

LINCOLN PLANNING BOARD

APRIL 25, 2012

APPROVED

The regular meeting of the Planning Board was held on Wednesday, April 25, 2012, 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, William Murphy and Jeffrey Delgrande. Also in attendance were Town Planner Al Ranaldi, Town Engineer Laszlo Siegmund and Town Solicitor Anthony DeSisto. Russell Hervieux kept the minutes.

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

PLANNING BOARD ELECTIONS

Chairman: Member Bostic nominated Gerald Olean for Chairman which was seconded by member Griffin. Vice Chairman Bostic called for a vote. Nomination was approved by all members present.

Vice Chairman: Member Griffin nominated Kenneth Bostic for Vice Chairman which was seconded by member Hunt. Nomination was

approved by all members present.

Secretary: Member Griffin nominated Michael Reilly for Secretary which was seconded by member Murphy. Nomination was approved by all members present.

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 Hunt. Motion was approved by all members present.

MINOR SUBDIVISION REVIEW

**a. Woodward Road Subdivision AP 19 Lot 35 Preliminary Plan
Roger Sherman Trust Woodward Road Discussion/Approval**

Mr. Ranaldi stated that this application is a subdivision of one lot into three lots. The Board has until June 21, 2012 to make a decision. This application was reviewed under the 2005 subdivision regulations. The property currently has two houses that are serviced

by public water however they have private septic systems. Each house after the subdivision will have their own septic system and public water connection. The one concern which could be made a condition of approval is an old barn/garage that does not meet zoning. That structure would have to be removed before final plan could be recorded. The TRC reviewed this application and recommend preliminary plan approval with conditions. The conditions are that the existing barn/garage must be removed and granite bounds must be installed marking the corners of the subdivision.

Nicholas Pampiano, engineer for the applicant, made a brief presentation to the Board. Mr. Pampiano stated that Mr. Ranaldi explained the intentions of this application well. The subdivision will give the two existing houses their own lots with services and driveways. The third lot would be undeveloped for now. The applicant would request that final approval be delegated to the administrative officer if the Board agrees. Mr. Pampiano stated that he does not anticipate any further plan changes. Chairman Olean questioned whether public sewer was available to these lots. Mr. Pampiano replied that there are no public sewers on Woodward Road. That is why the two existing houses have septic systems. The third lot would have sewer availability from Old Louisquisset Pike if it was ever developed.

Roger Sherman, owner of the property, asked to speak before the

Board. Mr. Sherman stated he would have liked to tie into public sewer but it is not available on Woodward Road. The subdivision is so he can give his daughter her own lot with the existing house and they have no intention to develop any part of this subdivision.

Motion made by member Bostic to approve preliminary plan with conditions as stated in the TRC report and delegate final plan approval to the administrative officer. The motion was seconded by member Griffin. Motion was approved by all members present.

MAJOR LAND DEVELOPMENT REVIEW

**a. One Commerce Street Expansion AP 30 Lot 64 Master Plan
Blackstone Centre Limited Partnership Commerce
Street Discussion/Approval**

Mr. Ranaldi stated that this application is for a major land development at master plan review stage. The application represents the development of an existing commercial property. The applicant is proposing to develop a 15,000 square foot addition to an existing 22,630 square foot two story commercial building. The Board has until August 15, 2012 to make a decision. The proposed development meets the zoning requirements for parking and all other pertinent regulations of the Town. The plan shows that the impervious area will not increase due to this development. Therefore the existing drainage structures will work even with the new addition. The site has been permitted by RIDEM and it is not in the jurisdictional

wetlands. The TRC reviewed the application and felt that there is nothing else to review. The use of the addition will require a Special Use Permit from the Zoning Board. Therefore the applicant would need master plan approval to proceed to zoning. The TRC recommends the Board combines the review stages of master plan and approves the master plan and move to a Public Hearing after the applicant receives Zoning approval.

Brian King, engineer for the applicant, made a brief presentation to the Board. Mr. King stated they are still investigating whether they will tie the new roof drains into any existing piping. The other option would be to use downspouts for the proposed roof. The drainage flow patterns will not change from what exists today. The site will continue to use an existing drainage basin.

Motion made by member Griffin to accept the TRC recommendations and approve master plan was seconded by member Reilly.

Motion made by member Griffin to adjourn at 7:26 pm was seconded by member Murphy. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux

Technical Review Committee Report

On April 19, 2012 at 3:00 pm, the Technical Review Committee met to review the agenda items for the April 25, 2012 meeting of the Planning Board. In attendance were Al Ranaldi, John Faile, Russell Hervieux, and Michael Gagnon. Below are the Committee's recommendations.

Minor Subdivision Review

a. Woodward Road Subdivision AP 19 Lot 35 Preliminary Plan Discussion /

- Roger Sherman Trust Woodward Road Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into three residential lots. The proposed project is classified as a Minor Subdivision. On April 17, 2012, the Preliminary Plan submittal received a Certificate of Completeness. According to our Subdivision Regulations – Section 14(G), “if no street creation or extension is required, the Planning Board shall approve, deny, or approve with conditions, the preliminary plan within sixty five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board, according to the requirements of Section 8

herein. Therefore, a decision on the Preliminary Plan review must be made by June 21, 2012 or within such further time as may be consented to by the applicant.

The Technical Review Committee reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Preliminary / Final Plan Submission, Minor Subdivision of AP 19 Lot 35, 28 and 30 Woodward Road, Lincoln, Rhode Island, prepared for Roger S. Sherman Trust by Advanced Civil Design, Inc. The plans contained two sheets and are dated March 2012. The submission also included a plan entitled, "Preliminary" Lincoln, RI, Minor Subdivision prepared for Roger S. Sherman Tr. by March & Long Surveying, Inc. Another plan entitled, "Record Plan" Lincoln, RI, Minor Subdivision prepared for Roger S. Sherman Tr. by March & Long Surveying, Inc. was submitted. Both of these plans are dated January 24, 2012. Below are the TRC comments.

Site plan

The proposed subdivision is to divide one large lot into three lots. This proposed subdivision successfully meets the requirements of the Zoning Ordinance. Currently, two houses and one garage are developed on the site. The existing garage must be removed as a condition of Preliminary Plan approval. The existing garage does not meet the requirements of our Zoning Ordinance. However, the plans indicate that the garage will be removed.

All proposed lots will have access from Woodward Road. Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on any proposed house lots. This plan will be required at the building permit stage. There is no apparent proposed disturbance of any wetlands shown on the plans. The TRC recommends that Drywells be installed for any new house to be built. The type and precise location of the drywells can be determined at the building permit application phase.

Utilities

Public water is available to all of the proposed lots. However, public sewer is not available. The two existing houses have individual sewer disposal systems (ISDS). Any additional development would require their own ISDS. The applicant must obtain an ISDS permit from the Rhode Island Department of Environmental Management.

Record plan

Granite bounds must be shown and installed marking the location of the new property corners.

Based on the Preliminary Plan submission, the Technical Review Committee recommends Approval with Conditions of this Minor Subdivision Preliminary Plan application. According to the Town of Lincoln's Subdivision Regulations, the vesting period for a minor plan shall expire ninety (90) days from the date of approval unless

within such period a plat or plan is submitted for signature and recording, in conformity with such approval, and as defined in these regulations in Section 9. Validity may be extended for a longer period, for cause shown if requested by the applicant in writing prior to the expiration of the period, and approved by the Planning Board. All required improvements shall be completed within one (1) year of the date of final approval. The Planning Board may, for good cause shown, and subject to the provisions of regulations for the reinstatement or extension of applications, extend the period of time for completion of all required improvements, if requested by the applicant in writing.

The following are the conditions of Preliminary Plan approval. These conditions will have to be satisfied before final plan can be recorded and the lots can be sold.

- 1. The existing garage must be removed.**
- 2. Granite bounds must be installed marking the location of the subdivision corners.**

Major Land Development Review

a. One Commerce Street Expansion AP 30 Lot 64 Master Plan Review /

- Blackstone Centre Limited Partnership Commerce Street Approval

This major land development project is under the 2005 Subdivision

Regulations and represents the development of a 15,000 square foot addition to an existing 22,630 square foot 2-story commercial building. The existing parking areas will be reconfigured to accommodate the proposed addition. The proposed project exceeds all of the zoning requirements including the commercial parking requirements. All new and existing surface water runoff will be directed to the existing on-site aboveground storm water drainage system.

On April 17, 2012, 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 August 15, 2012, or within such further time as may be consented to by the applicant.

The master plan submission contains a set of plans entitled, "Blackstone Centre Building Expansion, Assessor's Plat 30 Lot 64, One Commerce Street, Lincoln, Rhode Island", prepared by Crossman Engineering for Blackstone Centre Limited Partnership. A project narrative and a proposed addition elevation was also included in the submission.

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 addition will be developed along the northeasterly side of the existing building. The exterior of the proposed addition will be match the existing buildings exterior design. Permitting from the Rhode Island Department of Environmental Management is not required because the proposed addition is less than one acre of disturbed land and is not within the RIDEM jurisdictional areas.

Zoning Requirements

The proposed project is located within the Manufacturing Limited district. The project exceeds the requirements of the Lincoln Zoning Ordinance including the commercial parking requirements for the existing and proposed uses. The Technical Review Committee wants to advise the applicant that the proposed use may require a special use permit. The specific use to be conducted within the addition should be reviewed with the Town as soon as possible.

Storm Water Runoff

The existing site utilizes aboveground stormwater collection methods. Runoff sheet flows across the existing parking areas and is collected into existing stormwater basins located along the perimeter of the property. According to the submitted plans, the proposed addition will not create an increase in impervious area. Therefore, the stormwater collection system will not have to be modified post

development.

Based on the master plan review conducted by the Technical Review Committee, the TRC feels that this proposed project submission successfully addresses all of the required findings as presented within Section 5 of the Subdivision Regulations for master plan review. The TRC also concluded that due to the existing commercial development of this site and the proposed addition, the project submission successfully addresses all of the requirements of preliminary plan review. If the Planning Board agrees with the TRC, the Planning Board has the authority to combine review stages. According to Section 16(C) of the Subdivision Regulations, “The Planning Board may vote to combine review stages and to modify and/or waive requirements as specified in these regulations. Review stages may be combined only after the Planning Board determines that all necessary requirements have been met by the applicant”.

The Technical Review Committee recommends that the master plan submission be Approved and advance to the preliminary plan review stage. The TRC feels that due to the unique nature of this site and project and the fact that there are no other items to review at preliminary plan stage, the TRC recommends that the application comes back to the Planning Board at Preliminary Plan Public Hearing stage. If the Planning Board agrees, the applicant will have to submit an abutters list for the required notification.

Zoning Applications (*) - May's Zoning Applications

Jeffrey and Kathleen Lisi, 58 South Eagle Nest Drive, Lincoln, RI – Application for Dimensional Variance seeking side setback relief for an existing accessory structure and storage shed.

AP 40, Lot 87 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 side setback relief for an existing accessory structure and storage shed. The existing accessory structure was constructed without 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 as to why the structure must be located in its current location. 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.

Margaret O'Neill, 5 Sunview Street, Lincoln, Rhode Island – Application for a Special Use Permit to convert a single family home with in-law apartment into a two family home.

AP 13, Lot 19 Zoned: RL-9

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The proposed special use permit is to permit the conversion of a single family home with in-law apartment into a two family home. According to our Zoning Ordinance, a two family house is allowed within this zoning district by a special use permit if the lot has a minimum of 9,000 square feet of land plus an additional 1500 square feet for a total lot square footage of 10,500 square feet. The existing lot has a total square footage of 19,298 square feet. Parking is proposed can be located off of Sunview Street and Maplehurst Street. According to the submitted application, no additional exterior construction will be required. The Technical Review Committee recommends Approval with Conditions 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. The condition of approval is that the applicant must develop the existing house according to the Building Code standards for a two family house.

Presidio Partners, LLC, 1092 Great Road, Lincoln, RI – Application for Dimensional Variance seeking rear yard relief for the construction of a new home on a vacant lot located on Presidential Way.

AP 26 Lot 291 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 dimensional variances seeking rear yard relief for the construction of a new home.

The TRC 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 does not offer any compelling reasoning as to why a new house cannot be designed to fit within the existing building envelope. The submitted site plan and building envelope clearly shows sufficient room to build a house on. The TRC feels that the application did not present examples of any efforts to design a house that would fit onto the unique building envelope. The submitted house plans do not represent the least relief necessary. The TRC feels that the applicant can easily design and construct a new house that would not require any variances.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

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Administrative Officer to the Planning Board