

# **LINCOLN PLANNING BOARD**

**AUGUST 27, 2014**

## **MINUTES**

**The regular meeting of the Planning Board was held on Wednesday, August 27, 2014, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.**

**Mr. Bostic called the meeting to order at 7:00 p.m. The following members were present: Ken Bostic, Gerald Olean, Tim Griffin, Jeff Delgrande, and William Murphy. Absent were John Hunt 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. Bostic advised that five members were present; have quorum.**

## **CONSENT AGENDA**

**Mr. Bostic stated that he would accept 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. Olean to accept the consent agenda as presented. Mr. Griffin seconded the motion. Motion passed unanimously.**

## **MINOR SUBDIVISION REVIEW**

### **a. Smith Farm Acres Subdivision AP 22 Lot 108 Preliminary Plan Discussion/**

**Joyce Smith 679 Great Road Approval**

**Mr. Ranaldi stated that this is a minor subdivision and is under the 2005 Subdivision Regulations. It is a subdivision of one large lot into five lots. This one large lot has development restrictions attached to it. The proposed area to be subdivided is exempt from the development easement restrictions and was set aside as part of the town purchase for development rights for future development and is described and shown as Parcel B. The applicant is here to exercise that right. The proposal is to subdivide the parcel into four new single family residential house lots that abut Dexter Rock Road. The lots have public utilities. One question that the Technical Review Committee (TRC) had is the wetlands between two of the proposed lots. The plans indicate a 6' flowing stream. A flowing stream would require a 100' river bank wetland buffer. The TRC looked at it and Lot #3 which would be affected is approximately two acres. Even with the buffer, there would be a sufficient building envelope. We would like to see it on the plan and have it part of the record. All house drainage issues would be addressed at the building permit stage. The TRC recommends approval with conditions. If the applicant resolves the river bank buffer zone, the only condition would be that granite bounds be installed to delineate the new property lines.**

**Mr. Bostic asked if anyone was present to represent the applicant. Ms. Joyce Smith introduced herself and George Dupont, a professional engineer and land surveyor. He does have a plan that shows the 100' setback. They have complied with everything the town has asked them to do.**

**Mr. Bostic commented that he would like to see a complete set of plans. He would like the site plan of the property shown as a full page with the abutters shown. Mr. Dupont replied that he did submit a full set to the town. Mr. Olean stated that the Board does not have it. Mr. Ranaldi stated that he advised the applicant and that what is shown tells the story of what is being subdivided. The smaller scale shows how the property was created. It was rather complicated and the town solicitor helped him work through it. Not to bring the Board into the complicated legal aspect of the development rights, he asked the applicant to provide this area. Mr. Olean asked who owned Parcel A and Mr. Ranaldi replied Joyce Smith, Mr. Olean stated that Mr. Ranaldi is familiar with the property, but the Board is not. He asked for a blown-up plan to show what the property abuts. Mr. Dupont stated that there is an existing plan on file and Mr. Ranaldi stated that the plan is on record with the Town. Mr. Olean reiterated that he would like to see the parcels and who they are owned by. Mr. Ranaldi showed the Board the existing plan. Mr. Olean asked that the plan that the town has be submitted as part of the record. Mr. DeSisto stated that the plan before the Board goes back to when the town**

**acquired the land. Mr. Ranaldi stated that he tried to keep it simple.**

**Mrs. Quish stated that she has two comments. The buffer line needs to extend into the wetland. The buffer is 100' from the end of the stream, so draw a radius around the end point. Also, list the upland area of the lot on the plan in square footage to confirm it meets zoning. The upland area does not include the buffer zone. Mrs. Quish showed the Board on the plan the buffer zone; nothing can be done in the buffer zone. Mr. Bostic asked if the wetlands have been flagged and Mrs. Quish replied yes. Mr. Olean asked who determines the wetlands buffer and Mrs. Quish replied RIDEM. Mr. Olean asked if the town has anything from RIDEM and Mrs. Quish replied that she has not received anything from RIDEM. Mr. Olean asked who determines if a buffer zone is required. Mr. Dupont had a licensed biologist go out and tell us where buffers were needed.**

**The applicant has a report from the biologist. Mr. Olean stated that the Board does not have that report. Mr. DelGrande asked them to include the regulation that determines buffer zones. Mr. Dupont replied that the information will be in the biologist's report. Mr. Olean stated that the report should be given to Mr. Ranaldi and reviewed by the TRC. Mr. Dupont stated that one wetland area is too small and does not require a buffer. There are two different types of wetlands on the property; one requires a buffer, one doesn't.**

**Mr. Olean stated that he feels the outstanding issues should be**

reviewed by the TRC and a decision not made tonight. The Board does not have the plan with the buildable lot area. The granite bounds would be a condition. The buffer and buildable area will be resolved with the new plans. Mr. Bostic stated that these issues could be resolved at the next meeting with a revised plan and the biologist report. Mr. Olean stated if the biologist report states that a letter is not required from RIDEM, then the applicant is covered.

## **SECRETARY'S REPORT**

The board was given three set of minutes to review. The minutes are for April 23, 2014, May 28, 2014, and June 25, 2014.

Mr. Olean made a motion to dispense with the reading of the minutes. Mr. DelGrande seconded the motion. Motion passed unanimously.

Mr. Olean made a motion to accept the minutes for April 23, 2014, May 28, 2014, and June 25, 2014 draft of the minutes as presented. Mr. Griffin seconded the 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**

**Technical Review Committee Report**

**August 22, 2014**

**Town of Lincoln – Planning Board  
100 Old River Road  
Lincoln, RI 02865**

**Dear Honorable Members,**

**On August 19, 2014 at 3:00 PM, the Technical Review Committee met to review the agenda items for the August 27, 2014 meeting of the Planning Board. In attendance were Al Ranaldi, Peggy Weigner, Leslie Quish, Romeo Mendes, Michael Reilly, and Michael Gagnon. Below are the Committee's recommendations.**

## **Minor Subdivision Review**

### **a. Smith Farm Acres Subdivision AP 22 Lot 108 Preliminary Plan Discussion**

**- Joyce Smith 679 Great Road / Approval**

**This application is under the 2005 Subdivision Regulations and represents the subdivision of one large lot into five lots. The one large lot has development restrictions attached to it. The proposed area to be subdivided is exempt from the development easement and set aside for future development is described and shown as Parcel B. The proposal is to subdivide the parcel into four new single family residential house lots.**

**This subdivision was arranged and described within (1) a survey of the property entitled “Survey of Land Belonging to Gilbert W. Smith for Development Rights to the State of Rhode Island” dated December 5, 1988; (2) two purchase and sales agreements between the Town and RIDEM dated February 9, 1989 (note – both reference an “Exhibit A” which provides the description, but the description wasn’t attached to either); (3) The recorded agreement to assign the conservation easement to RIDEM dated March 30, 1989; (4) the warranty deed from the Smiths to the Town for “Parcel D” and the warranty deed from the Town to the Smiths for Parcels “E” and “H” dated April 10, 1989; (5) the purchase and sales agreement from Gilbert Smith to the Town dated February 9, 1989 and (6) the two deeds for the development rights from the Smtihs to the Town, both dated April 10, 1989.**

**On August 19, 2014, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within sixty-five (65) 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 October 23, 2014, or within such further time as may be consented to by the applicant.**

**The preliminary plan submission included the following:**

- 1. A site plan entitled: Survey of Land for Owner of Record, Joyce Smith, 679 Great Road, Lincoln, RI, AP22 Lot 108, prepared by George B. Dupont, 5 Wisteria Drive, Coventry, RI, 401-206-1275, and dated March 3, 2014.**
- 2. A site plan entitled: Minor Subdivision – Smith Farm Acres for Owner of Record, Joyce Smith, 679 Great Road, Lincoln, RI, AP22 Lot 108, prepared by George B. Dupont, 5 Wisteria Drive, Coventry, RI, 401-206-1275, and dated March 3, 2014.**
- 3. A letter from the Town of Lincoln, Department of Public Works dated July 15, 2014.**
- 4. A letter from the Lincoln Water Commission dated July 22, 2014.**

#### **Site Layout**

**The Technical Review Committee reviewed the project submission. Parcel B containing 9.55 acres and bounding on the Dexter Rock Road. The lot is zoned RA-40. The four proposed lots will all front on**

**Dexter Rock Road. No new roadway is required. Two of the proposed lots contain portions of a wetland. Based on DEM regulations, the larger wetland does not require a buffer. However; a 6' wide stream is located on back portion of Lot 3 and may require a 100 foot riverbank wetlands buffer. If a buffer is required, the TRC feels that the lot would contain the required 40,000 square feet of buildable land. If it is determined that a buffer is required, this area must be shown on the plans. The concern should be resolved before preliminary plan approval is granted.**

### **Utilities**

**Public sewer and water are located within Dexter Rock Road and are available to the proposed house lots. The exact connection locations will be addressed at the building permit stage. Stormwater management will be required for each new house. The design and type of stormwater management system depends on the size and location of the new house as well as the location and size of the driveway. Therefore, the review and approval of the stormwater management system will be addressed at the building permit review stage.**

**Based on the project's submission, the Technical Review Committee feels that the application successfully addresses the majority of the requirements set out in the Town's Land Development and Subdivision Regulations. The applicant has been made aware of the TRC's concerns regarding the existing stream. If the applicant can**

**answer the question regarding the requirement of a buffer zone and shows on a plan that the proposed lot has 40,000 square feet of building land, the Technical Review Committee recommends Approval with Conditions of this minor subdivision. The condition of approval is that granite bounds be installed to delineate the new property lines.**

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

#### **Continued from the August Meeting**

**Jacqueline Gervais, 7 Rutland Street, Manville, RI – Application for Dimensional Variance seeking front setback relief for the construction of a porch.**

**AP 36 Lot 194 Zoned: RL 9**

**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 front setback relief for the construction of a porch. According to the application and plans, the proposed porch will extend along the entire length of the front of the house. The plans also show that the proposed porch will have a roof on it. During the site visit, the TRC saw the set of existing set of concrete stairs which appear to be in good condition. The Technical Review Committee feels that the current site plan and application does not represent the**

**least relief necessary, the application does not present a compelling reason for the need for such a large front porch, and is not due to the unique characteristics of the subject land.**

**Therese Marcotte/Tina Ricarad (P.O.A.), 45 Reservoir Avenue, Manville, RI – Application for Dimensional Variance seeking front relief for the construction of a deck.**

**AP 36, Plat 96, 97, 98, 99, 100 Zoned: RS 12**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a dimensional variance of the front yard setback for the construction of a deck. The Technical Review Committee recommends Approval of this application according to the submitted plans and application. The existing house was orientated perpendicular to the roadway and already extends into the front yard and rear yard setbacks. The applicant is proposing to locate a new deck off of the living room which is in the front of the house. The new deck will not extend any further into the setback. The TRC 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.**

**Town of Lincoln, 100 Old River Road, Lincoln, RI – Application for use Variance to convert single family historic farm house into a two family**

**house with no exterior changes for property located at 667 Great Road, Lincoln, RI.**

**AP 22, Lot 72 Zoned: RA 40**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a use variance to convert single family historic farm house into a two family house with no exterior changes for property. As presented within the application, the Town has retained the house in its original condition since taking possession of the property in order to preserve its historic architectural features. The house is noted as being a contributing property to the Great Road National Historic District. The Town has explored several public uses for the farmhouse that would complement the public uses of the overall property. However; the requirements of providing handicap accessibility will destroy the exterior and interior architectural features of the farmhouse.**

**The Town proposes to enter into a curatorship program which will enable a private entity to conduct a major part of the rehabilitation and conduct maintenance for the term of the lease. The objective of this program is to turn the building into a self-sustaining property with minor management and financial obligations by the Town in the future. This program can only work if there is additional market rent generated by another unit. The house is set up in such a way where existing interior doorways can be closed in order to create two private housing units. No exterior modifications will be needed to convert the house into a two-family dwelling unit.**

**The TRC finds that this application represents an extraordinary situation with a creative solution to preserve this historic house. No exterior modifications will be needed to convert the house into a two family residence. The TRC feels that granting the use variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.**

**Correspondence/Miscellaneous (\*)**

**a. Staff Reports**

**Respectfully submitted,**

**Albert V. Ranaldi, Jr. AICP**

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**Administrative Officer to the Planning Board**