

LINCOLN PLANNING BOARD

APRIL 23, 2014

MINUTES

The regular meeting of the Planning Board was held on Wednesday, April 23, 2014, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Mr. Olean called the meeting to order at 7:00 p.m. The following members were present: Gerald Olean, Tim Griffin, Jeff Delgrande, John Hunt and William Murphy. Absent were Kenneth Bostic and Michael Reilly. Also in attendance were Town Planner Al Ranaldi, Town Engineer Leslie Quish, and Town Solicitor Anthony DeSisto. Margaret Weigner kept the minutes.

Mr. Olean advised that five members were present; have quorum.

CONSENT AGENDA

Mr. Olean stated that he would take a motion to accept the Consent Agenda as presented, unless someone wants to pull an item off the consent agenda. Motion was made by Mr. Griffin to accept the consent agenda as presented. Mr. Hunt seconded the motion. Motion passed unanimously.

MAJOR SUBDIVISION REVIEW

a. Dennell Drive Subdivision AP 42 Lot 10 Master Plan Discussion/ Dennell Properties 15 Dennell Drive Approval

Mr. Ranaldi stated that this application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into four residential lots. The project received a Certificate of Completion on April 16, 2014 and the Board has until August 14, 2014 to make a decision.

The applicant proposed to extend Dennell Drive by 340 feet; the entire length of the road will be 860 feet, which is within the regulations for this zoning district (RA 40). There are underground utilities in this area. Some of the concerns for this project are that the plans do not show the paved portion of the right-of-way, curbing, and sidewalks. The Lincoln Water Commission (LWC) has also not reviewed the plans. The LWC likes to have the water lines looped, not dead ends. This could be a stumbling block. The TRC wants the applicant to address the issues and come back next month. Notes are needed on plans indicating if there are any cemeteries or wells in the area and if the project is located within a Natural Heritage Area or an Area of Planning Concern.

Attorney John Shekarchi represented the applicant. Also present with him were Kelly Morris and Engineer Richard Bzdyra of Ocean

State Planners. Mr. Shekarchi stated that there is an existing home that has been there for many years; the home will be finished and the applicant will move on.

Mr. Bzdyra stated that Dennell Drive ends in a cul de sac. The cul de sac will be extended meeting all requirements. There are wetlands on the west and north side and a small wetland area on the east side of the property. There will be three new homes. The applicant will loop the water line back down the road if necessary. Sewers will be continued onto property and will require individual sewer grinder pumps. A Home Owners' Association will be responsible for maintenance. Homes would pump out to manhole in Dennell Drive. Road would have to be brought up 14-15 feet. He will update the plans with the necessary notes – cemeteries, wells, etc.

Mr. Delgrande asked if the HOA was responsible for the pumps and for the sewer line. Since everything is on private property, there is no liability to the town. Mr. Bzdyra replied that the HOA would be responsible for the detention basin. The town would just plow the road.

Mr. Olean stated that there are a number of issues to be resolved – sewer, bringing road up 15 feet, and a letter from the LWC for the water line. The individual sewer pumps are another issue. Force mains have to be resolved. Mr. Bzdyra stated that they are at Master Plan level and wanted to see if it was favorable with the town to go

with grinder pumps. He stated that he spoke to the Department of Public Works and the Town Engineer. Mrs. Quish stated that she had spoke to Mr. Bzdyra on Monday and told him that she needed a plan to review. The town is okay with grinder pumps as long as they are not in the Right-of-Way. Mr. Ranaldi stated that the Planning Board has approved a new force main sewer system in the past. The applicant would have to prove to the Board that the gravity sewers will not work.

Town Solicitor Tony DeSisto advised that the Zoning Board has had some issues with Presidential Estates. The set back lines were on the plans that were approved by the Planning Board. The Planning Board does not approve setbacks, as setbacks can change. He advised the applicant to take the setbacks off of the plans.

Mr. Shekarchi stated that the setbacks shown on plans are for informational purposes only. He will have the applicant meet with town staff regarding the sewer and water.

Mr. Olean also asked for a larger copy of the radius plan. He stated that Dennell Drive is not even noted on the radius plan. He would like that correct on the new radius plan. Mr. Ranaldi stated that the TRC pointed out that the roadway and sidewalks are not shown on current plans; Mr. Olean stated that is required per the regulations.

Mr. Hunt asked if the holding pond is on one lot and Mr. Shekarchi

replied yes, and the HOA would be responsible for the maintenance. Mr. Olean stated that the basin will be the responsibility of the homeowner of the lot. Mr. DelGrande reminded the applicant that the setbacks should be taken off the plans or a disclaimer added, as the zoning officer must approve the setbacks. Mr. Olean stated that there is enough time to make the necessary revisions.

**b. Highridge Subdivision AP 31 Lot 20 Master Plan Discussion/
Highridge Corporation 192 Old River Road Approval**

Mr. Ranaldi stated that this application was submitted as a Minor Subdivision but the Zoning Officer researched the property and discovered that in 1958, the property received a use variance. Since a subdivision would intensify the use variance, the project was bumped up to a Major Subdivision. The existing lot would remain as a recreational use with two new residential lots created. The plans did not show how water and sewer would be connected, but both utilities are available. The swim club has a grass field for parking, but according to the current zoning requirements, a paved parking lot with stripes would be required as well as storm water detention system and a buffer.

Attorney John Shekarchi, representing the applicant, stated that he was not aware of a use variance granted back in 1958. They will go over the parking and may ask for variances from the town for the parking. He asked for a continuance to address all of the issues.

Mr. Olean commented that the Planning Board likes to see housekeeping issues straightened out and said the application will be continued until next month.

COMPREHENSIVE PERMIT

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

Break Hill Development, Inc. Breakneck Hill Rd Modification Discussion/Approval

Mr. Ranaldi stated that this project received approval in June 2012 to construct 61 age-restricted condos. Throughout the entire approval, sidewalks were presented. After three buildings were completed, the applicant noticed that the front setbacks are very short, causing vehicles parked in the driveway to extend into the sidewalks. People walking on the sidewalks would be forced out onto the roadway to get around the vehicles. The applicant asked the town to look at it and eliminate the sidewalks or to revise the plans. There are two options available: No sidewalks or a white line delineating a walking lane. He advised that the Planning Board would have to approve a modification to eliminate the sidewalks.

Attorney John DiBona, representing the applicant, stated that a 4' walking lane painted in the shoulder of the road would allow the

residents a walking lane. Each 1200 sq. ft. unit has two parking spots and the 1600 sq. ft. units have four parking spots. There are also thirty visitor parking spots. The proposal is safer than having sidewalks.

Mr. DelGrande asked if this was the only option and Mr. DiBona replied yes. Mr. DelGrande asked if the driveways could be angled or choke points put in to slow traffic down.

Nicholas Piampiano, the Engineer on the project, stated that the driveways could not be angled. Mr. Ranaldi commented that the sidewalks are concrete and the driveways are asphalt, so that may not work. Mr. Olean asked if it would be like Blackstone Blvd. with the bike lane. Mr. Ranaldi stated that is impractical to have the sidewalks where they are. The neighborhood is an over 55 neighborhood, not a fast neighborhood. The debate is to have sidewalks or no sidewalks. The walking lane will show there is an area for walkers. There are thirty visitor parking spots, which should be more than enough.

Mr. DelGrande asked about speed bumps and Mr. Ranaldi replied it would be the condo's choice. Mr. Olean asked if it was a private road and Mr. Ranaldi replied yes, it was not a public road. Mr. Olean wanted it make clear that the Planning Board did not approve eliminating the sidewalks. He further stated that the walking lane is considered a sidewalk. The painting of the lane will be the

responsibility of the HOA. He asked how you were going to stop people from parking in the walking lane as to not block the sidewalks/walking lane. Mr. DiBona stated that there could be “No Parking” signs installed.

Mrs. Quish stated that the road is 24’ wide and with the walking lane, the access is 20’ wide. “No parking anytime” on both sides of road would allow emergency vehicles unrestricted access. Mr. Olean asked how much width the Fire Department needs and Mrs. Quish replied 20’. Mr. Olean recommended getting a letter from the Lime Rock Fire Department that covers safety concerns.

Mr. Griffin made a motion to approve modifications and paint a 4’ walking lane in road in place of sidewalks. Mr. DelGrande seconded motion. Motion passed unanimously.

LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

Mr. Ranaldi stated that there have been a number of amendments to the Subdivision Regulations via state legislation that have not been officially put into our Subdivision Regulations. He and Leslie are very busy right now and will not be able to look at them until the fall. Mr. Griffin asked if they had to be approved tonight and Mr. Ranaldi replied no, there are other steps required, such as advertising, etc. Mr. Olean asked if the Board would have them now to review and approve later and Mr. Ranaldi replied yes.

SECRETARY'S REPORT

The board was given one set of minutes to review. The minutes are for March 26, 2014. Mr. Ranaldi stated that he has reviewed the minutes.

Mr. Griffin made a motion to dispense with the reading and approve the March 26, 2014 minutes as presented. Mr. Hunt seconded motion. Motion passed unanimously.

There being no further business to discuss, on a motion made by Mr. Griffin and seconded by Mr. DelGrande, it was unanimously voted to adjourn. Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Margaret Weigner

Attached April TRC Report:

On April 16, 2014 at 3:00 PM, the Technical Review Committee met to review the agenda items for the April 23, 2014 meeting of the Planning Board. In attendance were Al Ranaldi, Peggy Weigner, Michael

Gagnon, Leslie Quish, Timothy Griffin and, Lew Prescott (Lincoln Water Commission). Russell Hervieux submitted his comments to the committee. Below are the Committee's recommendations.

Major Subdivision Review

a. Dennell Drive Subdivision AP 42 Lot 10 Master Plan Discussion - Dennell Properties 15 Dennell Drive / Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into four residential lots. The proposed project is classified as a major subdivision due to the proposed extension of the existing Dennell Drive right-of-way. The project is at the master plan review stage.

On April 16, 2014, 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 14, 2014, or within such further time as may be consented to by the applicant.

The master plan submission included the following:

- 1. A site plan entitled: Master Plan AP 42 Lot 10, Dennell Drive, prepared for Harry Zervas, dated February 27, 2014, prepared by Ocean State Planners, Inc.**

2. A report entitled: Dennell Drive Subdivision, Four-Lot Major Subdivision Application, Dennell Drive, Lincoln, Rhode Island, Assessor's Plat 42, Lot 10, prepared for: Harry Zervas, by Edward Pimentel, AICP, dated February 12, 2014.

Site Layout

The Technical Review Committee reviewed the project submission. The applicant owns a 19 acre +/- parcel of land on which one residential home is located. The zoning district is RA-40. The applicant is proposing to subdivide this lot into a four lot subdivision with the extension of the existing right-of-way (Dennell Drive). The existing right-of-way will be extended from its existing length of 436 feet to a proposed length of 860 feet. The right-of-way would end with a cul-de-sac. The existing public utilities would be extended within the new right-of-way to provide services to the proposed house lots. The submitted site plan does not indicate if an historic cemetery is located within or immediately adjacent to the subdivision. If an historic cemetery does not exist, a note should be added stating this on the plan. The plan does not note if the project is located within a Natural Heritage Area (RIDEM) and/or an Area of Planning Concern. If the project is not located within the above noted areas, a note should be added to the plan. The plan does not indicate if there are any public and/or private wells located within 400 feet and 200 feet respectively of the project. If no wells exist, a note should be added to the plan.

Zoning Requirements

The proposed subdivision meets the zoning requirements of the RA-40 zoning district. However, the setback for proposed lot 3 may be shown incorrectly. The applicant should review the setbacks for this lot with the zoning official. The proposed total length of the 860 foot right-of-way is within the requirements for roadway length in zoning district RA-40 as set out in the Land Development and Subdivision Regulations.

Utilities

Currently, underground public utilities exist within Dennell Drive and are available for the proposed house lots. The applicant proposes to extend these utilities to serve the new house lots.

Each house would connect to the public sewer system via a gravity lateral. The plans show the public waterline ending within the cul-de-sac. The Lincoln Water Commission has not reviewed this proposal. It is the policy of the LWC that all new waterlines must create a loop within the existing system unless it has been determined by the LWC that looping the waterline is not possible. The Technical Review Committee recommends that the applicant submits the proposed plans to the LWC for review and submit an acknowledgement from LWC that the proposed waterline is acceptable to them at the master plan stage. The LWC must accept the concept of how public water will be extended to service the new residential lots before this project can be moved forward.

According to section 16 of the Land Development and Subdivision Regulations, the applicant must show any proposed public

improvements. The plans do not show the proposed paved portion of the right-of-way, curbing, or sidewalks as required by the regulations.

A proposed storm water management system is shown on Lot 3. The Town will not take responsibility for the care and maintenance of this system. Therefore, either a homeowner's association or the property owner of Lot 3 will be required to maintain the storm water system.

The storm water management system shall be designed in accordance with the Land Development and Subdivision Regulations and the December 2010 edition of the Rhode Island Stormwater Design and Installation Standards Manual. A RIPDES permit from the Rhode Island Department of Environmental Management (RIDEM) will be required as a condition of preliminary plan approval. A RIDEM Wetlands Permit or Determination of Applicability will be required as a condition of preliminary plan approval.

Based on the project's submission, the Technical Review Committee feels that the applicant should address the comments and concerns presented above. The applicant must meet with the Lincoln Water Commission to review their proposed public water extension concept. When the comments and concerns are addressed, the applicant should submit the revised plans to the Technical Review Committee and the Planning Board for further review.

b. Highridge Subdivision AP 31 Lot 20 Master Plan Discussion

- Highridge Corporation 192 Old River Road / Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into three lots. The existing lot is proposed to remain as a recreational use. The two new lots will be developed as single family homes. The project was elevated from a minor subdivision to a major subdivision due to the need for a zoning relief on the original lot. A use variance was granted in 1958 for the recreational use of the property. The subdivision of two lots from the original lot represents an intensification of that use which was granted in 1958. The project is at the master plan review stage.

On April 16, 2014, 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 14, 2014, or within such further time as may be consented to by the applicant.

The master plan submission included the following:

1. A site plan entitled: Lincoln RI, Preliminary Minor Subdivision, Prepared for Highridge Corp, Class 1 Survey of AP31 Lot 20, Old River Road, RS-20, dated February 27, 2014 and prepared by March & Long Surveying.

2. A report entitled: Highridge Road Subdivision, Three-Lot Minor Subdivision Application, 192 Old River Road, Lincoln, Rhode Island,

Assessor's Plat 31; Lot 20, prepared for: Highridge Corporation, by Edward Pimentel, AICP, dated February 17, 2014.

Site Layout

The Technical Review Committee reviewed the project submission. The applicant owns a 6.66 acre +/- parcel of land on which a recreational club is located. Parking for the members is a grassy field located between the buildings and Old River Road. The zoning district is RS-12. A use variance was granted in 1958 for the recreational use of the property. The applicant is proposing to subdivide this lot into a three lot subdivision. The two proposed new lots are each approximately 12,000 square feet in size and are accessible from Old River Road. Access to the original lot will remain from its current location. The submitted site plan does not indicate if there are any historic cemeteries located within or immediately adjacent to the subdivision. If an historic cemetery does not exist, a note should be added stating this on the plan.

Zoning Requirements

The two proposed residential lots meet the zoning requirements of the RS-12 zoning district. A use variance was granted in 1958 for the recreational use of the original lot. The subdivision of two lots from the original lot represents an intensification of that use. Therefore, the applicant must re-apply to the Zoning Board for zoning relief.

The plans do not indicate if the proposed parking layout meets the requirements of the use as presented in Article V – Parking and Loading, Section 260-31A. The plans show that the parking layout

will remain on a grassy field. Article V – Parking and Loading, Section 260-31B, presents numerous construction requirements for parking areas of twenty vehicles or more. The plans show a proposed turnaround on the property to remain. Details for the construction of the turnaround are not provided; will it be grass or paved? The plans do not indicate how the applicant plans on addressing these construction requirements. The TRC would like to note that any new imperious pavement would require onsite storm water management and possibly several RIDEM permits.

Utilities

Public sewer and water are located within Old River Road. However, the plans do indicate if the proposed houses will be connected to these utilities. It is assumed that the new houses will be connected to the utilities. If this is the case, the proposed connections must be shown on the plans.

If this subdivision is approved, storm water management will be required for each individual house lot. The design and type of storm water management system depends on the size and location of the new houses as well as the location and size of the driveways. Therefore, the review and approval of the storm water management system for each house will be handled at the individual building permit review stage and does not need to be shown on these plans.

Based on the project's submission, the Technical Review Committee

feels that the applicant should address the comments and concerns presented above. The applicant must meet with the Lincoln Water Commission to review their proposed public water connections. When the comments and concerns are addressed, the applicant should submit the revised plans to the Technical Review Committee and the Planning Board for further review.

Comprehensive Permit

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

- Break Hill Development, Inc. Breakneck Hill Road Modification Discussed / Approval

On January 26, 2011, this project was approved as a fifty-four (54) unit age restricted condominium complex. This approval was modified on June 25, 2012 to a sixty-one (61) unit age restricted condominium complex with sixteen units dedicated as affordable home ownership units. This entire complex is serviced by the public sewer and water systems. Throughout the Planning Board review stages, the project always complied with the subdivision regulations of providing sidewalks. Since final plan approval, construction began and to date, approximately eight units have been completed. Unfortunately, when the site work was laid out and installed, the applicant noticed that the driveways were very short and caused most vehicles parked in the driveways to extend into the sidewalk area. Residents who would use the sidewalks would be forced out

onto the roadway in order to pass the vehicle. The applicant is in front of the Planning Board requesting modification of the approved project to reflect the elimination of sidewalks.

Members of the Technical Review Committee visited the site and reviewed the submitted pictures. The TRC agrees with the applicant. The pictures show a variety of different cars parked in the installed driveways. In each situation, residents would be forced to walk into the roadway from the proposed sidewalk. The Technical Review Committee considered the characteristics of the future 55 year old and older residents as well as the overall design of the future complex. This age group tends to have older children who may or may not live with them. The complex will not connect to another neighborhood and does not form a through road. Vehicular traffic within this complex would most likely be generated by the residents themselves or their visitors.

While the TRC was onsite, they suggested a compromise to the applicant. Instead of installing a separate sidewalk next to the roadway, a walking lane within the roadway can be developed through the use of roadway paint and graphics. A white line approximately three feet from the edge of the roadway can be painted and graphic symbols can be painted within this area to designate this area as a walking lane. The applicant agreed with this recommendation.

Therefore, if the Planning Board comes to the same conclusion as the Technical Review Committee did regarding the approved sidewalks, the TRC recommends that the applicant installs a walk lane within the

roadway area as opposed to an actual separate sidewalk.

Land Development and Subdivision Regulations Discuss Proposed Amendments

The Technical Review Committee reviewed the enacted regulations by the General Assembly since the 2005 revision of the Town's Land development and Subdivision Regulations. These amendments have not been officially incorporated into the Town's regulations but have been implemented during each application review since the amendments were enacted. Enclosed for the Planning Board to review are the amendments as they would appear in the Town's Land development and Subdivision Regulations. Language stricken from the regulations is shown with a strike out. New wording is underlined.

Zoning Applications (*) – May Zoning Applications

Continued from the April Meeting

Waterloo Way LLC, 3900 NW 2nd Avenue, Miami, FL – Application for Special Use Permit for indoor recreational use in an industrial facility located at 100 Higginson Avenue, Lincoln, RI.

AP1, Lot 133 Zoned: MG 05

No New information was submitted for review.

Members of the Technical Review Committee visited the site and

reviewed the submitted plans and application package. This property contains one very large commercial building and associated parking areas. Currently, a variety of businesses are located within this building and an outdoor commercial storage area is located in the front portion of the parking lot along Higginson Avenue. The applicant is proposing to expand the amount of businesses within the building to include an indoor recreational use. The application shows the location of the existing businesses and the proposed business. The application also shows a proposed parking lot layout and parking space analysis.

The Technical Review Committee recommends Approval with Conditions for this application for a special use permit for an indoor recreational use in an industrial facility. The TRC encourages a variety of uses within large commercial facilities and complexes. The key to success for these large complexes is well defined parking areas. The application contains a proposed parking lot layout that appears to provide for well defined parking areas, safe vehicular travel into and within the site, and safe pedestrian passage to and from the businesses. However, a similar parking layout was presented and approved as part of a past zoning application for this property. The approved use moved into the building but the exterior parking lot layout was never developed. Therefore, as a condition of approval, the Technical Review Committee recommends that the parking lot layout be developed as shown within the application and that the parking lot must be completed before a certificate of occupancy is issued.

UTGR Inc. d/b/a Twin River, 100 Twin River Road, Lincoln, RI – Application for Special Use Permit for the addition of three message board signs inside the casino property.

AP 42, Lot 24 Zoned: Commercial Recreation - 2

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. This application is for a Special Use Permit to add three message board signs within the internal roadway connecting all of the parking areas with the casino property. Based on the size of the property and the proposed locations of the signs, the Technical Review Committee recommends Approval of this application. The applicant placed the signs so that they cannot be visible from the surrounding public roadways. The applicant placed temporary flags at the height and the location of the proposed signs and took pictures from the closest public roadway. The temporary flags could not be seen in the photos.

The Technical Review Committee reviewed the Comprehensive Plan as it related to the casino property. The overriding objective shared throughout the elements of the plan is that the casino shall not be allowed to expand or enlarge in a manner that increases the impact of the surrounding neighborhoods. The TRC concluded that since the proposed signage is not visible from the surrounding roadway, there should be no impact to the surrounding neighborhoods. Therefore, 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.

Judith Moneghan, 1083 Great Road, Lincoln, RI – Application for Special Use Permit to construct an addition with an accessory family dwelling unit.

AP 29, Lot 11 Zoned: RS 12/RS 20

Members of the Technical Review Committee reviewed the submitted application for a Special Use Permit to construct an accessory family dwelling unit onto the existing house. The submission had a proposed site plan showing the location of the addition and a front elevation of the house and addition. However, an existing floor plan and proposed floor plan was not submitted. The Technical Review Committee had questions about the location of the door for the accessory family dwelling unit. Based on the front elevation, if approved as submitted, the house would look like a duplex with two doors in the front of the house. The overall objective of allowing an accessory family dwelling unit is that the existing house would continue to resemble a single family house.

Based on the submitted application, the Technical Review Committee could not come to a recommendation for this application. The TRC would like to see the proposed floor plan before they offer a recommendation.

Correspondence/Miscellaneous (*)

a. Staff Reports