

LINCOLN PLANNING BOARD

AUGUST 25, 2010

APPROVED

The regular meeting of the Planning Board was held on Wednesday, August 25, 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, Timothy Griffin, John Hunt, Michael Reilly and Jeffrey Delgrande. Also in attendance were Town Planner Albert Ranaldi and Town Solicitor Anthony DeSisto. Jennifer Scotto kept the minutes.

The following member was absent from this meeting: Wilfred Ordonez.

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

CONSENT AGENDA

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

Motion was made by member Griffin to accept the consent agenda as presented was seconded by member Hunt. Motion was approved by all members present.

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 received preliminary plan approval with conditions on June 23, 2010. The Board asked the developer to present progress updates. Two concerns that this Board had been the landscaping plan and the Physical Alteration Permit from RIDOT. The Town has reviewed the landscaping plan that was submitted in July and found it to be satisfactory. The Town has received, and the applicant has reviewed, the plans for the off site improvements to George Washington Highway and Blackstone Valley Place. The applicant's engineer has provided a design to add a right turn lane on Blackstone Valley Place and some striping changes to George Washington Highway. This design has been submitted to RIDOT for approval. The TRC reviewed everything and found that the applicant has met all of the concerns. The TRC recommends the applicant proceed forward and come back to the TRC for final plan once the PAP has been received. The TRC also recommends that the

sign off for final plan be delegated to the administrative officer.

Member Reilly inquired as to when the PAP was applied for. Scott Lindgren, engineer for the applicant, responded that the application took some time because the applicant was working on acceptable road improvements with RIDOT. The PAP application has been officially submitted as of today. Mr. Lindgren is confident that the approval process will now proceed forward shortly.

Motion made by member Reilly to approve the preliminary plan and delegate the final approval to the administrative officer unless there are further changes to the plan which would have to come back before the Board. The motion was seconded by member Hunt. Motion was approved by all members present.

**b. MacColl Field YMCA AP 25 Lots 58,68,69,71 Preliminary Plan
YMCA of Pawtucket, Inc. Breakneck Hill Road Discussion/Approval**

Mr. Ranaldi stated that this application is under the 2005 subdivision regulations. The application received a certificate of completeness on August 18, 2010 and the Board has until December 16, 2010 to make a decision. The application is for a 40,000 square foot recreational building with associated parking. The new building is planned to be connected to public water and a private sewer force main down to the gravity sewer on Breakneck Hill Road. A Use Variance was granted by the Zoning Board on December 1, 2009 for

this project. The Town has been working with the applicant on one of the greatest concerns which are the sanitary sewers. The plan is to run the force main along Breakneck Hill Road on private property. Once it gets to the public sewer on Breakneck Hill Road it would then be connected. The public sewer is not being extended and this force main would be privately owned and maintained. The system seems to work on paper. The Town does have concerns about the East Butterfly pump station which is at capacity and needs to be upgraded. That upgrade was part of this applicant's condition of approval. The process of finalizing the plans is being worked on. There are some issues to contend with but the applicant seems to be moving forward. The Town has not seen any easements for the sewer line over private properties which could put this project in jeopardy. The Town would like to see fully executed easements for the sewer before this plan is approved to be cautious. The TRC recommends that the applicant address the three conditions which are (1) get approval of the Lincoln Water Commission, (2) execute the easements for the sewer line from the private property owners and (3) a letter from the Lincoln Sewer Department that sewers are available. Once the conditions have been met the applicant could come back before this Board to continue the approval process.

Bob Cioffi, Executive Director of the Lincoln YMCA, mad a brief presentation to the Board. Mr. Cioffi introduced David Bray who is a professional land surveyor representing the applicant. Mr. Bray presented a drawing of the YMCA property for the Board and the

public to see. Mr. Bray stated that he has done the drawings and has worked very closely with the engineer in the design of this site. Mr. Bray gave a quick explanation of the site. The sanitary sewer to be installed will service the new building as well as all other buildings on the site. The sewer will go into a private pump station on site and be pumped through the property and down along the side of Breakneck Hill Road through a ten foot wide easement. The line will travel in front of two residential properties then behind the existing restaurant to a point where it can connect to the existing manhole on Breakneck Hill Road. The sewer travels down to the East Butterfly pump station from that manhole. Member Reilly inquired as to how many easements would be required for this line. Mr. Bray stated two would be required. The line would be a 4" force main running approximately 2000 feet along the side of Breakneck Hill Road. Member Griffin inquired as to how the East Butterfly pumping station will be upgraded. Mr. Bray stated that his company is not charged with the upgrade. The YMCA is handling that portion through another engineering firm. Mr. Cioffi stated that the pump station drawings are being finalized and will be brought up to Town specifications. Member Bostic inquired as to why the sewer line is going behind the existing restaurant. Mr. Bray stated that it would be a difficult procedure to go in front with the current conditions; it is just easier to go behind.

Chairman Olean asked the applicant if they are familiar with the TRC report. Mr. Cioffi responded that he is familiar. Mr. Cioffi was looking

for some consideration in having the easements fully executed before going to public hearing next month. The applicant has appointments scheduled with the private property owners and their attorneys to draft the easements. The applicant would like to move forward to the public hearing next month and they would deliver the easements as soon as they are ready. Member Reilly expressed a concern with going before the public before an agreement is made to have sewer to this project. Mr. Cioffi stated that the YMCA would have those agreements before the next meeting. Chairman Olean inquired as to the status of the third condition of having a letter from the Town Sewer Department. Mr. Cioffi replied that the Town Engineer could better speak to that status. Town Engineer James Bernardino explained that the applicant is working with the two property owners to acquire the easements necessary to run this sewer line. This component is a very vital part for the applicant to get sewer service. Obviously, if the applicant is not successful in acquiring these easements then sewer service would not be available to this project. The process of designing the upgrade to the East Butterfly pump station is ongoing. Chairman Olean asked Mr. Ranaldi how much time is needed to advertise for a public hearing once the easements are complete. Mr. Ranaldi responded that two weeks are required. Chairman Olean expressed his concern with having a public hearing without having the easements in place. Town Solicitor Anthony DeSisto stated that his office would need about a week to review the easements once we have them. Therefore, Solicitor DeSisto would not recommend going forward with a public hearing before having the

easements in hand.

Extensive discussions took place on having the public hearing. Member Reilly expressed that sewer service has been a major problem with this development since the beginning and he is not comfortable with going to a public hearing in September without a resolution to this issue. Attorney Oster expressed to the Board that having the public hearing in October will make starting construction this year impossibility. Attorney Oster stated he feels if we set the public hearing for September and the easements are in the Town hands prior to that meeting then the applicant can move forward. Member Reilly stated he doesn't want to advertise for a public hearing if the easements are not in place in time. Attorney Oster inquired whether a special meeting could be requested to settle some of the concern. Chairman Olean expressed that the Board has been very cooperative with this applicant but he is uncomfortable with going to a public hearing without the easements being cleared up. Attorney Oster stated that his client's concern is getting this project started before the winter season. Member Bostic expressed his concern that the final design of the pump station upgrade has not been submitted. Chairman Olean expressed his concern along with the Solicitor's office about moving forward to a public hearing without these issues settled. Attorney Oster expressed that if this project does not move forward in September then it will have to be put off until spring of 2011. Mr. Cioffi expressed his concern that delaying the start of this project could put some of the funding especially donations in

jeopardy. Mr. Cioffi inquired whether the public hearing could be a special meeting in between regular monthly meetings. Mr. Ranaldi assured the Chairman that a special meeting could be called if the Board chose to do that as long as there is enough advertising time. Member Griffin stated that if the applicant gets the executed easements to the Solicitor within the next week then the applicant may be able to have a public hearing at the regular September meeting. Otherwise the Board will follow the recommendations of the TRC to wait until the easement documents are delivered to have a public hearing. A special meeting for the purpose of a public hearing could be done if it helps the applicant and the documents are ready three weeks prior to the special meeting.

c. 90 Industrial Circle AP 2 Lot 82 Master Plan

A.F. Homes Walker Street & Industrial Circle Reinstatement

Mr. Ranaldi stated that this application is in front of the Board for a master plan land development reinstatement. That is according to section 7B of the subdivision regulations. This application was made in accordance with a mediation agreement between the Town and the applicant in a Supreme Court case. This application is under the 2005 subdivision regulations. The project is in a MG-0.5 zoning district and received a Use Variance for 48 residential condominium units with 10% designated as affordable. This application received master plan approval with conditions on April 25, 2007. The master plan approval was not extended. The TRC reviewed this application and

took into consideration the mediation agreement and what review stage this application was at. The one issue at that time with this application was a land use restriction on this lot. That issue was to be cleared up by preliminary plan stage. The TRC recommends that we reinstate the original master plan approval with conditions and recommend a vesting period of one year. This would bring this approval to August 25, 2011.

John Mancini, attorney for the applicant, made a presentation to the Board. Mr. Mancini had some handouts that he presented to the Board. Mr. Mancini stated that this project commenced in early 2007. This was a large project that took a lot into account. The project was to take an existing mill building at 90 Industrial Circle and rehab that building for the purpose of 48 residential condominium units. The applicant received the Use Variance required for that purpose. This Board reviewed this project and gave master plan approval with two specific conditions. One of the conditions was that the applicant obtains a modification and revision to an environmental land use restriction. The upper right corner of this property has what is called an ELR which is a land use restriction which says that this area can not be used for residential purposes. The applicant convinced the Board that they were ready to get that restriction modified through RIDEM. The other concern was that the building was non-conforming by dimension. Therefore, the Board was adamant that the applicant receive a dimensional variance for the building. The applicant proceeded and obtained a dimensional variance from the Zoning

Board. RIDEM has been supportive of this project and in the documents is a letter that shows RIDEM is ready to issue this modification of the land use restriction but they are waiting for further information from the applicant. If the applicant receives the reinstatement tonight we can supply RIDEM with the information they need to issue the modification. It may take up to 6 to 9 months to receive this modification approval. Some engineering was started on this project especially for drainage. The only thing stopping the application for filing for preliminary plan is the modification to the land use restriction.

Mr. Mancini further stated that two things happened after the expiration of master plan approval, which the Town said was April 27, 2008, and now. The first thing was the reliance of the applicant of State statute regarding vesting periods. The applicant was under the assumption that the statute automatically extended the vesting period. This turned out to be a false assumption. The second thing was the severe decline of the housing market in late 2008. When the applicant was declined an application for extension by the Town they were forced to file an appeal to the Zoning Board and to Superior Court. The applicant has now chosen to come before this Board requesting a reinstatement of master plan approval which is appropriate under the Town of Lincoln Subdivision Regulations and State law. All this information is in the packet which was passed out to the Board tonight. Therefore the applicant is requesting that you reinstate master plan approval with conditions of this project tonight.

One of the conditions, the dimensional variance, has already been met. The other condition for the land use restriction we believe can be satisfied within a reasonable time. The plan hasn't changed where there will be 48 units with 10% deeded affordable.

Town Solicitor Anthony DeSisto wanted to clarify a point for the Board. Attorney DeSisto stated that the applicant relied on the State statute. That statute did not apply to this project because the time period had already expired. The Zoning Board upheld the decision that time had expired through the applicant's appeal. The Superior Court also upheld the decision. The matter was appealed to Supreme Court which stated the proper procedure for the applicant was to ask this Board for a reinstatement. If this Board grants the reinstatement for this application then the appeal will be withdrawn. If the Board does not grant the reinstatement then the appeal in Supreme Court will continue.

Member Reilly expressed his concern that the environmental issue of the land restriction needs to be rectified. Attorney Mancini agreed with that statement. Chairman clarified to the applicant that if this reinstatement is approved the land use restriction issue would need to be cleared up before the one year expiration. Solicitor DeSisto stated that the master plan approval with conditions would vest for one year if reinstated. Attorney Mancini agreed that the reinstatement would give the applicant one year to get RIDEM approval. Member Bostic inquired whether this is a comprehensive permit application.

Attorney Mancini answered no.

Motion made by member Hunt to reinstate the master plan approval with conditions until August 2011 with the condition that the applicant resolve the environmental land use restriction. The motion was seconded by member Bostic. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

**a. Morin/Lenartowicz Subdivision AP 25 Lots 32 & 53 Master Plan
Richard Morin/Walter Lenartowicz 1793 Old Louisquisset
Pike Discussion/Approval
& 2 Ledge Road**

Mr. Ranaldi stated that this application is under the 2005 subdivision regulations. It represents a major subdivision at master plan stage. This would actually be an administrative subdivision but it requires zoning relief on lot 53. This application received a certificate of completeness on August 18, 2010 and the Board has until December 16, 2010 to make a decision. The TRC reviewed the application and recommends that this applicant proceeds to a public informational meeting in September. Mr. Ranaldi wanted to remind the Board that the applicant would need conditional master plan approval before

they could be heard by the Zoning Board.

Richard Dursin, associate with Andrews Surveying, spoke for the applicant. Mr. Dursin stated that this plan is actually an administrative subdivision. Unfortunately, the existing house on lot 53 has setback violations as for zoning. This house and the garage were built in 1953. The property is now in the Estate of Rachel Morin. Their son Richard Morin is the executor of the estate. The neighbor Mr. Lenartowicz has taken care of their property for the past fifteen years. An agreement between the parties was that Mr. Lenartowicz who owns lot 32 would take ownership of the garage. The plan calls for moving the existing property line west to have the freestanding garage move from lot 53 to lot 32. The movement of the lot line does not create any new zoning hardships. The plan has 3 existing setback issues that would need relief. There are no features of this garage that tie into the existing house. The garage would be used for storage for Mr. Lenartowicz.

Chairman Olean inquired whether there was any legal opinion on this application from the Town Solicitor. Solicitor DeSisto replied that the Town's assessment that this subdivision is a major subdivision because of zoning relief required is correct. This application will need a public hearing. Mr. Dursin explained that it is the applicant's hope to appear before the Zoning Board at the October meeting.

Motion made by member Bostic to accept the TRC recommendations

and move this application to a public informational meeting in September was seconded by member Griffin. Motion was approved by all members present.

SECRETARY'S REPORT

The Board was given two sets of minutes to review. They are for June 23, 2010 and July 28, 2010. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Motion made by member Bostic to dispense with the reading of the June 23, 2010 minutes was seconded by member Reilly. Motion was approved by all members present.

Motion was made by member Bostic to approve the June 23, 2010 minutes as presented was seconded by member Delgrande. Motion was approved by all members present.

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

Motion was made by member Griffin to approve the July 28, 2010 minutes as presented was seconded by member Hunt. Motion was approved by all members present.

Motion was made by member Reilly to adjourn was seconded by member Griffin at 8:15 pm. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux

Technical Review Committee Report

August 20, 2010

Town of Lincoln – Planning Board

100 Old River Road

Lincoln, RI 02865

Dear Honorable Members,

On August 18, 2010, at 3:00 pm, the Technical Review Committee met to review the agenda items for the August 25, 2010 meeting of the Planning Board. In attendance were Al Ranaldi, Russell Hervieux, James Bernardino, Michael Gamage, John Faile, Michael Gagnon, and Anthony DeSisto. Below are the Committee's recommendations.

Major Subdivision Review

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

This application is under the 2005 Subdivision Regulations and represents the development of a commercial lot. The proposed project is a new two-story, 30,000 square foot office building with associated parking. The new office building will be serviced by public water and sewer. This project received Preliminary Plan Approval with Conditions on June 23, 2010. The Board asked the developer to present progress updates on the project. Of particular concern was the review of the landscaping plan and the RIDOT-PAP permit. There is no time line attached to this review.

The Technical Review Committee and the Engineering Division reviewed the above proposed land development according to the 2005 Land Development and Subdivision Regulations preliminary plan requirements and standard engineering practices. The following documents were reviewed: “RJB Properties, Physical Alteration

Permit of Proposed RT 116 Office Development, 640 George Washington Highway, Town of Lincoln, County of Providence” prepared by Bryant Associates, August 20, 2010, Total Sheets of 6 and a set of plans entitled “Proposed Office Building – Lot 12 – Landscape Plan”, RJB Properties, LLC, 640 George Washington Hwy., AP 31 Lot 12, Lincoln, Rhode Island, sheets L-1 and L-2, prepared for the applicant by Giovanni Design Assoc. Inc. dated June 17, 2010.

The Town Engineer has been working with the applicant and the applicant’s engineering company on the concerns presented at June’s Planning Board meeting. All previous comments have been satisfactorily addressed; however, a Physical Alteration Permit (PAP) is required from the Rhode Island Department of Transportation. The PAP plans have evolved through the RIDOT review process as well as coordination with the Town’s Planning and Engineering Departments.

The TRC and Engineering Department reviewed the above referenced plan and feels that the revisions made to the proposed PAP plans reflect acceptable off-site traffic mitigation measures as it relates to the impacts made by the proposed development.

The TRC also reviewed the above referenced landscape plans. The plans represent the proposed landscaping around the building and within the parking area. The proposed plans address the concerns that the TRC pervious noted. Therefore, based on this month’s submission, the Technical Review Committee feels that the applicant has successfully addressed all of the concerns presented at the June Planning Board meeting. The TRC recommends that final plan approval be delegated to the Administrative Officer.

b. MacColl Field YMCA AP 25 Lots 58,68,69,71 Preliminary Plan Land

- The YMCA of Pawtucket, Inc. Breakneck Hill Road Development Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the development of a residential lot. The proposed project is a new 40,000 square foot YMCA recreational building with associated parking. The new YMCA recreational building will be serviced by public water and a private force main sewer. A use variance for the proposed activity was granted by the Zoning Board on December 1, 2009.

On August 18, 2010, 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 December 16, 2010, 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 preliminary plan

submission requirements and standard engineering practices. The submission includes a set of plans entitled; “Overall Site – Planning Submission” dated January 2010 and revised up to August 2010 (Sheets C-1.0 – C-8.9) prepared AI Designs LTD of Pawtucket, RI. and Caputo and Wick LTD. of Rumford, RI, a plan entitled; “Overall Proposed Plan” dated August 2010 (Sheet 1 of 1) prepared AI Designs LTD of Pawtucket, RI. and Caputo and Wick LTD. of Rumford, RI, a plan entitled; “MacColl Field, Belonging to The Young Mens Christian Association of Pawtucket, RI” dated December 1962, prepared by Howard F. Esten, CE, and a set of plans entitled; “Proposed Condition Watershed Plan, MacColl Field, Lincoln, RI” dated January 2010 (Sheet WS-PROP) prepared by Caputo and Wick LTD of Rumford, RI. The submission also included a letter addressed to Mr. Albert Ranaldi, Jr. dated August 19, 2010. Below are the TRC’s comments.

Water Service

The applicant will need to expand their existing public water service. According to a letter sent to the YMCA in 2006, the development will need to meet new requirements for a master meter/ backflow installation. The applicant has recently contacted the water superintendent of the Lincoln Water Commission (LWC) about the development. Preliminary approval from LWC must be a condition of approval for the land development. Any submission for water service has to be reviewed and approved by the Lincoln Water Commission prior to construction. A letter from the Lincoln Water Commission stating that the plans are acceptable and that public water is available

to the project is needed.

Sanitary Sewers

It is proposed to connect the entire complex to the public sewers via an onsite pump station and forcemain down Breakneck Hill Road to an existing gravity line. The property owner's sanitary sewer system, both onsite and located through private property along Breakneck Hill Road, will be the responsibility of the property owner to construct, own, operate and maintain, not the Town. The private property owners have expressed their willingness to accept an easement along their properties. However, the Town will only accept fully executed easements from these property owners in order to consider this proposal a viable option for the proposed sanitary sewer system. The increased sewer discharge from the proposed land development project will ultimately discharge to the pump station on East Butterfly Way. The Public Works Department requires the existing pump station on East Butterfly Way to be rebuilt in order to accommodate the flows from the project as a condition of approval. The pump station cannot accommodate the increased flows.

The existing pump station at Butterfly Estates must be upgraded prior to any construction at the site. The construction plans, including, but not limited to resizing of the pumps, wet well and modification of other appurtenances will need to be coordinated, reviewed and approved by the sewer supervisor. A generator will be required. The Town must approve and sign off on the final design plan of the proposed sewer pump station. According to testimony presented at

the August 2009 Planning Board meeting, the YMCA will provide this offsite improvement solely at their own expense. A sewer connection permit is required by the Town as well as approval from the Narragansett Bay Commission.

Drainage/ Wetlands

The site drains generally northwest away from Breakneck Hill Road, flowing eventually into the Moshassuck River. The plans show several onsite storm water detention basins and underground systems. The applicant has proved that there is space on site to accommodate the required storm water mitigation structures. The applicant will be responsible for the operation and maintenance of the proposed storm water detention basins. The Engineering Department is in the process of reviewing the submitted preliminary plan storm water mitigation plan.

Traffic/ Site Plan

The development requires a Physical Alteration Permit from RIDOT as well as an agreement with the abutting property owner of the office building on AP 25 Lot 168. The Lime Rock Fire District must review the site plan for adequate access for fire equipment.

There is a concern with traffic delays and accidents in this area. The Breakneck Hill Road (State Route 123) and Route 146 intersection is listed on the RI Department of Transportation (RIDOT) High Hazard Intersection Program. Vehicles access the YMCA from three points on Route 123, including the new driveway, a shared access with the

adjacent office buildings. Buses also use a graveled parking area which has a wide separate opening onto the road.

The “Traffic Impact and Access Study” describes the poor levels of service on Route 123 at the intersections with the ramps for Route 146 north and south, as well as the conditions at the new driveway under proposed build out of both the YMCA and the adjoining office buildings. Analyses were made for three alternatives including off site signalization at the ramps and the new driveway (by the office buildings) and an off site improvements alternative.

The final recommendations in the report only mention a signal at the new driveway, not at the ramps. Other recommendations include a daily scheduled closing of an interior road, tree trimming, a “signal ahead” sign, police traffic control at events, and interior circulation and signage.

The Technical Review Committee met with the traffic engineers during its September’s 2009 Technical review Committee meeting. According to the traffic engineer, the RIDOT is in the process of evaluating the issues associated with the roadway and the options to mitigate these issues. However, the roadway configuration is complicated and will take time. It is estimated that it will take RIDOT 5 – 10 years before any work is done in this area. With this timeline in mind, the YMCA chose to develop the recommendations of an internal circulation plan that would include a daily scheduled closing of an interior road, tree trimming, a “signal ahead” sign, police traffic control at events, and interior circulation and signage. On September 4, 2009, the RIDOT concurred in writing with the above internal

circulation plan proposed by the YMCA. Based on the Preliminary Plan submission, the Technical Review Committee feels that there are several significant issues that need to be addressed in order for this project to be successful. The Technical Review Committee feels that the applicant is not ready to advance to the Public Hearing. Therefore, the TRC recommends that the applicant address the issues noted below before they return to the Planning Board for further review. The issues that the TRC would like to see addressed are as follows:

- 1. A letter from the Lincoln Water Commission stating that the plans are acceptable and that public water is available to the project is needed,**
- 2. The applicant must present to the Town fully executed easements from the private property owners that the proposed sanitary sewer system will go through,**
- 3. A letter from the Town's Sewer Department stating that public sewers are available to the project. In order for the applicant to receive this letter, they must present an acceptable East Butterfly sewer pump station design, a final force main design, and a final and acceptable design of the proposed public sewer lateral design.**

c. 90 Industrial Circle AP 2 Lot 82 Master Plan Land

- A.F. Homes Walker Street & Industrial Circle Development Reinstatement

This Land Development project is in front of the Planning Board for a

Master Plan reinstatement according to Section 7(B) of the Town of Lincoln Land Development and Subdivision Regulations. This application is made in accordance with a mediation agreement between the Town of Lincoln and the applicant and stipulated in Supreme Court C.A. No. 09-1145.

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 received Master Plan Approval with Conditions on April 25, 2007.

The Technical Review Committee reviewed the request for reinstatement according to the Land Development and Subdivision Regulations standards and recommends Approval of this application.

The TRC feels that the project was approved at the Master Plan stage of review and represented a viable land development concept. The TRC reviewed the past meeting minutes and TRC reports. Several concerns were discussed at the Master Plan meeting. The TRC determined that those concerns would be addressed during the Preliminary Plan review stage. The TRC recommends the reinstatement of the original Master Plan approval with the original conditions and a vesting period of one year. Therefore, this approval would be vested until August 25, 2011. The original 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.

d. Morin / Lenartowicz Subdivision AP 25 Lots 32 and 53 Master Plan Subdivision

**- Richard Morin / Walter Lenartowicz 1793 Old Louisquisset Pike Discussion / Approval
and 2 Ledge Road**

This application is under the 2005 Subdivision Regulations and represents the administrative subdivision between two residential lots. The proposed subdivision is to transfer approximately 14,675 square feet of land from Lot #53 to the owners of Lot #32. This subdivision was elevated from an administrative subdivision to a major subdivision because Lot #53 is a pre-existing nonconforming lot of record. The lot requires dimensional variances for the front and rear yard setbacks.

On August 18, 2010, 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 December 16, 2010, or within such further time as may be consented to by the applicant.

The Technical Review Committee reviewed the proposed development according to the Land Development and Subdivision Regulations master plan submission requirements. The following plans and documents were received and reviewed by the Technical Review Committee: “Pre-Application/Concept Review Major Subdivision AP25 Lots 32 & 53” dated September 2009 and revised through July 2010. Below are the TRC’s comments.

Site Plan

The TRC would like the applicant to change the name of the plan from “Pre-Application/Concept Review” to “Master Plan Review”. The TRC would like the applicant to note on the plan if any historic cemeteries are located within or immediately adjacent to the subdivision. If no historic cemeteries exist, please note that. The TRC would like the applicant to note on the plan if the subdivision is located within a Natural Heritage Areas (RIDEM) or Areas of Planning Concern (Town of Lincoln Zoning Ordinance).

Based on the Master Plan submission and the TRC review, the Technical Review Committee feels that the applicant can easily address the above noted concerns. The TRC recommends that the project proceed to a public informational meeting in September.

Zoning Applications (*) – September’s Zoning Applications

First Facility Lincoln LLC, c/o Richard R. Ackerman, 191 Social Street, Woonsocket, RI – Application for Use Variance for the installation of signage at the intersection of Albion Road and George Washington Highway, Lincoln, RI.

AP 41, Lot 44 Zoned: BL 0.5

(Continued from July’s Zoning Board hearing)

Members of the Technical Review Committee visited the site and reviewed the submitted application for use variance for the installation of signage at the intersection of Albion Road and George Washington Highway. According to section 260-37 C (4), a use variance is needed if a proposed sign is proposed to be located on a parcel of land other than the lot that the use is performed. The Technical Review Committee recommends Denial of this Use Variance application. Currently, the property has one freestanding sign at the entrance of the property. The application does not present any hardship for needing additional signage on another property nor does it satisfy any other standard of relief required for a use variance.

The TRC feels that allowing this use variance will set a precedent for other commercial property owners. The TRC feels that this use variance will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Preferred Towing Recovery & Auto Sales LLC c/o Christine Marie Labbe, 296 Angell Road, Lincoln, RI – Application for Use Variance

for sale of repossessed vehicles at property located at 147/149 Reservoir Avenue, Lincoln, RI.

AP 06, Lot 347 Zoned: BL 0.5

(Continued from July's Zoning Board hearing)

Members of the Technical Review Committee visited the site and reviewed the submitted application for use variance for the sale of repossessed vehicles at property located at 147/149 Reservoir Avenue. The Technical Review Committee recommends Denial of this use variance application. The existing property contains several existing retail businesses and their associated parking spaces per zoning. All of these businesses utilize one access point to and from Reservoir Avenue. The TRC has serious concerns about safe internal vehicular movement due to the limited size and layout of the property.

The TRC also has concerns about the applicant's ability to continue to meet our parking requirements. The original site plan provided in the application was not to scale. The Zoning Board asked the applicant to supply a scaled site plan. However, as of the date of the TRC meeting, no new information or site plan was submitted for review by the Town. The application does not present any hardship or reasoning as to the need for a use variance nor does it satisfy any other standard of relief required. The TRC feels that this use variance will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Cox TMI Wireless, 1 Lacroix Drive, West Warwick, Rhode Island – Application for Use Variance for additional antenna to existing tower located at 28 Breakneck Hill Road, Lincoln, RI.

AP 25, Lot 58 Zoned: RA 40

(Continued from July’s Zoning Board hearing)

Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The Technical Review Committee recommends Approval of this application. The proposed project represents the installation, operation and maintenance of a wireless telecommunications facility attached to an existing telecommunications tower. The supporting equipment will be located at the base of the existing tower. The TRC feels that the applicant presents a realistic site layout that meets the intent of the zoning with special consideration given to the §260-67. The Technical Review Committee feels that the telecommunication installation will not be detrimental to the surrounding residential neighborhood. The Technical Review Committee feels that the use variance will not alter the general character of the surrounding area and will not impair the intent or purpose of the zoning ordinance or Comprehensive Plan.

Charles & Sharon Marion, 4 Rockycliff Drive, Lincoln, RI – Application for Dimensional Variance for rear and side yard relief for the construction of an addition.

AP 45, Lot 225 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The proposed dimensional variances for the rear and side yards is to clear up the pre-existing nonconformance of this parcel of land. The existing one story house is located within the setbacks. This application is to add another story to this existing house. The original footprint of the house will not change. The Technical Review Committee recommends Approval of this application. The Technical Review Committee feels that the proposed design and layout of the proposed addition is due to the location of the existing house on the lot. The TRC finds that the relief requested will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

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Administrative Officer to the Planning Board