

LINCOLN PLANNING BOARD

OCTOBER 24, 2012

APPROVED

The regular meeting of the Planning Board was held on Wednesday, October 24, 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, Kenneth Bostic, Jeffrey Delgrande, William Murphy, Michael Reilly, John Hunt, and Timothy Griffin. 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.

CONSENT AGENDA

Chairman Olean reminded members that the consent agenda has four zoning applications; one bond released 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 Reilly to accept the consent agenda as

presented was seconded by member Hunt. Motion was approved by all members present.

MAJOR LAND DEVELOPMENT REVIEW

**a. 613 Albion Commons AP 28 Lot 57 Master Plan
Link Commercial Properties, LLC 613 George
Washington Discussion/Approval
Highway**

Mr. Ranaldi stated that this is the beginning of a land development project. This development is across the street from the other project “Albion Commons” which came before this Board recently. This property currently has a Bank of America branch on it. The Board has until February 14, 2013 to make a decision on master plan. This is the added development of this site to add a 4,100 square foot one story restaurant building with drive through service and associated parking. The existing site is completely paved. The site would be re-graded with new surface water drainage system installed. There will be landscaped islands installed to define the parking area. There are more than adequate parking spaces proposed. The plan meets the Towns Zoning regulations. The applicant has to go to RIDOT for a Physical Alteration Permit. The storm water runoff needs more details shown but is adequate for master plan stage. The TRC asked the applicant to explore adding landscaped islands where the bank parking currently is to further define that area. The site currently has

three access points, two from Albion Road and one from George Washington Highway. The applicant is proposing to move the access on George Washington Highway to the middle of the site which will line up with the project across the street. One of the access points on Albion Road will be eliminated and the other will be moved away from the intersection to increase the sight distance. The TRC recommends that the Board combine master plan submission and approve it. The project could then move on to the preliminary plan stage.

John Shekarchi, attorney for the applicant, made a brief presentation to the Board. Mr. Shekarchi stated that Mr. Ranaldi did a good job summarizing the project. The only issue that still needs to be resolved for zoning is the lack of a loading dock. The details of this are being worked out with the restaurant owner.

Richard Bzdyra, engineer for the applicant, made a presentation to the Board. Mr. Bzdyra stated that the access points to the site are being upgraded. The storm water facilities are being upgraded due to the extra curb and islands within the site and also to provide water quality. The roof drainage will be put directly into the ground. The site has public sewer and water availability. The existing bank is on a cesspool which will be tied into public sewer with this project. The restaurant will be a Panera Bread franchise. This will be the first Panera in Rhode Island with a drive through. The company did not require a loading dock. Mr. Bzdyra is working with the restaurant to

add a loading dock in order to conform to zoning. The restaurant prefers to do loading off hours. Mr. Bzdyra is currently working with the RIDOT to complete the Physical Alteration Permit. Member Bostic stated that he did not see any provisions for a crosswalk to the development across George Washington Highway. Mr. Bzdyra stated that RIDOT was not requiring it at this time. Chairman Olean asked if a traffic study has been done for this project. Mr. Bzdyra responded that a traffic study has been done and is working with RIDOT. The study will be presented at preliminary plan stage. A few other general questions were asked of Mr. Bzdyra to further explain the site plan. Chairman Olean asked if the applicant is willing to accept the risk of combining master plan stages of review. Mr. Bzdyra replied that the applicant understands and accepts the risk of combining master plan stages of review into one meeting which is held tonight.

Motion made by member Delgrande to combine master plan review stages and approve master plan with the condition that the Public Informational meeting is held at the Preliminary Plan stage and the applicant accepts the risk of any modifications required to the preliminary plan as a result of the Public Hearing comments. The motion was seconded by member Griffin. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

a. Cara Drive Extension AP 17 Lot 95 Preliminary Plan

Verna Derderian Cara Drive Discussion/Approval

Mr. Ranaldi stated that this application is for a major subdivision including an extension of Cara Drive. The roadway would be extended by approximately 300' with a new cul-de-sac at the end. This extension would accommodate three new house lots. The Board has until January 17, 2013 to make a decision on preliminary plan. The Board had some concerns at last month's meeting regarding the detention basin. There were also some other minor concerns. The applicant has addressed all of the concerns with a test pit dug and a report supplied to the Town. The TRC reviewed the modifications made to the plan and the reports issued and feel that this application is ready to proceed to a Public Hearing. Therefore, the TRC recommends that the application advance to a Public Hearing at the November meeting.

Daniel Campbell, engineer for the applicant, made a brief presentation to the Board. Mr. Campbell stated that since the last meeting a test pit was dug in the location of the detention basin. The test showed that adequate soils were present for the current design. A pipe was added to the bottom of the detention basin to allow it to drain fully without the need for infiltration. The additional street light requested by the Town was added to the plan. The easement was moved to make better access for heavy equipment to gain access to the detention basin. The granite bounds were added to the corners as requested by the TRC. Chairman Olean asked the Town Engineer if

the modifications to the plan were satisfactory. Town Engineer Siegmund stated that they were satisfactory.

Motion made by member Griffin to move this application to a Public Hearing in November was seconded by member Reilly. Motion was approved by all members present.

SECRETARY'S REPORT

The Board was given one set of minutes to review. The minutes are for September 26, 2012. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Motion made by member Griffin to dispense with the reading of the September 26, 2012 minutes and accept as presented was seconded by member Delgrande. Motion was approved by all members present.

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

Respectfully submitted,

Russell Hervieux

October Technical Review Committee Report

October 19, 2012

Town of Lincoln – Planning Board

100 Old River Road

Lincoln, RI 02865

Dear Honorable Members,

On October 17, 2012 at 3:00 pm, the Technical Review Committee met to review the agenda items for the October 24, 2012 meeting of the Planning Board. In attendance were Al Ranaldi, Laszlo Siegmund, Michael Reilly, Peggy Weigner, and Russell Hervieux. Below are the Committee's recommendations.

Major Land Development Review

a. 613 Albion Commons AP 28 Lot 57 Master Plan

- Link Commercial Properties, LLC 613 George Washington HWY Discussion/Approval

This major land development project is under the 2005 Subdivision Regulations and represents the added development of the Bank of

America site to include a 4,100 square foot, one story restaurant with drive-thru service and associated parking. The existing site is completely paved and will be re-graded to improve surface water drainage. Landscaped islands are proposed to define the parking area for the proposed restaurant and the existing bank. The parking requirement for these combined uses is 72 parking spaces. However, the applicant is proposing 116 spaces with four handicapped parking spaces. The new building will be serviced by public water and sewer.

The proposed project meets all of the zoning requirements for the Business Limited zoning district. This project is in front of the Planning Board for master plan review.

On October 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 February 14, 2013, or within such further time as may be consented to by the applicant.

The master plan submission contains a set of plans entitled, “613 Albion Commons – AP 28 Lot 57, 613 George Washington Highway, Lincoln, Rhode Island”, prepared by Ocean State Planners, Inc. for Link Commercial Properties, LLC. The set of plans contain 4 sheets and is dated September 11, 2012. 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 property currently contains an existing bank with drive-thru service along the westerly side of the parcel. The proposed restaurant site will be developed along the easterly side of the existing commercial property. A drive-thru access driveway is located to the south of the building. The drive-thru window is located on the east side of the building and the associated parking is located to the north, south, and west of the building. The existing vehicular entrance from George Washington Highway has been moved to the middle of the property to improve vehicular circulation to the new restaurant and within the existing plaza. One of the two vehicular entrances from Albion Road has been eliminated and the remaining one has been modified to improve vehicular circulation and sight lines up Albion Road.

The TRC did not see a loading zone designated on the plans. A loading zone is a requirement per the Town's zoning ordinance for a restaurant use. The TRC would like the applicant to explore adding additional parking lot islands to the bank parking areas. The committee felt that the additional island would provide additional definition to the entire parking area. The proposed relocation, modification, and elimination of the existing entrances to the property would require a State physical alteration permit (PAP). An approved PAP would be required as a condition of Preliminary Plan approval.

Parking

As stated above, the parking requirements for these combined uses are 72 parking spaces. The applicant is proposing 116 spaces with four handicapped parking spaces. The applicant provided a parking summary of the existing use and proposed restaurant use and their required parking amounts. The TRC would like to see a proposed landscaping plan at the preliminary plan review stage.

Zoning Requirements

The applicant is located within the Business Limited zoning district. The proposed use and drive-thru facility are permitted uses. The applicant is requesting a use variance to allow the installation of a sign on the state owned right-of-way directly in front of the property. The TRC would also like to remind the applicant about the signage requirements of the Town and recommends that they explore the future signage needs of the existing and proposed businesses.

Storm Water Runoff

The plan set shows a storm water treatment area in one corner of the parking area. This treatment area will collect and treat stormwater runoff. The proposed system will require a review by the Town Engineer and the Technical Review Committee at the preliminary plan review stage. A Physical Alteration Permit (PAP) from the State will be required for connecting the drainage system to the State's existing drainage system. A PAP should be required as a condition of

preliminary plan approval.

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 concerns presented above will be reviewed in depth at the preliminary plan stage. 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.

Major Subdivision Review

- a. Cara Drive Extension AP 17 Lots 95 Preliminary Plan Discussion**
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- Verna Derderian Cara Drive Approval

This major subdivision project is under the 2005 Subdivision Regulations and represents the reconfiguration of one large existing lot 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 September 19, 2012, the preliminary 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 preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by January 17, 2013, 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 preliminary plan submission requirements. The submission includes a set of plans entitled "Cara Drive – Extension, Major Subdivision Preliminary Plan Cara Drive, Lincoln, Rhode Island" and dated July 25, 2012, revised October, 04, 2012. 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 9 pages. The submission also contains a report entitled "Land Development and Subdivision Application for AP 17 Lots 95, Cara Drive Extension, Lincoln, Rhode Island" and dated July 25, 2012.

The report was prepared by Level Design Group. Another report entitled "Stormwater Report for Cara Drive – Extension AP 17 Lot 95, Lincoln, Rhode Island, prepared by Level Design Group, LLC of

Plainville, Mass. was submitted and reviewed. Level Design Group submitted two letters dated October 4 and October 10 addressing comments raised during the Town review.

Below are the Technical Review Committee comments.

Subdivision Waivers

The following subdivision regulation waivers were discussed and approved by the Planning Board at the Master Plan review stage.

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.

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.

There is a proposed access easement that would be given to the Town if we require access to the drainage structure. September's TRC's review pointed out two site layout concerns. The review indicated that the proposed access easement runs along a steep sloped area. The applicant has corrected the location of the proposed access easement. The review also indicated that the proposed street lighting did not extend the full length of the roadway. The applicant added an additional street light at station 1+80. The Technical Review Committee recommends that the corners of the proposed lots be defined with granite bounds.

Storm Water Runoff

The storm runoff from the road extension is shown to be conveyed into a detention basin located on proposed lot #3. Throughout the master plan review stage and the various submittals associated with this review stage, the Town Engineer's office repeatedly noted the lack of data at the location of the proposed detention basin and requested additional information. In spite of the Town's requests, no new information was provided. Consequently, on October 2, 2012,

the applicant preformed a test pit in order to examine the soil conditions. The test pit concluded that the soil was acceptable. Additional modifications to the plans were made according to recommendations offered by the Town.

Based on the submitted information and the TRC comments, the Technical Review Committee concluded that the plans addressed all of the concerns brought out during their reviews. Therefore, the TRC recommends that the applicant proceed to a Public Hearing at the next scheduled meeting in November.

Zoning Applications (*) – November’s Zoning Applications

(Continued from October Zoning Board hearing for more information.)

BAM Realty LLC, 7 Industrial Drive South, Smithfield, RI/William Machala, 7 Industrial Drive South, Smithfield, RI – Application for Special Use Permit to allow an indoor recreation area for children’s party use for property located at 40 Walker Street, Lincoln, RI.

AP 2, Lots 84/96 Zoned MG 05

Members of the Technical Review Committee visited the site and reviewed the submitted application and recently revised site plan. Based on an additional site visit and the representations made by the revised site plan, the Technical Review Committee recommends that this application be Denied. The revised site plan does not match what is actually out in the field. The lower parking area along Walker

Street exists; however, the parking spots are not striped nor are there dimensions of the overall parking lot. Therefore, we cannot determine if there are actually 21 parking spaces. The site plan indicates that six parking spaces are located in the front of the building. This area is actually designated as a loading zone. The area is divided by a one foot concrete wall and is not stripped to indicate the availability of parking spots.

The site plan shows a 43 car parking area connected to the 21 car parking lot along Walker Street by a walkway. This walkway is along a steeply sloped area that is severely overgrown. Only four rotted wooden steps remain of a once existing stairway connecting the two areas. The site plan represents the walkway as a viable area on which the public can go from one parking area to another. This is NOT the case. In addition, the application does not mention any proposed improvements to the parking areas or the walkway.

The 43 car parking area shown on the site plan does NOT exist nor does the application mention any intentions of improving the area to be a parking area. The existing area is a gravel area located to the side of a building. Additionally, this parking area is NOT accessible from a public right-of-way. A person must drive approximately one block over and drive behind existing industrial businesses then enter and cross over a gated private property to access the parking area (see attached map). The application does not mention any arrangement from the private property owner for access to this area. The application does not mention how they will inform party goers of where and how they must access this parking area. In addition,

based on the Town's property records, it does NOT appear that the applicant even owns this property. If this is the case, a use variance would be required to allow parking on another property other than the property where the use is being conducted.

The submitted application does not offer any information as to how people would access the building nor in which part of the building the leased area would exist. No information was presented about the hours of operation, the amount of people the space can accommodate, or the nature of the parties. Will the leased area be limited to children's parties or open to other types of parties?

The Technical Review Committee has severe reservations about this application and therefore has recommended that it be Denied. The TRC recommends that the applicant and the building owner work together to address all of the above concerns and if the project is still viable return to the Zoning Board with a new application.

(Continued from September Zoning Board hearing.)

TD Bank c/o Bohler Engineering, 352 Turnpike Road, Southborough, MA/Wake Robin Square LLC, 1145 Main Street, Suite 3, Pawtucket, RI – Application for Special Use Permit for signage for new business to be located at the former's Wendy's at 3 Wake Robin Road, Lincoln, RI. AP 28, Lot 10 Zoned: BL 0.5

Original Recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and the application for a special use

permit for additional signage square footage at the proposed TD Bank located at 3 Wake Robin Road. The submitted application is for a total of three building signs and one pylon sign of various sizes. The application indicates two possible locations for the pylon sign. One location would be located on the property. The other location would be located within the State's right-of-way. The Technical Review Committee recommends Approval of the proposed signage package as presented within the submitted application and plans. However, the TRC recommends that the applicant be allowed only one pylon sign.

TD Bank c/o Bohler Engineering, 352 Turnpike Road, Southborough, MA/Wake Robin Square LLC, 1145 Main Street, Suite 3, Pawtucket, RI – Application for Use Variance for free standing signage on State of Rhode Island right-of-way in front of new business to be located at the former's Wendy's at 3 Wake Robin Road, Lincoln, RI.

AP 28, Lot 10 Zoned: BL 0.5

Members of the Technical Review Committee visited the site and reviewed the submitted plans and the application for a use variance to locate a free standing sign on State of Rhode Island right-of-way in front of the proposed TD Bank located at 3 Wake Robin Road. The Technical Review Committee recommends Approval of the proposed use variance to locate a free standing sign on State's right-of-way. The TRC recognizes that the width of the State right-of-way is 100 feet. The area is also sloped up from the main roadway. The

proposed location will enable better sign visibility and will not block sight lines for the drivers along the existing roadways. The Committee feels that the applicant presents a realistic location of a new business sign based on the existing topography. The TRC feels that granting the use variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Studio One RI, 85 Industrial Circle, Lincoln, RI/Sayles Mill Realty, 85 Industrial Circle, Suite 103, Lincoln, RI – Application for Special Use Permit for the operation of a function/banquet hall for property located at 85 Industrial Circle, Lincoln, RI.

AP 2, Lot 88 Zoned: MG 05/Overlay District

Members of the Technical Review Committee visited the site and reviewed the submitted application and site plans for Special Use Permit for the operation of a function/banquet hall for property located at 85 Industrial Circle, Lincoln, RI. The Technical Review Committee recommends that this application be continued for additional information.

The submitted application and site plan do not offer any details regarding the proposed use. The application does not contain a floor plan with showing a variety of layouts of the chairs and tables for function and banquet uses. This type of floor plan will dictate the occupancy limits of the space and the outdoor parking requirements. The application does not address if a kitchen area will be provided for caterers and if so, what type of kitchen equipment will be provided. The

application does not indicate if the applicant intends to provide alcohol during these functions. BYOB or Bring your own bottle is not allowed in Town. This information is needed in order to determine the type of licenses that would be required by the Town or the State and would provide the Zoning Board with an accurate picture of the type of functions that the applicant is proposing. See the attached list of State and Town licenses that may be required depending on the type of activities the applicant is proposing to offer.

The site plan does not accurately represent the condition of the existing parking areas. The existing parking area to the rear of the building is gravel and does not contain striped parking spaces. This parking area must be paved and striped to be considered parking for the building. The parking area should also be better defined with landscaped planting beds enclosed with curbing and/or guard rails. A defined parking area will separate the roadway from the parking lot and provide a safer environment for people using the building.

The application does not indicate where the entrance to the dance studio is located. Pavement marking should define this area as well as adding additional crosswalks. The existing crosswalk should be repainted and additional parking area lighting should be provided. The applicant and property owner should also be advised about the signage limitations of the Town. This should also be presented in a revised application.

The Technical Review Committee has reservations about this application and therefore has recommended that it be continued for additional information. The TRC recommends that the applicant and

the building owner work together to address all of the above concerns and if the project is still viable return to the Zoning Board with a revised application.

Correspondence/Miscellaneous (*)

a. Staff Reports

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

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

Albert V. Ranaldi, Jr. AICP

Administrative Officer to the Planning Board