

LINCOLN PLANNING BOARD

JULY 28, 2010

APPROVED

The regular meeting of the Planning Board was held on Wednesday, July 28, 2010, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

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

The following members were absent from this meeting: Wilfred Ordonez, Gerald Olean and John Hunt.

Vice Chairman Bostic advised that four members were present; have quorum.

CONSENT AGENDA

Vice Chairman Bostic reminded members that the consent agenda has six zoning applications, one administrative subdivision recording 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 Reilly. 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 the applicant had called and asked to be postponed until the August meeting. The applicant needed more time to go over the plans with the engineering firm. The applicant is confident they will have the Physical Alteration Permit from RIDOT by August.

MAJOR SUBDIVISION REVIEW

**a. Great Road Realty Subdivision AP 23 Lot 51 Final Plan
Crescent Properties, Inc. Dexter Rock Road Discussion/Approval**

Mr. Ranaldi stated that this is a major subdivision at final plan stage. This application is under the 2005 subdivision regulations and represents the subdivision of one lot into four residential lots. This project received a zoning variance on the existing house. There was

also an area of ledge that had to be removed. This was the main reason for bringing this application back before the Board for final approval. The ledge removal and vegetative clearing was to improve sight distance along Great Road. The Town Engineer and the Town Planner have reviewed the clearing in late April which met the conditions of preliminary plan approval. Therefore, the TRC recommends final plan approval with conditions. The conditions would be for the new house lots. The following conditions would apply: 1.) A pre-blast survey of adjacent properties shall be performed if applicable. 2.) The lots are to have on site drainage to capture roof runoff. 3.) If the new owner decides to relocate the driveway from this approved plan then the owner would have to get a new PAP from RIDOT. These conditions will be listed on the final plan before it is recorded.

John Shekarchi, attorney for the applicant, stated that the applicant has read the conditions and has no issues with them.

Motion made by member Griffin to approve Final Plan with the (3) conditions as stated in the TRC report was seconded by member Delgrande. Motion was approve by all members present.

SECRETARY'S REPORT

There was no report to be reviewed.

Joelle Sylvia handed the Board a draft version of a checklist of things for the Board to remember to add to motions of approval. The checklist is a reminder to list findings of fact, list of conditions and other pertinent information. This checklist can be used for everything except comprehensive permits.

Motion was made by member Griffin to adjourn was seconded by member Reilly at 7:14 pm. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux

Technical Review Committee Report

July 23, 2010

Town of Lincoln – Planning Board

100 Old River Road

Lincoln, RI 02865

Dear Honorable Members,

On July 21, 2010, at 3:00 pm, the Technical Review Committee met to review the agenda items for the July 28, 2010 meeting of the Planning Board. In attendance were Al Ranaldi, Russell Hervieux, James Bernardino, Michael Gamage, John Faile, and Tim Griffin. 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: “Physical Alteration Permit, RT 116 Office Development, General Plan” prepared by Bryant Associates (no date) 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 last month’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 Towns 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 Engineering Department requests that a complete revised PAP plan set with revised plan dates be submitted for Town records.

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 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. Great Road Realty Subdivision AP 23 Lot 51 Final Plan Discussion /

- Great Road Realty, LLC Great Road Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into four residential lots. The proposed lots will be accessed from Great Road, an existing State road. Public sewer and water will service the lots. The project is in front of the Planning Board for Final Plan review.

As the Board may recall, proper sight distance along Great Road was in question. The property has significant ridges of ledge. According to the letter report dated November 18, 2008, it was stated that some vegetative clearing within the existing southerly road ROW would allow proper sight distance for proposed Lot 4. An inspection of the road along the site revealed extensive ledge in and along the ROW. It was recommended that the applicant be required to clear the vegetation after preliminary approval and remove ledge as necessary for proper sight distance at the proposed driveways. The TRC report noted that this removal and clearing according to the submitted plan must take place before final subdivision approval.

The Town received a letter dated April 26, 2010 by Level Design

Group stating that the proposed ledge removal has been completed and that the proposed development meets or exceed those required sight distances for safe ingress and egress of the lots as detailed in the approval. The Town Planner and Engineer went to the site and confirmed the ledge removal.

Based on the recent submission and TRC review, the Technical Review Committee feels that the applicant has addressed the concerns presented at Preliminary Plan approval. The TRC recommends Final Plan Approval with Conditions. The following are the recommended conditions of approval that would be applied for the individual house lots at the time of construction,

- 1. A pre-blast survey shall be completed of adjacent properties' structures before construction of each home site.**
- 2. The lots with proposed new houses shall have onsite drainage attenuation, i.e. dry wells, to capture the roof runoff.**
- 3. The new lot owner must receive a RIDOT – PAP if they proposed to move the driveway from the approved location shown on the preliminary plan submission.**

Zoning Applications (*) – August's Zoning Applications

Satish and Sunitha Nutakki, 224 Old River Road, Lincoln, RI - Application for Dimensional Variance seeking corner lot setback relief for the construction of a deck.

AP 31, Lot 26 Zoned: RS 12

(Continued from June's Zoning Board hearing)

Members of the Technical Review Committee visited the site and reviewed the submitted revised plans and application. The Technical Review Committee recommends Approval of the application for a corner lot setback relief for the construction of a patio. The applicant revised their plans which deleted the original deck and replaced it with a ground level patio. The proposed steps to access the patio would extend 3.5 feet from the house. The Technical Review Committee feels that the revised site plan and application represent the least relief necessary and is due to the unique characteristics of the subject land. The Technical Review Committee feels that the dimensional variance will not alter the general character of the surrounding area and will not impair the intent or purpose of the zoning ordinance or Comprehensive Plan.

Gregory & Melissa Moore, 111 Jenckes Hill Road, Lincoln, RI – Application for Dimensional Variance seeking height relief for an accessory building.

AP 26, Lot 196 Zoned: RA 40

(Continued from June's Zoning Board hearing)

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 seeking height relief for an accessory building. The site visit and application review noted that the accessory building has already been built. 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. The applicant did not offer any reasoning why the building can not meet the code. The TRC noted that modifications to the existing roof can be made that will enable the building to meet the zoning code. Therefore, 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.

Terrence J & Darlene McManus, 8 Samuel Stevens Drive, Lincoln, RI – Application for Dimensional Variance seeking for side yard setback for the construction of an addition.

AP 29, Lot 127 Zoned: RA 40

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 proposed addition is due to the unique shape of the existing lot. The Technical Review Committee finds that the applicant presents a realistic site layout that meets the intent of the zoning and fits with the character of the surrounding neighborhood.

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

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 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 persistence 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

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 site plan provided in the application was not to scale. 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

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. The TRC would like to bring to the attention of the Zoning Board that the application has not been reviewed by the Area of Planning Concern as required in §260-44.

Correspondence/Miscellaneous (*)

a. Staff Reports

b. Leo Raymond, Jr. AP 29 Lots 46 and 79 Administrative Subdivision Recorded

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

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Administrative Officer to the Planning Board