient room to the rear of the property to locate a garage 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.

Krzysztof Puzanowski, 69 Division Street, Lincoln, RI – Application for Dimensional Variance seeking height relief for property located at 15 Red Brook Crossing, Lincoln, RI.

AP 26, Lot 258 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 the standards for relief of a dimensional variance as presented in the Zoning Ordinance. 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.

Michel Boutros, 180 Old River Road, Lincoln, RI – Application for Special Use Permit for the construction of a two-family home.

AP 34, Lot 461 Zoned: RL 9

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. The Committee

feels that the application successfully addressed the requirements of a special use permit. The property is zoned for this type of use and the proposed housing development is consistent with the surrounding neighborhood. The area is made up of single and two family houses. The TRC feels that this proposal will be consistent with the area and consistent with the goals and objectives of the Comprehensive Plan.

Leroy & Adele Cooney, 29 Maria Street, Lincoln, RI – Application for Dimensional Variance seeking rear yard setback for the construction of a two-car garage.

AP 21, Lot 58 Zoned: RS-12

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends Approval of this application. The Technical Review Committee feels that the shape of the existing residential lot and building envelope limits that the location in which an owner can locate a 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. The TRC feels that this proposal will be consistent with the area and consistent with the goals and objectives of the Comprehensive Plan.

Correspondence/Miscellaneous (*)

1. Steve Ellicott ETUX – AP 15 Lot 37 Final Plan Approved

This represents final plan approval of a minor subdivision of one residential lot into two residential lots. The applicant successfully met all of the Planning Board requirements.