

# **LINCOLN PLANNING BOARD**

**AUGUST 28, 2013**

**APPROVED**

**The regular meeting of the Planning Board was held on Wednesday, August 28, 2013, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.**

**Chairman Bostic called the meeting to order at 7:00 p.m. The following members were present: Kenneth Bostic, John Hunt, Gerald Olean, Michael Reilly, and Timothy Griffin. Also in attendance were Town Planner Al Ranaldi and Town Solicitor Anthony DeSisto. Russell Hervieux kept the minutes.**

**The following members were absent from this meeting: Jeffrey Delgrande and William Murphy. Member Murphy called the Chairman and was excused. Town Engineer Leslie Quish was also absent from this meeting.**

**Chairman Bostic advised that five members were present; have quorum.**

## **CONSENT AGENDA**

**Chairman Bostic 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 with the removal of item 6b, Cancellation of the September Planning Board meeting, for further discussion was seconded by member Olean. Motion was approved by all members present.

## **MAJOR LAND DEVELOPMENT REVIEW**

### **a. 90 Industrial Circle AP 2 Lot 82 Master Plan Extension**

**A.F. Homes, LLC Walker Street & Industrial Circle Discussion/Approval**

Mr. Ranaldi stated that this application is before the Board from a mediated court decision which calls for the applicant to come before the Board every year for an extension if they need one. The application is on the agenda for a master plan extension however the applicant has given the Town plans for preliminary. The Town Engineer reviewed them and had several comments. A meeting took place between Town staff and the applicant to discuss the comments.

The plans were updated from that meeting. The Town is reviewing them however the Town Engineer will be out on medical leave so staff felt that a master plan extension is in order to get more time to review the plans. The applicant agreed with Town staff to ask for master

plan extension and seek preliminary plan when the Town Engineer gets back from medical leave. Mr. Ranaldi stated that he has an engineer lined up to review the preliminary plan if this Board chooses not to grant master plan extension. The Town staff felt that it would be better to allow the Town Engineer time to recover then continue with this application rather than have more than one Town Engineer review it. Therefore the TRC recommends granting master plan extension for one year.

Joelle Sylvia, attorney for the applicant, made a brief presentation to the Board. Ms. Sylvia stated that though her client would like to get the project moving, a productive meeting was held between the Town Engineer and the applicant on July 30, 2013. There is still some work to be done on preliminary plan for both the applicant and the Town. Therefore the applicant is here tonight asking for master plan extension.

Motion made by member Olean to grant a six month extension until after the meeting date of the sixth month. The motion was seconded by member Griffin. Motion was approved by all members present.

## **MAJOR SUBDIVISION REVIEW**

- a. **Shekarchi Residence AP 19 Lot 147 Pre-Application**  
**John & Julie Shekarchi 14 Lladnar Drive Discussion**

**John Shekarchi, attorney and owner, made a presentation to the Board. Mr. Shekarchi stated that this application is before the Board tonight for a discussion on the project. This property is where Mr. Shekarchi lives now and grew up next door. In 1996 the road was extended and the land behind this property was purchased and added to this lot. The project was done in a way to do a three lot subdivision in the future. Mr. Shekarchi had discussions with the Town and now wishes to mimic the two lot subdivision that is located two parcels down from his house instead of a three lot subdivision. The TRC wanted the section along the road to be 40' wide and not the proposed 50' wide so future subdivision would be impossible. The section of sewer line that was installed in 1996 would need to be owned by this lot and the lot across the street according to the Public Works Director. Mr. Shekarchi agreed to put a deed restriction on these lots for that purpose. Member Olean asked how many variances would be required to do this subdivision. Mr. Shekarchi replied that one variance would be needed for lot width or frontage. Member Olean expressed a concern with approving a subdivision that requires a variance. Member Olean inquired if any variances would be required for the three lot subdivision. Mr. Shekarchi was unsure if that project would require any variances or waivers. Mr. Ranaldi stated that the TRC reviewed this application and felt a single lot subdivision would fit in better with the neighborhood than a three lot subdivision. Several discussions took place over the different plans being considered. Mr. Shekarchi thanked the Board for their comments.**

## **CORRESPONDENCE/MISCELLANEOUS**

### **b. Cancellation of the September Planning Board meeting**

**Mr. Ranaldi explained that there would be no applications ready to come before the Board for the September meeting. Mr. Ranaldi further explained that he would not be available for the September meeting.**

**Motion made by member Griffin to cancel the September 25, 2013 meeting was seconded by member Olean. Motion was approved by all members present.**

## **SECRETARY'S REPORT**

**The Board was given three sets of minutes to review. The minutes are for April 24, 2013, May 22, 2013 and June 12, 2013. The Town Planner Al Ranaldi stated that he has reviewed these minutes.**

**Motion made by member Olean to dispense with the reading of the April 24, 2013, May 22, 2013 and June 12, 2013 minutes was seconded by member Reilly. Motion was approved by all members present.**

**Motion made by member Griffin to accept as presented the April 24, 2013, May 22, 2013 and June 12, 2013 minutes was seconded by member Hunt. Motion was approved by all members present.**

**Member Olean inquired whether the cancellation of the September meeting would affect the comprehensive plan update. Mr. Ranaldi stated that he has consulted with the Town GIS consultant and they are working on the available open space maps. Mr. Ranaldi has been working on the municipal end of the update. The Town is in a good position with the update.**

**Motion made by member Olean to adjourn and was seconded at 7:38 pm by member Griffin. Motion was approved by all members present.**

**Respectfully submitted,**

**Russell Hervieux**

**Attached August 23, 2013 TRC Report:**

**On August 21, 2013 at 3:00 pm, the Technical Review Committee met to review the agenda items for the August 28, 2013 meeting of the Planning Board. In attendance were Al Ranaldi, Peggy Weigner, Michael Gagnon, Leslie Quish, and Russell Hervieux. Below are the Committee's recommendations.**

## **Major Land Development Review**

### **a. 90 Industrial Circle AP 2 Lot 82 Master Plan Extension**

#### **- A.F. Homes, LLC Walker Street & Industrial Circle Discussion / Approval**

**This land development project is for the construction of forty-eight (48) residential units in an existing 41,480 square foot mill building. This project received Master Plan approval with conditions on April 25, 2007. Several master plan extensions have been granted. On July 5, 2008, the General Assembly amended the vesting period set forth in R.I. Gen. Laws §45-23-40. The Town and the applicant disagreed with the vesting period of this particular project. Ultimately, this dispute was settled during a mediation session held according to the procedures of the Rhode Island Supreme Court.**

**Based on this mediated agreement, the applicant appeared before the Planning Board on August 25, 2010 and was granted a reinstatement of their project as a vested Master Plan with conditions. The Planning Board also granted a one year extension of the project to August 25, 2011. The applicant appeared before the Planning Board on July 27, 2011 and August 24, 2011 and was again granted a reinstatement of their project as a vested Master Plan with conditions until August 25, 2012. Lastly, on August 22, 2012, the Planning Board granted another one year extension of the project to August 25, 2013.**

**The applicant submitted a letter to the Administrative Officer on July 11, 2013 requesting another one year extension to August 25, 2014.**

**The letter explained that all materials per the preliminary plan submission list have been submitted. This submission included the following:**

- Preliminary Plan Submission for Assessor's Plat 2, Lot 82 Located at Walker Street and Industrial Circle, Lincoln, Rhode Island 02865, prepared by Cataldo Associates, Inc., dated June 24, 2013;**
- Soil Erosion and Sediment Control and Stormwater Management Report, prepared by Cataldo Associates, Inc., dated February 13, 2007;**
- A letter from RIDEM dated August 17, 2012 stating that the preliminary plans submitted and their proposed Soil Management Plan Narrative qualify for the existing commercial Environmental Land Use Restriction (ELUR) to be revised to allow restricted residential use of the property.**

**The Town Engineer reviewed the submitted preliminary plan submission. Several comments were noted. On July 30, 2013, the Town met with representatives of the project to further discuss in detail the notes submitted by the Town Engineer. The engineering company will address all of the comments in the upcoming months.**

**The Technical Review Committee took into consideration the comments presented in the Town Engineer's memorandum and two personnel issues and recommended to the applicant to ask the Planning Board for a Master Plan extension. During this time, the applicant can address the comments the Engineer has about this project and return to the Planning Board with all of the comments**

**addressed. The TRC is comfortable with recommending another one year extension for this project and encourages the applicant to continue to move forward with this project. The Town Engineer will be available to review the updated preliminary plans during the month of November. However, if the Planning Board does not agree with this recommendation, the Town is prepared to hire an outside engineer to review the preliminary plans and submit comments for the next Planning Board meeting. Barring any unforeseen objections, the TRC recommends granting another one year reinstatement of their project as a vested Master Plan with conditions until August 25, 2014.**

### **Major Subdivision Review**

- a. Shekarchi Residence AP19 Lot147 Pre-Application Discussion  
- John and Julie Shekarchi 14 Lladnar Drive**

**This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The proposed project is being reviewed at the pre-application stage. Pre Application review is an initial meeting between developers and municipal representatives that affords developers the opportunity to present their proposal informally and to receive comments and directions from the municipal officials and others. There is no review time period associated with a pre-application review.**

**The application owns a 12 acre +/- parcel of land on which their residence is located. The zoning district is RS-20. The applicant presented a concept plan that shows a four lot subdivision with an**

associated roadway. The existing residence would become one smaller lot and three new lots would be created. This plan as presented would meet all of the subdivision and zoning regulations. However, based on the composition of the existing established neighborhood, the applicant feels that a two lot subdivision would be more appropriate. The existing residence would become one smaller lot and the new lot would be set back from the existing house and measure approximately 11 acres.

The preferred proposal would require a dimensional variance for the new lot. This variance would be for lot width. Zoning district RS-20 requires a lot width of 120 feet. The reconfigured residence lot would have a lot width of approximately 135 feet while the proposed lot would have only 40 feet. A variance of 80 feet would be required.

An additional concern for any size subdivision is the sewer system. Currently, the existing residence and their neighbor share a private force main that is located in the public roadway. This force main connects to the Town's public sewer system at a manhole up the street. Allowing a private force main into a public roadway is not the policy of the Town and does not comply with the sewer ordinance. However, this situation exists currently.

The Technical Review Committee met with the applicant to discuss this proposal. Below are the TRC comments.

1. Members of the TRC visited the site and the surrounding neighborhood. The TRC noticed that there is another existing residence on a large lot set back between two houses.

2. The Technical Review Committee agreed that the two lot

**subdivision would be consistent with the existing neighborhood.**

**3. The Technical Review Committee agreed that a four lot subdivision and a new roadway would not be consistent with the existing neighborhood.**

**4. If this proposal moves forward, the TRC recommends that the lot width of the new lot be reduced to 40 feet wide. This would eliminate the possibility of future subdivision of the large lot.**

**5. The TRC recommends that a deed restriction be placed on the new lot stating that no further subdivision of the lot would be allowed.**

**6. The TRC recommends that the applicant works with the Town to come up with a solution to the existing private sewer system in which someone is responsible for this private system. Several options were discussed that would be satisfactory to the Town.**

#### **Zoning Applications (\*) – September's Zoning Applications**

**Steven Truesdale, Dexter Rock Road, Lincoln, RI – Application for Use Variance to construct a free standing garage in front of the house.**

**AP 23, Lot 261 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 use variance to construct a free standing garage in front of the house. The TRC feels that the application does not meet any of the standards for relief of a use variance as presented in the Zoning Ordinance. This parcel of land is a new building site.**

**The submitted building plans for the new house shows a two car garage intergraded into the house. The proposed free-standing garage will be in addition to the future two car garage. The applicant does not offer any compelling reasoning as to why they need an additional three car garage on the property. While the TRC recognizes the property has difficult topography, the TRC feels that the applicant could have incorporated their need for additional garage space while they were designing and placing the house on the site.**

**Edward and Patricia Fox, 10 Harris Avenue, Lincoln, RI – Application for a Dimensional Variance for side and rear yard setbacks for a free standing garage.**

**AP 27, Lot 97 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 two dimensional variances from the side and rear yard setbacks for the construction of a free standing garage. The dimensional variance is needed due to the challenging topography of the lot. The existing property has several ledge outcrops. There are areas of steep slopes around the property. According to the applicant's civil engineer, the placement of the garage in its proposed location would be the best location on 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 variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.**

**Bernard A. Benoit, 85 Industrial Circle, Lincoln, RI – Application for a Use Variance for living space in a MG zone for live/work studios.**

**AP 2, Lot 88 Zoned MG-0.5**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The applicant is proposing to develop and integrate into his mill building three studio apartments that tenants would be able to perform their work within.**

**The applicant's property is located within the Mill Conversion Overlay District. This zoning district was created to; "create an overlay district: 1. to allow for conversion of Lincoln's historic mills while preserving the character of nearby residential and commercial neighborhoods; 2. to encourage the preservation, re-use, and renovation of historic mill properties; and 3. to promote diversified housing opportunities and uses such as commercial, retail or office use, or a combination of such uses" (Zoning Ordinance §260-49: Mill Conversion Overlay District (MCO), pg. 51). The proposed application will allow for such a use.**

**The Technical Review Committee recommends Approval with Conditions of this application. The TRC feels that this application meets the intent of the overlay district. However, the TRC feels that if the units are intermixed with the existing commercial businesses in the building that noise conflicts, among other issues, may arise. The TRC recommends as a condition of approval that the three units be**

located next to each other and not intermixed with the existing commercial businesses. The TRC recommends that only three units be developed at this time and that the applicant consults with the Building Inspector as to the correct construction methods to be used for this type of use.

**Correspondence/Miscellaneous (\*)**

**a. Staff Reports**

**b. Cancellation of the September Planning Board meeting**