

LINCOLN PLANNING BOARD

SEPTEMBER 22, 2010

APPROVED

The regular meeting of the Planning Board was held on Wednesday, September 22, 2010, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Olean called the meeting to order at 7:04 p.m. The following members were present: Gerald Olean, Kenneth Bostic, John Hunt, and Jeffrey Delgrande. Also in attendance was Town Planner Albert Ranaldi. Russell Hervieux kept the minutes.

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

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

CONSENT AGENDA

Chairman Olean reminded members that the consent agenda has a total of three zoning applications of which the Board has already seen two 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 Bostic to accept the consent agenda as presented was seconded by member Hunt. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

**a. Morin/Lenartowicz Subdivision AP 25 Lots 32 & 53 Public
Informational**

**Richard Morin/Walter Lenartowicz 1793 Old Louisquisset
Pike Meeting – 7:00 PM**

**& 2 Ledge Road Master Plan
Discussion/Approval**

Chairman Olean called the Public Informational Meeting to order at 7:08 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 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. The zoning relief is required because the house was built prior to current day zoning standards. The applicant is on the agenda to be heard by the Zoning Board on this issue. 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 the zoning application and felt favorable on both. The TRC recommends master plan approval with the condition that the applicant receive Zoning Board approval barring any issues brought out at the public informational meeting.

Richard Dursin, associate with Andrews Surveying and Engineering, spoke for the applicant. Mr. Dursin stated that this plan is actually an administrative subdivision. Unfortunately, the existing house and garage on lot 53 does not meet current setback requirements. This house and the garage were built in 1953. The purpose of this subdivision is to move one lot line west to include the existing garage onto lot 32. Lot 32 is owned by Walter and Marlene Lenartowicz. Mr. Lenartowicz has taken care of their property, lot 53, for the past fifteen years. An agreement between the parties was that Mr. Lenartowicz who owns lot 32 would take ownership of the garage. Lot 53 will end up 21,730 square feet which meets the area for zone RS-20. 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.

Chairman Olean opened up the meeting to comments from the public. No members of the public came forward. Motion was made by member Delgrande to close the public informational meeting at

7:16 pm was seconded by member Bostic. Motion was approved by all members present.

Chairman Olean asked Mr. Dursin if he had any issues with the TRC report. Mr. Dursin replied no. Mr. Dursin stated that Mr. Morin is in the process of selling lot 53 and was interested in expediting the subdivision process. Mr. Ranaldi stated that he spoke with the Town Solicitor on this issue and at a minimum a public hearing would still be required. The rest of the process could be handled administratively. The public hearing and a vote on preliminary plan could be done at the same meeting.

Motion made by member Bostic to accept the TRC recommendations to grant conditional master plan approval and move this application to a public hearing in October was seconded by member Delgrande. Motion was approved by all members present.

SECRETARY'S REPORT

The Board was given one set of minutes to review. They are for August 25, 2010. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Motion made by member Hunt to dispense with the reading of the August 25, 2010 minutes and approve as presented was seconded by member Bostic. Motion was approved by all members present.

Motion was made by member Bostic to adjourn was seconded by member Delgrande at 7:22 pm. Motion was approved by all members present.

TRC Report:

On September 15, 2010, at 3:00 pm, the Technical Review Committee met to review the agenda items for the September 22, 2010 meeting of the Planning Board. In attendance were Al Ranaldi, Russell Hervieux, James Bernardino, Michael Gamage, Peggy Weigner and Michael Gagnon. Below are the Committee's recommendations.

Major Subdivision Review

a. Morin / Lenartowicz Subdivision AP 25 Lots 32 and 53 Public Info. Meeting – 7:00 PM

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

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: "Preliminary Review - Major Subdivision AP25 Lots 32 & 53" dated September 2009 and revised through August 2010.

The TRC reviewed the submitted application and all concerns presented at the August Planning Board meeting were addressed. Therefore, based on the Master Plan submission, the TRC review, and barring any unforeseen concerns resulting from the public informational meeting, the Technical Review Committee recommends Master Plan Approval with Conditions. The condition of approval is the Zoning Board approval of the applicant's pending zoning application.

Zoning Applications (*) – October'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.

Rachel Morin Estate, 1793 Old Louisquisset Pike, Lincoln, RI – Application for Dimensional Variance for front and rear yard relief for a proposed subdivision.

AP 25, Lot 53 Zoned: RS-20

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The proposed dimensional variances for the front and rear yard is to clear up the pre-existing nonconformance of this parcel of land. This record lot was platted before present day zoning regulations. The applicant is proposing to subdivide their property via an administrative subdivision to his neighbor. The pre-existing nonconformance of this parcel of land requires the applicant to seek zoning relief. If zoning relief was not needed, the subdivision could have simply been handled in-house by the administrative officer to the Planning Board. The Technical Review Committee recommends Approval of this application. 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,

Russell Hervieux