

LINCOLN PLANNING BOARD

JULY 25, 2012

APPROVED

The regular meeting of the Planning Board was held on Wednesday, July 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, Michael Reilly, Jeffrey Delgrande, Timothy Griffin, Kenneth Bostic and William Murphy. Also in attendance were Town Planner Al Ranaldi and Town Solicitor Anthony DeSisto. Russell Hervieux kept the minutes.

The following member was absent from this meeting: John Hunt. Member Hunt called 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 six 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 Murphy. Motion was approved by all members present.

MAJOR LAND DEVELOPMENT REVIEW

**a. 1 Commerce Street Expansion AP 30 Lot 64 Final Plan
Blackstone Centre Limited Partnership Commerce
Street Review/Approval**

Mr. Ranaldi stated that this application is at the final plan review stage. The applicant has successfully addressed all of the concerns and conditions that were part of the preliminary plan approval. The applicant went before the Area of Planning Concern and satisfied all of the concerns regarding landscaping and lighting. Therefore the TRC recommends that final plan submission be approved.

Brian King, engineer for the applicant, made a brief presentation before the Board. Mr. King stated that he has the documents required for final plan approval.

Motion made by member Griffin to approve final plan review for One Commerce Street Expansion was seconded by member Reilly. Motion was approved by all members present.

b. MacColl Field YMCA AP 25 Lots 58,68,69,71 Bond Release

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

Mr. Ranaldi stated this is a request for a bond release. The bond was negotiated with the Town for the YMCA to upgrade the East Butterfly Way pump station. The YMCA had asked for an extension of time to complete the upgrade. The Town asked for a \$200,000 bond to insure that the East Butterfly Way pump station will be completed. The upgrades have been done, the equipment is in and working. The station is in the final stages of testing. The Town asked to also upgrade the controls which were paid for by the Town. That is the equipment which is now being tested. The Director of Public Works asked the bond be held for another month until all testing is complete and the station is fully operational. The applicant would like it to be returned tonight. Chairman Olean expressed his opinion that the Board should not go against the advice of the Town Public Works Director.

Motion made by member Bostic to continue this application for a bond release until next month, August 22, 2012. The motion was seconded by member Reilly. Motion was approved by all members present.

COMPREHENSIVE PERMIT

**a. The Residences at Stone Creek AP 20 Lot 15 Preliminary Plan
Break Hill Development, Inc. Breakneck Hill Rd. Modification
Discussion/Approval**

Mr. Ranaldi stated that at the last meeting the Board requested a number of documents that outline the ownership and responsibility of the sewer system. The Town has received the documents that outline this information. Mr. Ranaldi gave the Board a brief history of this project. The project is now at 61 residential condominium units, age restricted. There will be 16 deemed as affordable by RI Housing of the 61 units. Rhode Island Housing will also monitor these affordable units. Several letters were submitted to the Town approving the sewer system layout. The Director of Public Works has also submitted a letter to this Board of his acceptance of this project in regards to sewer. The letter also states that the East Butterfly pump station can accept the additional flow from this project. The applicant reminded the TRC that in January of 2011 the applicant received preliminary plan approval which included a remediation bond. The TRC did not realize that the bond was already authorized by this Board for \$21,000. This bond is in case the applicant walked away the Town could secure the site. The bond amount is still valid. Therefore the TRC recommends allowing for the collection of the remediation bond for \$21,000 cash if they approve the modification plan. The bond has not been received by the Town as of this date.

John DiBona, attorney for the applicant, made a brief presentation to

the Board. Mr. DiBona stated that he obtained a letter from NBC stating they will accept this project and they have the capacity for these units. The Town also provided a letter indicating acceptance of this project and the pump station has the capacity for these 61 units. The applicant asks that the remediation be set at \$21,000 as was set at preliminary plan approval. Once the project is complete the applicant has to notify NBC which will then take ownership of the sewer pipe crossing Breakneck Hill Road. The applicant is asking the Board to approve the modification to preliminary plan tonight. Member Delgrande asked what part of sewer line NBC will take ownership of. Mr. DiBona replied that NBC will only own the section that is in the State right-of-way which is Breakneck Hill Road. Chairman Olean asked Mr. Ranaldi to have the Town issue a letter that the amount of the remediation bond is still valid. Mr. Ranaldi stated that he have the Public Works Director draft a letter to the Board.

Motion made by member Griffin to approve preliminary plan modification and set remediation bond to amount based on letter from Public Works Director. The motion was seconded by member Reilly. Member Reilly was concerned about not setting the amount in the motion. Mr. Ranaldi stated that he is confident that the amount will remain at \$21,000 and the Public Works Director will just confirm that. The motion was approved by all members present.

SECRETARY'S REPORT

There was no minutes presented for review.

Motion made by member Reilly to adjourn at was seconded at 7:40 pm by member Murphy. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux

Technical Review Committee Report

On July 18, 2012 at 3:00 pm, the Technical Review Committee met to review the agenda items for the July 25, 2012 meeting of the Planning Board. In attendance were Al Ranaldi, Russell Hervieux, and Peggy Weigner. Below are the Committee's recommendations.

Major Land Development Review

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

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- 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. The applicant received a Special Use Permit for an addition to the existing medical office building to provide surgical services on June 5, 2012. This project is in front of the Planning Board at the Final Plan review stage.

On June 27, 2012, the project received Preliminary Plan approval with conditions. The condition of approval was that the application needed to be reviewed by the Area of Planning Concern. The Area of Planning Concern held a meeting to review this project on July 11, 2012. The following plans were submitted for review; Drawing title – Lighting Overview Plan, dated July 2012, and drawing title Landscape Overview Plan, dated July 2012. The committee unanimously voted that the proposed commercial building expansion project as presented in the submitted plans is consistent with the Comprehensive Plan of the Town of Lincoln and meets the guidelines as described in Article XIV-Special Provisions.

Based on the preliminary plan and Area of Planning Concern development plan review, the TRC feels that this proposed land development project successfully addresses all of the required findings as presented within Section 5 of the Subdivision Regulations for final plan review. The Technical Review Committee recommends that the final plan submission be Approved.

**b. MacColl Field YMCA AP 25 Lots 58,68,69,71 Bond Release
- The YMCA of Pawtucket, Inc. Breakneck Hill Road**

On January 26, 2011, the proposed land development project received Preliminary Plan Approval with Conditions for 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 which will be the sole responsibility of the property owner to construct, own, operate and maintain, not the Town. The private sewer system will connect the entire complex to the public sewers via an onsite pump station and forcemain running the entire length of the applicant's property up to the existing public gravity line in Breakneck Hill Road. This gravity sewer discharges to a pump station on East Butterfly Way. The Public Works Department requires this existing pump station be rebuilt in order to accommodate the flows from the project as a condition of approval. In order to accommodate the applicant's scheduling concerns, the Town and the applicant executed an agreement that outlines the applicant's responsibility and time table to provide the offsite

improvement. The applicant also posted a bond in the amount of the offsite improvement as part of the agreement.

On June 18, 2012, the YMCA submitted a letter requesting the release of their bond due in fact that the offsite improvements have been completed. However, while the new pump station is up and running, the improvements have not been accepted by the Town. The Director of Public Works stated in a letter to the Planning Board that it would be premature to release the bond at this time. This letter is included in the Planning Board packets. Therefore, the Technical Review Committee recommends that the bond release request be postponed until the next Planning Board meeting.

Comprehensive Permit

a. The Residences at Stone Creek AP 20 Lot 15 Preliminary Plan Land

- Break Hill Development, Inc. Breakneck Hill Road Development Modification

Discussed / Approval

On May 16, 2012, the Planning Board via the Planning Department received a letter from Attorney John S. DiBona regarding the land development project entitled, "The Residences at Stone Creek." The applicant is requesting a modification of their project that was granted preliminary plan approval on January 26, 2011. The project's approval was for a fifty-four (54) unit age restricted condominium complex. Fourteen of the units were to be dedicated as affordable

home ownership units. This entire complex was to be serviced by private onsite waste water treatment systems and public water.

The Planning Board will recall that this application was reviewed under the 2005 Subdivision Regulations, RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled “An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53”. Many versions of this project were presented to the Board throughout the review stages. Each version assumed that access to the public sewer system was available contingent on several items. Ultimately, this assumption was incorrect and the applicant modified the development accordingly.

According to Attorney DiBona’s letter, the applicant has reached an agreement with all of the parties involved with providing access to the Town’s public sewer system. Consequently, in light of the fact that access to the public sewer system is now available, the applicant proposes to modify the project to a sixty-one (61) unit age restricted condominium complex with sixteen units dedicated as affordable home ownership units. This entire complex is to be serviced by the public sewer system. All proposed infrastructure improvements such as the roadway and the storm water drainage system have not changed throughout all of the revisions.

The Technical Review Committee reviewed the submitted request. The TRC discussed the change in the project and agreed that there

are more benefits to the project and the environment if it is serviced by public sewers. The TRC finds that the proposed modification is consistent with the original objectives set out by the applicant during the Master Plan and Preliminary Plan review stages. All other major infrastructure improvements such as the roadway and the storm water drainage system have not changed throughout all of the revisions.

The submitted request for modification only had one executed agreement from one of the parties involved with providing access to the Town's public sewer system. The request makes note that the applicant has reached a preliminary agreement with the Pawtucket YMCA to tie into their private sewer facilities but to the best knowledge of the Committee and the Administrative Officer of the Planning Board, a final agreement had not been executed.

At the June 27, 2012 Planning Board meeting, the Planning Board expressed their concerns about this project based on its history. The Planning Board requested the Applicant to supply the Board with letters acknowledging their involvement in providing public sewer service to the project. The parties involved in providing public sewer service to the project are as follows: Pawtucket YMCA, Narragansett Bay Commission, and the Town of Lincoln and have supplied the Planning Board with letters acknowledging their involvement in the project. The Director of Public Works for the Town has issued a lettering acknowledging all of the information supplied to date. The Director of Public Works' letter states that based on the executed agreements and the recently installed private sewer systems and

upgraded public sewer pumping station, that public sewers are available to the Residences of Stone Creek, the YMCA, and the surrounding abutters.

The Technical Review Committee has reviewed all of the information submitted to date. The TRC has also reviewed the proposed modification to the Preliminary Plan approval and recommend Approval of the Preliminary Plan modification request. The Administrative Officer to the Planning Board nor the TRC have discussed with the applicant their timetable for construction. Before any construction can begin, a site remediation bond amount would have to be established by the Planning Board. The remediation bond would be used if the Town had to secure the site during the construction phase in the absence of the developer. A remediation bond can be established and voted on by the Planning Board at their August meeting or at such time as the applicant feels is necessary.

Zoning Applications (*) – August's Zoning Applications

(Continued to August)

Donald R. Hysko & Patricia Broders-Hysko, 9111 East Kilarney Drive, Wichita, KS – Application for Dimensional Variance seeking lot width relief for property located on Great Road, Lincoln, RI.

AP 22, Lot 4 Zoned: RS-20

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 according to the submitted plans for a dimensional variance of the lot width as a part of a major subdivision. The proposed dimensional variance is for the lot width of proposed parcel A from the required 120 feet to 95.8 feet.

Based on the submitted subdivision plan and significant evidence establishing the extraordinary historic value of the existing house, the TRC feels that the proposed dimensional variance for lot width relief and associated subdivision meets the intent of the zoning and is the least relief needed. The TRC feels that granting the dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

(Continued to August)

Stephen Magnan, 101 Roland Street, Cumberland, RI – Application for Dimensional Variance seeking side yard setback for construction of a deck located at 151 Jenckes Hill Road, Lincoln, Rhode Island.

AP 26, Lot 021 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 according to the submitted plans for a dimensional variance from the side yard setbacks for the construction of a deck. The dimensional variance is actually needed to clear up the pre-existing nonconformance of the existing garage. The TRC feels that the proposed location of the new deck will be built within the existing setbacks and to the rear of the

property. 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 the dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Bryan and Jennifer L'Esperance, 233 Old River Road, Lincoln, RI – Application for Dimensional Variance seeking rear yard setback relief for the construction of an addition.

AP 34, Lot 372 Zoned: RS-12

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 construction of an addition. The applicant did not offer any compelling reasoning as to why the addition must be the size that it is shown on the plans. The TRC feels that a smaller addition would be more compatible with the character of the neighborhood and may not require a variance. 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.

Jeremy P. Campbell, 225 Grotto Avenue, Unit 10, Pawtucket, RI – Application for Special Use Permit to allow mixed use of residential and commercial on one lot on property located at 227 Front Street,

Lincoln, RI.

AP12, Lot 325 Zoned: BL-0.5

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of this special use application. The proposed application is to convert an existing residential space into a barber shop. This use is permitted within this zoning district. Mixed use is allowed in this zoning district by special use. The original footprint of the building will not change and the property offers a significant amount of off street parking. 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.

Frank & Suzanne Sales, 11 David Drive, Lincoln, RI – Application for Dimensional Variance seeking rear yard setback relief for construction of an addition on property located at 11 David Drive, Lincoln, RI.

AP 14, Lot 195 Zoned: RS-12

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 construction of an addition. The applicant did not offer any compelling reasoning as to

why the addition must be the size that is shown on the plans. If the addition was reduced in size, the applicant would not require a variance. The TRC could not compare the proposed application against the standards for relief of a dimensional variance as presented in the Zoning Ordinance. Therefore, 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.

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

AP 26, Lot 294 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 variance seeking side yard relief for the construction of a new home on a vacant residential lot. 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 new house within the established building envelope. 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