

LINCOLN PLANNING BOARD

MAY 26, 2010

APPROVED

The regular meeting of the Planning Board was held on Wednesday, May 26, 2010, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Olean called the meeting to order at 7:00 p.m. The following members were present: Gerald Olean, Kenneth Bostic, John Hunt, Timothy Griffin and Jeffrey Delgrande. Also in attendance were Town Planner Albert Ranaldi, Town Engineer James Bernardino and Joelle Sylvia for the Town Solicitor. Russell Hervieux kept the minutes.

The following members were absent from this meeting: Wilfred Ordonez and Michael Reilly.

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

CONSENT AGENDA

Chairman Olean reminded members that the consent agenda has nine zoning applications and staff reports. A consent agenda is normally voted on in total unless a member motions to remove an

item.

Member Bostic requested to remove the zoning application for Henrique & Maria Silveira of 15 Hillside Drive from the consent agenda.

Motion was made by member Hunt to accept the consent agenda with the Silveira zoning application removed was seconded by member Griffin. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

- a. Stone Way Subdivision AP 23 Lot 91 Public Hearing – 7:00 PM
Crescent Properties, Inc. Dexter Rock Road Preliminary Plan
Discussion/Approval**

Chairman Olean called the Public Hearing to order at 7:01 pm. Roll call of the abutters list was read by the recording secretary. There were no responses to the reading of the abutters list. Chairman Olean called for any other abutters in the audience whose name was not read to be recognized. No responses were given.

Mr. Ranaldi stated that this application is for a major land development. This application was elevated to a major subdivision because it includes a 248 foot roadway. This application represents the subdivision of 1 lot into 3 residential lots. This project will be serviced by public water and sewer and it resides in the RA-40 zone.

The Board has until June 14, 2010 to make a decision on preliminary plan. The applicant is requesting two waivers which were reviewed and granted during master plan stage. The waivers are both on lot #2 and are for an interior angle of over 200 degrees and a 2 ½ to 1 depth to width ratio. There are a few outstanding concerns. There is still only two inches of cover over the sewer service the proposed house on lot #1 which is unacceptable. There was a redesign done but this problem still exists. The Town Solicitor's office has a concern over an existing easement on the property. The Solicitor has not resolved what process should be used to extinguish this easement if need be. The TRC recommends that the applicant be given time to resolve the sewer coverage concern and for the Town Solicitor to work out the situation with the easement.

Daniel Campbell, professional engineer representing the applicant, made a presentation to the Board. Chairman Olean asked Mr. Campbell if he has reviewed the TRC report. Mr. Campbell stated that he has reviewed the report. Chairman asked Mr. Campbell if he would be willing to give the Board a time extension on making a decision tonight as stated by the TRC. Mr. Campbell responded that he would like to see where the Board would go before they consider an extension. Chairman Olean reminded Mr. Campbell that if no extension is granted then the Board will vote on the preliminary plan tonight. This could be detrimental to the applicant as some issues still need to be resolved. Mr. Campbell stated that he would like to go forward and present his case and explain the issues and discuss

whether they can be made conditions of approval. If the Board would to be reluctant to make these remaining issues conditions of approval then the applicant would be open to granting an extension to next month.

Mr. Campbell continued with his presentation. Mr. Campbell stated that he has worked extensively with the Town Engineer since last meeting. Minor revisions in grading and major revisions in the detention basin have been made. The concern on the cover of the sewer line on lot #1 can be easily rectified by raising the grade on that lot. The plans can be modified to show that. Mr. Campbell stated that he did not know that the easement was still an issue with the Town Solicitor. It was the applicant's understanding from previous meetings that this easement would not be an issue. The easement is for access to neighboring property and since it will now be in the Town right-of-way the access would still be available to the neighbor. The applicant will have to get guidance from the Town Solicitor as to how to remedy this concern. Another concern was the bounds to be placed as part of this development. The plan calls for stone bounds. We will modify the plans to say granite bounds per the Town request. The applicant would request that the remedy of these issues be made a condition of approval so the applicant can move forward. Otherwise, the plans have changed in conformance with the comments from the Town Engineer.

Chairman Olean wanted to go over the issues remaining. The first

issue is the sewer line cover on lot #1. Mr. Campbell stated that he could achieve a minimum of 2 feet of cover with grade changes. Town Engineer James Bernardino stated that would be acceptable. Mr. Bernardino would be comfortable for this to be a condition of approval. The second concern is regarding the stone bounds on the project. Mr. Campbell stated that the applicant would agree to modify the plans to specify granite bounds instead of stone bounds at the locations specified. Mr. Bernardino stated he would be comfortable with this change as a condition of approval as long as the note says all bounds to be granite bounds. Mr. Campbell agreed. The third issue is with the easement for access to the neighboring lot. Ms. Sylvia inquired whether the applicant has contacted the neighbor recently about this issue. Mr. Campbell said it has been approximately two years since the last contact. Ms. Sylvia suggested that the applicant contact the neighbor and request to extinguish the easement in lieu of permanent access via a public road.

Chairman Olean opened up the meeting to comments from the public. No members of the public came forward. Motion was made by member Bostic to close the public hearing at 7:14 pm was seconded by member Griffin. Motion was approved by all members present.

Chairman Olean had a question for the Solicitor's office. If this application is approved tonight with these conditions and the conditions are not met does that mean an automatic denial of final

plan. Ms. Sylvia stated that it would not be an automatic denial but it could hold up on the final approval. Mr. Ranaldi reminded the Board that a remediation bond has not been set as of yet. Mr. Ranaldi suggested that Board wait another month to make a decision in order to resolve some of these issues. Mr. Campbell agreed to extend the decision time by one month until the next Board meeting to allow time to set a remediation bond. This application is continued to next month's meeting.

b. Magendantz & Dale Subdivision AP 27 Lots 80 & 81 Public Informational

Henry Magendantz Old Louisquisset Pike Meeting – 7:00 PM

Master Plan

Discussion/Approval

Chairman Olean called the Public Informational Meeting to order at 7:15 pm. Roll call of the abutters list was read by the recording secretary. There were no responses to the reading of the abutters list. Chairman Olean called for any other abutters in the audience whose name was not read to be recognized. No responses were given.

Mr. Ranaldi stated that this major subdivision is under the 2005 subdivision regulations. This subdivision is actually an administrative subdivision but requires zoning relief which elevates the application to a major subdivision. This application represents

the movement of a lot line between two residential lots. The proposal is to move 1.4 acres from lot #81 to the owners of lot #80. On June 1, 2010 the applicant will be before the Zoning Board requesting the necessary relief for this subdivision. This application received a certificate of completeness on April 21, 2010 and the Board has until August 19, 2010 to make a decision on master plan. The TRC has reviewed the plans and all of the concerns noted last month have been addressed. One last minor concern is that the subdivision statistics, old and new acreage, is in the title block and the TRC would like to see that within the lot area on the map. Otherwise, the TRC recommends master plan approval with the condition to make this minor revision on the plan in reference to the acreage.

Michael Fitzpatrick, from the law office of Vanessa Varone representing the applicant made a very brief presentation. Mr. Fitzpatrick stated that the Town Planner presented all the critical information. There is a zoning hearing next week which requires master plan approval from this Board to proceed. The applicant would request a vote on master plan tonight to move this application forward. Mr. Fitzpatrick also stated he had no objection to making the correction on the plan for the lot acreage as requested by the TRC.

Chairman Olean opened up the meeting to comments from the public. No members of the public came forward. Motion was made by member Hunt to close the public hearing at 7:24 pm was seconded by member Bostic. Motion was approved by all members present.

Motion made by member Griffin for conditional master plan approval with conditions as set forth in the TRC report was seconded by member Hunt. Motion was approved by all members present. Mr. Ranaldi suggested that this application would be ready to proceed to a Public Hearing next month with a successful vote by the Zoning Board. The applicant agreed and would like to have a Public Hearing at next month's meeting. Mr. Ranaldi will schedule the Public Hearing for next month.

MAJOR LAND DEVELOPMENT REVIEW

**a. RJB Properties – Bldg #3 AP 31 Lot 12 Preliminary Plan
RJB Properties 640 George Washington
Hwy. Discussion/Approval**

Mr. Ranaldi stated that this application represents a land development project at preliminary plan stage. On September 23, 2009 the applicant received master plan approval with conditions. This was for the development of a third building on a commercial lot. The first building is an existing office building, the second building is a proposed hotel and the third building is a proposed office building. All of these buildings would be accessed by an existing drive off George Washington Highway. The applicant meets all the zoning criteria for this development to happen. The project received a certificate of completeness on May 19, 2010 and the Board has until

September 16, 2010 to make a decision. The TRC reviewed the plans and had some concerns with the site plan. The TRC would like to see a plan of the one existing building with the two proposed buildings. The condition of the hotel approval was to do off site improvements to the intersection of George Washington Highway and Blackstone Valley Place. This would have to be done with this project also so the TRC would like to see that detail in the plans. The main concern is the lack of a 25 foot buffer zone around an existing cemetery on the property. According to Rhode Island General Law section 23-18.11 a 25 foot buffer must be maintained. In this case the applicant would lose approximately 25 parking spots. The applicant has made modifications to the plan which will be discussed tonight. If the Board concurs with the TRC then we recommend the applicant move to a Public Hearing next month.

Scott Lindgren, engineer for the applicant, made a presentation to the Board. Mr. Lindgren gave the Board a brief refresher. Mr. Lindgren attended the TRC meeting where the issue of the cemetery was discussed. This issue has since been rectified. The plan has been modified to maintain the 25 foot buffer and still include the 25 parking spots. The applicant has no major objections to the TRC comments. The hotel was not included in the plan set because in previous meetings it was discussed to keep these projects separate. We can show the hotel as an exhibit in the plan set but the concern would be that they are two separate projects by two separate applicants. This office building project will be fast tracked for

construction and the hotel is not. Mr. Ranaldi explained that the TRC just wanted to see how the site will mesh together. Mr. Campbell again explained that it might be better to have that plan as an exhibit and not part of the final plans. The other issue is the modifications to the intersection of Blackstone valley Place and George Washington Highway. The engineering is complete and ready to be submitted to RIDOT for a Physical Alteration Permit. The plan has also been submitted to the Town Planner and will be included in the next set to this Board. The other issues are very minor and will be cleared up with Town staff. The project has been designed to connect to all public utilities. The applicant is ready to go forward with the Public Hearing by next meeting. The building is a two story 30,000 gross square foot office building with associated parking. There are tenants interested in this new office building. Town Engineer James Bernardino asked what the timeline is for receiving the PAP from RIDOT. Mr. Campbell responded that it will be submitted within the next week but does not know how long the State will take to process. Member Hunt inquired what the total acreage of the parcel was. Mr. Campbell responded that it was a little over 9 acres. Member Delgrande inquired where the hotel would be placed in reference to this building. Mr. Campbell responded that it would be in the front of the existing office building. Chairman Olean to make clear that these projects have been going on for a long time and the off site road improvements must be done whichever project is started first.

Motion made by member Bostic to move this application to a Public

Hearing at next month's meeting was seconded by member Griffin. Motion was approved by all members present.

SECRETARY'S REPORT

The Board was given one set of minutes to review. They are for April 28, 2010. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Motion made by member Griffin to dispense with the reading of the April 28, 2010 minutes was seconded by member Hunt. Motion was approved by all members present.

Recording Secretary Russell Hervieux reported that the Town Engineer's last name was misspelled throughout the minutes. That correction will be made. Ms. Sylvia reported that the word "legal" in the second paragraph of page 2, second to last sentence, should be removed.

Motion was made by member Griffin to accept the minutes as corrected were seconded by member Hunt. Motion was approved by all members present.

ZONING APPLICATIONS

Henrique & Maria Silveira, 15 Hillside Drive, Lincoln, RI – Application

for Dimensional Variance seeking front setback relief for the construction of a covered porch.

AP 45, Lot 68 Zoned: RA-40

Mr. Ranaldi stated that this application is for relief of front setback for the construction of a covered porch. The TRC reviewed the application and went out to the site. It was relayed to the applicant that more explanation as to why this relief is needed is required on the application paperwork. The applicant responded with pictures and a survey. It was also noted that the applicant has a building permit to add a second floor to this dwelling. This information could have swayed the opinions of the TRC if it would have been supplied. Therefore the recommendation should be revised to “no decision” since the TRC and this Board did not have time to review the additional information.

Motion was made by member Bostic to accept the TRC revised report of “no decision” on this zoning application was seconded by member Hunt. Motion was approved by all members present.

Motion was made by member Griffin to adjourn was seconded by member Bostic at 7:52 pm. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux