

## **LINCOLN PLANNING BOARD**

**DECEMBER 28, 2011**

**APPROVED**

**The regular meeting of the Planning Board was held on Wednesday, December 28, 2011, 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, John Hunt, Michael Reilly, Kenneth Bostic, Timothy Griffin and Jeffrey Delgrande. Also in attendance were Town Planner Al Ranaldi, Town Solicitor Anthony DeSisto and Town Engineer Laszlo Siegmund. Russell Hervieux kept the minutes.**

**The following member was absent from this meeting: William Murphy. Member Murphy contacted the Chairman and was excused.**

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

### **CONSENT AGENDA**

**Chairman Olean reminded members that the consent agenda has three 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 Bostic. Motion was approved by all members present.

## **MAJOR LAND DEVELOPMENT REVIEW**

**a. Albion Commons AP 41 Lot 9 Public Informational**

**Link Commercial Properties, LLC 618 George Washington Meeting  
– 7:00 pm**

**Highway Master Plan**

**Discussion/Approval**

Chairman Olean called the Public Informational Meeting to order at 7:01 pm. Roll call of the abutters list was read by the recording secretary. There was one response 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 is a commercial redevelopment of a commercial property of 2 acres. The application received a certificate of completeness on November 7, 2011 and the Board has until March 6, 2012 to make a decision. The applicant proposes to demolish the existing building. Three new buildings will be constructed. There will be a retail building of 6,750 square feet. Another building will be a

bank of 3,500 square feet. The last building will be a restaurant of 3,100 square feet. Drainage will be directed to the existing underground system. A land swap with the owner of Albion Road needs to be accomplished to take care of some existing encroachments. The application meets all of the zoning requirements. The traffic impact study showed that there would be no increase in the level of service, which is B, in regards to traffic. The TRC reviewed the application and recommends master plan approval. The TRC does stress that the applicant resolve the issues with the ownership of Albion Road before seeking preliminary plan approval.

John Shekarchi, attorney for the applicant made a brief presentation. Mr. Shekarchi stated that the Town has given a good explanation of the plan. Mr. Shekarchi asked the engineer to give some details on the project.

Richard Bzdyra, engineer for the applicant, made a presentation to the Board. Mr. Bzdyra stated that the site plan shows a two acre parcel on the corner of Albion Road and George Washington Highway. The site currently has a building which was a former car dealership and associated parking. The entire site is paved. The proposal is to use the entrance from Rt. 116 making it two ways and to use the entrance off Albion Road. The proposal includes removing the existing building and constructing three smaller buildings. The buildings would be for a bank, a restaurant and a retail building with

four tenants. The required parking is 91 spaces and the plan has more than that supplied. The plan also calls for more open “green” spaces in the parking area. There would be a slight reduction in the amount of drainage going into the existing underground system. Soil testing has been performed and the test shows that the soil is excellent quality. Mr. Bzdyra stated that his investigation into the ownership of Albion Road shows that the Town of Lincoln is the owner. A letter has been submitted stating this fact. The State does maintain it and does require a Physical Alteration Permit be applied for anytime work is done on that roadway. The State did state they will continue to maintain it and will require the applicant to upgrade the section that will be affected by this development. The applicant will move forward with the Town Solicitor to determine the best way to handle the land swap issue. Mr. Shekarchi stated that he did a title search that went back sixty years and there is nothing recorded definitively about the ownership of Albion Road except for a memo in the State file which states the Town does own the road.

Town Solicitor Anthony DeSisto spoke on the issue of the right-of-way ownership. Mr. DeSisto stated that he is very familiar with the law surrounding this issue. The Town records indicate something different than Mr. Bzdyra conclusion. Mr. DeSisto has a letter from RIDOT indicating that their records show Albion Road is a Town road subject to a maintenance agreement with the State. As of tonight, the position of the Town is that this is a State owned and maintained road. The Solicitor is willing to review these documents

from the applicant for a final determination. Mr. DeSisto would also like to review the documents the State is relying on to make their determination that the Town owns this road before the Town makes a final determination on this issue.

Attorney Shekarchi wanted Mr. Bzdyra to discuss any lighting that will happen as part of this project. Mr. Bzdyra stated that the former business was a car dealership with very strong lighting, too much for the area. The applicant proposes to have lights on the building and parking lot lighting that will not spill off the property. Mr. Shekarchi asked about the traffic issues if any. Mr. Bzdyra replied that the traffic would be the same or less than the former business. Member Reilly questioned why these types of business would not draw more traffic than a car dealership. Mr. Bzdyra replied that the traffic on Rt. 116 will stay the same because most of the customers of these businesses are already using that stretch of road. Mr. Shekarchi wanted Mr. Bzdyra to explain about the possible decrease in drainage. Mr. Bzdyra explained that the lot is completely paved currently. The proposal calls for roof drains to go into a separate underground system and the parking area will have some landscaped islands which will absorb some water. The current system will take care of the parking lot drainage which is actually smaller than what is there now. We do not expect any issues in receiving a Physical Alteration Permit from RIDOT for this project.

Chairman Olean opened up the meeting to comments from the public

**Jean Barbary of 403 Albion Road had a question for the applicant. Ms. Barbary asked about parking along Albion Road and the driveway entrance to this project. Mr. Bzdrya explained that the new entrance on Albion Road will be directly across for her driveway which will not impose any sight distance issues. There will be sufficient parking on the property so there should be no cars parked on Albion Road.**

**Motion was made by member Reilly to close the public informational meeting at 7:20 pm was seconded by member Hunt. Motion was approved by all members present.**

**Chairman Olean reminded the applicant that the issue of the ownership of Albion Road must be resolved or at some point this project will come to a halt. Member Bostic inquired as to whether the Town Engineer has had the opportunity to review the site drainage plan. Mr. Bzdrya stated that the plan is being reviewed by RIDOT then it will come to the Town for their review.**

**Motion made by member Reilly to grant master plan approval with the condition that the issue of the ownership of Albion Road be resolved by preliminary plan was seconded by member Griffin. Motion was approved by all members present.**

**MAJOR SUBDIVISION REVIEW**

**a. Cara Drive Extension AP 17 Lots 95 & 96 Master Plan  
Verna Derderian 618 George Washington  
Hwy Discussion/Approval**

**Mr. Ranaldi stated that he did not see the applicant present at this meeting. Chairman Olean suggested that Mr. Ranaldi proceed anyway. Mr. Ranaldi stated that this application represents the development of three residential single family house lots. The application was classified as a major subdivision because the project involves extending Cara Drive. The application received a certificate of completeness on December 19, 2011 and the Board has until April 18, 2012 to make a decision. The TRC reviewed this project according to the subdivision regulations. The proposal involves three new house lots with associated drainage and to extend the cul-de-sac on Cara Drive. A few subdivision waivers are required for this project. The applicant is requesting a reduction in the street right of way width from 50 feet to 40 feet which exists today. The applicant also proposes a reduction of paved width from 30 feet to 24 feet which currently exists. The TRC felt that these waiver requests were reasonable. The applicant is also requesting a lot width to depth ratio waiver on lot 4 and lot 5. These waivers also seemed reasonable to the TRC. The TRC recommended a waiver to the sidewalk regulation.**

**The applicant proposed a 5 foot sidewalk along their subdivision only. It would run from ½ of the cul-de-sac up to one of the existing lots. It would not connect to any existing sidewalk system. Therefore the TRC asked the applicant to ask for the waiver of the sidewalk.**

**The applicant agreed if this Board agrees and if not the plan will stay as is with the sidewalk. There was no test data supplied in regards to the detention basin on the plan. The TRC would like to see more information on it to be sure it can work as shown. The plans also show an eight foot high retaining wall. The wall would be approximately 20 feet from the end of the cul-de-sac and would be privately owned by two homeowners. The TRC was not comfortable with this wall and being privately owned. The TRC would like to see other options in place of this wall. The TRC recommends that the applicant address the retaining wall issue and waivers and come back.**

**Chairman Olean expressed a disappointment that the applicant was not at this meeting to make a presentation. A notice should be sent to the applicant to appear.**

**Motion made by member Delgrande to move this application to the February 2012 agenda and send notice to the applicant to appear 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 October 26, 2011 and November 16, 2011. The Town Planner Al Ranaldi stated that he has reviewed these minutes.**

**Motion made by member Griffin to dispense with the reading of the October 26, 2011 minutes and accept as presented was seconded by member Delgrande. Motion was approved by all members present.**

**Motion made by member Griffin to dispense with the reading of the November 16, 2011 minutes and accept as presented was seconded by member Hunt. Motion was approved by all members present.**

**Mr. Ranaldi asked to make a brief presentation to the Board. Grow Smart Rhode Island is preparing their schedule of workshops for 2012 and is looking for some communities to host them. If this Board hosted a workshop then a majority of the members should attend. The workshops are on conducting effective land use reviews. Some members have attended in the past. This would be a one night workshop. The Board stated they would be willing to host a workshop. Mr. Ranaldi will send the message along and keep the Board informed.**

**Motion made by member Reilly to adjourn at was seconded at 7:44 pm by member Griffin. Motion was approved by all members present.**

**Respectfully submitted,**

**Russell Hervieux**

## **Technical Review Committee Report**

**On January 15, 2012 at 3:00 pm, the Technical Review Committee met to review the agenda items for the January 22, 2012 meeting of the Planning Board. In attendance were Al Ranaldi, Gerald Olean, John Faile, Russell Hervieux, Peggy Weigner, Michael Gagnon, and Laszlo Siegmund. Below are the Committee's recommendations.**

### **Major Land Development Review**

**a. Albion Commons AP 41 Lot 9 Preliminary Plan Discussion /  
- Link Commercial Properties 618 George Washington HWY Approval**

**This major land development project is under the 2005 Subdivision Regulations and represents the redevelopment of 2.06 acre commercial lot. Currently, the lot contains an existing 1-story commercial building and associated parking areas. The proposed redevelopment of this property is to remove the existing building and construct three separate commercial buildings with associated parking areas. One building is designated as "Proposed Retail – 6750 sqft". Another building is designated as "Proposed Bank – 3,500 sqft", and the other building is designated as "Proposed Restaurant – 3,100 sqft". The project exceeds all of the commercial parking requirements. All surface water runoff is proposed to be directed into the existing on-site storm water mitigation systems. The project is in front of the Planning Board for a public informational meeting.**

**On November 7, 2011, 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 March 6, 2012, or within such further time as may be consented to by the applicant.**

**The Master Plan submission contains a set of plans entitled, “Albion Commons, AP 41 Lot 9, 618 George Washington Highway, Lincoln, Rhode Island”, prepared for Link Commercial Properties, LLC. The submission has three sheets and is dated December 1, 2011. Also in the submission is a report entitled, “Traffic Impact Study, Proposed Commercial Redevelop, Albion Road Plaza, Lincoln, Rhode Island, prepared for Mr. Frank Paolino, 1150 New London Avenue, Cranston, Rhode Island. The report is dated August 2011. The Technical Review Committee reviewed the proposed development according to the Land Development and Subdivision Regulations master plan submission requirements. Below are the TRC’s recommendations.**

### **Site Layout**

**The proposed site layout is similar to the existing site layout. However, three elements are proposed to change. The proposed application shows the relocation of the existing access point on George Washington Highway. The applicant proposed to move the**

access point approximately 50 feet northwest of the existing access point. This new entry is proposed to have egress and ingress lines. The Department of Transportation will review this new entry as part of the Physical Alteration Permit (PAP) review process.

The second element is the proposed combination of two existing access points into one access point on Albion Road. This new entry is proposed to have egress and ingress lines. The Department of Transportation will review this new entry as part of the Physical Alteration Permit (PAP) review process.

The third element that will be incorporated into the proposed site layout is the addition of several landscaped islands. These islands will serve to direct and separate parking areas and patrons within the property. These landscaped islands will provide much needed vegetation to this existing large asphalted area.

The submitted plans show two areas of conflict along the property line between Albion Road. The survey shows that some of the public highway is located on private property while some private infrastructure improvements are located on public property. The applicant has proposed a resolution to this problem. The TRC feels that this resolution as presented in the site plans is reasonable and makes for a better project. However, neither the Town nor the State has officially accepted the ownership of this portion of Albion Road. The Town still contends that the roadway is a State roadway. Many people have verbally stated that the roadway is owned by the State but written acknowledgement has not been submitted to date.

The TRC feels confident that this problem can be successfully

resolved by the applicant and at this conceptual stage of the project, should not prevent the project from moving forward. However, the TRC would like to stress to the applicant that they would like to see a resolution to the ownership issue and property swap issue along Albion Road before they initiate the Preliminary Plan review stage.

### **Zoning Requirements**

The proposed project exceeds the commercial parking requirements for the uses shown. At preliminary plan review, the applicant will have to submit a lighting plan and a landscaping plan as part of their submission. This submission will have to be reviewed by the Area of Planning Concern also. The date of this review meeting can be determined during the preliminary plan review phase. The Technical Review Committee wants to advise the applicant about the Town's sign requirements. It has been the committee's experience that most commercial businesses want more signage than what the Town permits by right. In most cases, the commercial businesses had to go before the Zoning Board for dimensional relief. The TRC recommends that the applicant starts this discussion with all proposed businesses so the necessary steps can be taken in advance.

### **Storm Water Runoff**

All surface water runoff is proposed to be directed into the existing on-site storm water mitigation systems. The existing systems connect to the State's storm water mitigation system within George

**Washington Highway. The combination of the two systems will be reviewed by the Department of Transportation as part of the Physical Alteration Permit (PAP) review process. At preliminary plan review, an approved PAP will be required.**

### **Traffic Impact Study**

**A traffic impact study of the proposed project was conducted. The study concluded that the proposed redevelopment has successfully been designed to maintain a desirable level of traffic safety and efficiency on the surrounding roadway system. The study also noted that the estimated increase in traffic will have little effect of the overall operations on George Washington Highway and the existing level of service will remain at its existing level.**

**Many of the above noted concerns will be addressed at the preliminary plan review stage. Therefore, barring any unforeseen concerns brought out during the Public Informational meeting, the TRC recommends Master Plan Approval. The TRC would like to stress again to the applicant the they would like to see a resolution to the ownership issue and property swap issue along Albion Road before they initiate the Preliminary Plan review stage.**

### **Major Subdivision Review**

**a. Cara Drive Extension AP 17 Lots 95 and 96 Master Plan Discussion /**

**- Verna Derderian Cara Drive Approval**

**This major subdivision project is under the 2005 Subdivision Regulations and represents the reconfiguration of two existing lots to enable the subdivision of three new single-family residential lots. The three house lots are proposed to be developed off of an extension of Cara Drive. This subdivision is classified as a major subdivision due to the proposed street extension. On December 19, 2011, the master plan submission 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 April 18, 2012, 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 submission includes a set of plans entitled “Cara Drive – Extension, Major Subdivision Master Plan Cara Drive, Lincoln, Rhode Island” and dated January 2011. Three revisions are noted on July 12, 2011, November 30, 2011, and December 07, 2011. The plans were prepared by Level Design Group of Plainville, Mass. for Verna Derderian, 101 Cobble Hill Road, Lincoln, Rhode Island. The plan set contains 5 pages (Cover page, MP-1.0, MP-1.1, MP 2.0, and MP 2.1). The submission also**

**contains: a letter dated December 7, 2011 from Daniel Campbell, P.E. of Level Design Group, and a report entitled “Land Development and Subdivision Application for AP 17 Lots 95 and 96, Cara Drive Extension, Lincoln, Rhode Island” and dated January 10, 2011. The report was prepared by Level Design Group.**

**Below are the Technical Review Committee comments.**

### **Site Layout**

**Cara Drive is a cul-de-sac roadway off of Olney Avenue. Cara Drive is approximately 280 feet long and offers public sewer and water. The property is situated in a RS-12 Residential zone. Currently, five houses front off of the roadway. The proposed subdivision is to extend the existing roadway, public sewer, and public water by approximately 240 feet. The roadway would end in a new cul-de-sac and would allow for the creation of three residential house lots. The existing cul-de-sac will be eliminated. Each house lot exceeds the required buildable lot area. Proposed Lot #3 would contain a drainage structure on it. A proposed retaining wall approximately 8 feet in height is proposed 20 feet after the cul-de-sac to control the slope.**

**The TRC reviewed the site layout and expressed two concerns at this review stage. The first concern is the proposed retaining wall. The TRC determined that the proposed retaining wall contributes to the structural aspects of the roadway. Ownership of this wall is split between two of the proposed house lots. In other words, two private residents will own the wall. All future upkeep and maintenance of the**

**wall will be the responsibility of the two home owners. As presented, the proposed wall and ultimate ownership of it is unacceptable to the Town. The TRC and the applicant's engineer had a discussion of possible other options. The TRC feels that other more acceptable options may exist that will reduce and/or eliminate the retaining wall. This discussion was shared with the applicant's engineer. The TRC recommends that the applicant explore more suitable options and present their best choice to the TRC and the Planning Board at the next scheduled meeting in January.**

### **Subdivision Waivers**

**The applicant is requesting four subdivision regulation waivers. They are:**

**1. Section 23, Article C (5) – “Street right-of-way shall not be less than fifty (50) feet, and street pavements measured between faces of curbing centered within the property lines shall not be less than thirty (30) feet in width”. The applicant is requesting to reduce the width of the street right-of-way to match the existing right-of-way of Cara Drive. Their request is to reduce the right-of-way to forty (40) feet, and a pavement width of approximately twenty-three (23) feet.**

**2. Section 23, Article E (4) – “The proportion of average lot depth to average lot width shall not exceed the ratio of 2.5:1. Proposed Lot #4 does not meet this requirement.**

**3. Section 23, Article E (4) – “The proportion of average lot depth to average lot width shall not exceed the ratio of 2.5:1. Proposed Lot #5 does not meet this requirement.**

The TRC discussed the above subdivision waivers and feels that each waiver is reasonable. Waiver #1 is required so that the new roadway will match the existing width of Cara Drive. Presently, the Cara Drive public right-of-way measures forty (40) feet wide and has a twenty-three foot wide paved surface. The need for waiver #2 and #3 is due to the existing configuration of the two original lots. There is no reasonable way to eliminate these configurations.

The TRC discussed the applicant's proposal of a five (5) foot width sidewalk in the subdivision. This sidewalk runs along the northern side of the street from existing lot 109 and ends at proposed lot #3. No other sidewalks exist along Cara Drive or the main roadway Olney Avenue. The TRC feels that there is really no purpose for this proposed sidewalk. It does not connect to an existing sidewalk system nor independently provides a lengthy walking area. The TRC highly recommends to the applicant and the Planning Board to discuss this subdivision requirement and consider a waiver of this requirement.

### **Storm Water Runoff**

The storm runoff from the road extension is shown to be conveyed into a detention basin located on proposed lot #3. There is no documentation that this proposed facility will be able to infiltrate the collected runoff. There is reference to soils information but nothing was attached in the submission. No test pits were preformed. No depth to bedrock information was made available. While this technical information is not necessary required at the Master Plan

**review stage, the TRC likes to have a reasonable level of comfit that the system will work. This concern was discussed with the applicant.**

**The TRC determined that the there are opinions available to the applicant if the proposed design is not feasible. The TRC will review the proposed detention facility with great detail at preliminary plan review stage.**

**Based on the submitted information and discussions with the applicant's engineer, the greatest concern for the TRC is the proposed retaining wall. Therefore, the TRC recommends that the applicant explore more suitable opinions based on our discussion and present their best choose to the TRC and the Planning Board at the next scheduled meeting in January.**

### **Zoning Applications (\*) - January's Zoning Applications**

**Peter J. DiPaola, 32 South Eagle Nest Drive, Lincoln, RI – Application for Dimensional Variance seeking rear setback relief for an existing accessory structure.**

**AP 40, Lot 95 Zoned: RA 40**

**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 rear yard setback relief for the construction of an**

**existing accessory structure. The existing accessory structure was constructed without a building permit. The submitted plans also show four other accessory structures on the property. An additional structure is in the middle of construction and not shown on the plans.**

**A review of the applicant's building file determined that only one accessory structure was constructed with a building permit.**

**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 compelling reasoning for their request within their application. The submitted site plan clearly shows that the applicant has sufficient room within the property setbacks to locate accessory structures. The Technical Review Committee feels that the current site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land.**

**Bryan & Stella Tamul, 12 Longmeadow Road, Lincoln, RI – Application for Dimensional Variance seeking side and rear yard relief for the construction of an addition.**

**AP 28, Lot 131 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 for a dimensional variance from the side and rear yard setbacks for the construction of an addition. The TRC feels that the proposed location**

of the new addition is limited due to the existing ledge outcropping running the length of the property in the backyard. The configuration of the existing house also makes reasonable sense for the location of the new addition. The Committee finds that the applicant presents a realistic site layout that meets the intent of the zoning and is the least relief needed. The TRC feels that granting these dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

YMCA of Pawtucket, Inc., 660 Roosevelt Avenue, Pawtucket, RI/MacColl YMCA, 26 Breakneck Hill Road, Lincoln, RI – Application for Special Use Permit for additional signage at property located at 26 Breakneck Hill Road, Lincoln, RI.

AP 25, Lots 58, 68, 69 and 71 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the plans and the application for a special use permit for additional signage at property located at 26 Breakneck Hill Road. The submitted application is for a total of sixteen signs of various sizes and located throughout the property. The Technical Review Committee recommends Approval with Conditions. The condition of approval is that no sign shall have LED lighting or any lighting similar to LED, will not scroll messages, and will not flash.

The TRC feels that due to the historic nature of this roadway and due to the fact that Breakneck Hill Road is designated as a “Scenic Highway” by the State of Rhode Island, that any sign that will be seen

from travelers along this road should be discrete in nature. The TRC paid special attention to sign #1 and sign #16. Sign #1 is proposed to be “internally lighted”, while sign #16 is proposed to be “internally lighted” and their program announcements to be “lighted lettering”. A full explanation of what “lighted lettering” means was not provided in the application. Therefore, the TRC made the above condition of approval. The TRC would like to bring to the Zoning Board’s attention that the application does not contain any measurements of the proposed signage. Enforcement of this application, if approved, will not be possible without these measurements. The TRC recommends that this information be provided to the Zoning Board and made part of the official record of approval.

#### **Correspondence/Miscellaneous (\*)**

##### **a. Staff Reports**

**b. Pascale Property AP 14 Lot 90 Administrative Subdivision  
Recorded**

**to correct the square footage of lot**

**c. 141 Reservoir Avenue AP 6 Lots 374, 351, & 428 Final Plan  
Recorded**

**d. Wood and Bentley Property AP 11 Lots 85 and 86 Administrative  
Subdivision Recorded**

**Respectfully submitted,**

**Albert V. Ranaldi, Jr. AICP**

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**Administrative Officer to the Planning Board**