

# **LINCOLN PLANNING BOARD**

**SEPTEMBER 24, 2014**

**APPROVED**

**The regular meeting of the Planning Board was held on Wednesday, September 24, 2014, 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, Gerald Olean, John Hunt, Timothy Griffin, Michael Reilly, William Murphy and Jeffrey Delgrande. Also in attendance were Town Planner Al Ranaldi, Town Engineer Leslie Quish and Town Solicitor Anthony DeSisto. Russell Hervieux kept the minutes.**

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

## **CONSENT AGENDA**

**Chairman Bostic reminded members that the consent agenda has no zoning applications and only staff reports. A consent agenda is normally voted on in total unless a member motions to remove an item.**

**Motion was made by member Olean to accept the consent agenda as**

**presented was seconded by member Reilly. Motion was approved by all members present.**

## **MINOR SUBDIVISION REVIEW**

### **a. Smith Farm Acres Subdivision AP 22 Lot 108 Preliminary Plan Joyce Smith 679 Great Road Discussion/Approval**

**Mr. Ranaldi stated that this application represents the subdivision of one lot into five lots. This subdivision was predetermined based on a 1989 agreement that the Town had with the owners of the property. The Town purchased the development rights and the property owner would retain and be able to subdivide this section of the property into five lots. The Town Solicitor and Town Planner have read all the pertinent documents and found everything in order. The Boards packets include what the entire parcel looks like prior to this subdivision. The section of the property in question is noted a parcel "B". Parcel B is 9.5 acres on the northwestern side of the property along Dexter Rock Road. The applicant has also supplied the wetlands report that shows that the stream that runs along two of the lots does require a 100' riverbank wetland buffer. The wetland and buffer are shown on the plans along with the buildable area of each proposed lot. All of the proposed lots meet the RA-40 zoning regulations. The TRC recommends approval with the condition that granite bounds be installed to delineate the new property boundaries.**

**Chairman Bostic raised a concern that there would be no public hearing with this application. Town Solicitor DeSisto stated that according to State Law section 45-23.8 a minor subdivision that has no street creation, variances and under six lots does not require a public hearing.**

**Member Olean made a motion to accept the TRC report as presented was seconded by member Hunt. Motion was approved by all members present.**

**b. 514 River Road AP 21 Lot 61 Pre-application**

**Lee Blais River Road Discussion**

**Mr. Ranaldi stated that this application is before the Board for a pre-application discussion. There are no time frames under the subdivision regulations for this type of discussion. There is also no vote required of the Board. This is just a review of the proposed application and letting the applicant know of any concerns the Board might have. The applicant has one large lot containing 2.35 acres of land with approximately 580' of frontage along River Road. There is a considerable difference of elevation between the public road and the flat section of land to develop a home. This property has one existing home on it. The driveway for this home goes across the proposed lots to lessen the slope. This plan did receive an approval for a subdivision in 1993 for four lots. The owner in 2000 merged the lots into one lot. The plan as shown would be able to qualify for master**

plan approval because master plan does not require full engineering. However at preliminary plan full engineering would have to be shown including access to the public road which would be difficult for at least two of the lots. Section 5 number 5 of the land development regulations states that “a requirement of a finding for a subdivision is that all proposed land development and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.” Chairman Bostic asked if this applicant is planning on bringing this application forward at the master plan level. Mr. Ranaldi stated that he did not believe so.

Lee Blais, applicant, wanted to explain his intentions with this lot. Mr. Blais stated that this subdivision is no different than the subdivision that was approved in 1993. Mr. Blais purchased the property in 2000 and merged the lots into one lot. He has been advised that the highest and best use of the property is the original four lot configuration. The original subdivision had an easement across the properties for utilities and access. There is currently a gas line in that easement. Mr. Blais believes whoever proposes to subdivide this property would follow that same plan. Member Olean stated that he believes the TRC has covered the concerns for a pre-application. The Board does not want to discuss how to get utilities to the lots. Mr. Blais felt the Board would want to know the history of this property. This property was subdivided by a previous

**Planning Board. The regulations have not changed since that point, according to Mr. Blais. Mr. Blais stated that someone will bring this plan before this Board at some point in the future. Member Reilly reminded Mr. Blais that whatever was approved in 1993 was eliminated when the lots were merged back together. Mr. Blais respectfully disagreed. Member Hunt reminded Mr. Blais that just because this plan was approved in the past does not necessarily mean it would be approved today.**

**Member Olean asked Mr. Ranaldi the status of the agenda for next month's meeting. Mr. Ranaldi stated that there are no items on the agenda for next month. Therefore there will not be a meeting in October.**

**Motion made by member Olean to adjourn and was seconded at 7:22 pm by member Griffin. Motion was approved by all members present.**

**Respectfully submitted,**

**Russell Hervieux**

**Technical Review Committee Report**

**Dear Honorable Members,**

**On September 16, 2014 at 3:00 PM, the Technical Review Committee met to review the agenda items for the September 24, 2014 meeting of the Planning Board. In attendance were Al Ranaldi, Peggy Weigner, Leslie Quish, Romeo Mendes, Michael Gagnon, and Russell Hervieux. 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 restrictions and was specifically set aside for future development is described and shown as Parcel B. The proposal is to subdivide parcel B 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, dated March 3, 2014, and revised August 28, 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, dated March 3, 2014, and revised August 28, 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.**

**5. A Report of Findings for Wetlands Delineation, Portion of 679 Great Road, AP 22, Lot 108, Lincoln, RI, prepared by Natural Resources Services, Inc. of Harrisville, RI, prepared for Joyce Smith, 679 Great Road, Lincoln, RI 02865, and dated January 5, 2014, Revised April 11, 2014,**

**6. A site plan entitled, "Survey of Land Belonging to Gilbert W. Smith for Development Rights to the State of Rhode Island, dated December 5, 1988.**

### **Site Layout**

**The Technical Review Committee reviewed the project submission. Parcel B contains 9.55 acres and is bound along Dexter Rock Road. The lot is zoned RA-40. The four proposed lots will front on Dexter Rock Road. A new roadway is not 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. The report submitted by Natural Resource Services, Inc. determined that the identified 6' wide stream requires a 100' riverbank buffer. The submitted plans were revised to show the 100 foot riverbank wetlands buffer. The plans also show that there are 1.07 acres of developable upland area.**

## **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.**

**During the August Planning Board review of this application, the Planning Board asked to see the entire lot with the designations shown on the plan and discussed within the documents regarding the transfer of development rights. The applicant submitted this plan and it is included within the TRC's package to the Planning Board members. The package also contained a copy of the wetlands report also requested by the Planning Board.**

**Based on the project's submission, the Technical Review Committee feels that the revised subdivision plan and application successfully addressed the requirements set out in the Town's Land Development and Subdivision Regulations. The applicant supplemented their submission with the plan and wetlands report requested during the August Planning Board meeting. 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.**

**b. 514 River Road AP 21 Lot 61 Pre-Application Discussion**

**- Lee Blais River Road**

**This application is in front of the Planning Board for a Pre-Application Discussion under the 2005 Subdivision Regulations. A pre-application discussion project does not have a time frame for review nor does it require a vote of the Planning Board. This application represents the subdivision of one large lot into four residential lots. The one large lot contains 2.35 acres of land and has approximately 580 feet of frontage along River Road. There is a considerable difference in elevation from the public roadway to the developable land and the existing house. Please note that Lot #5 was subdivided from the large lot and is currently a privately owned house lot.**

**This property was originally subdivided into four lots as shown on the submitted plan in 1993. In 2000, the four lots were merged into one lot. The applicant came before the TRC and now the Planning Board to explore the possibility of subdividing the one lot back into four lots. The TRC reviewed this proposal under the required findings as presented in Section 5 of the Land Development and Subdivision Regulations and embodied within the Master Plan review.**

**Public water and sewer are available in River Road and the proposed**

lots can meet the zoning requirements for the district. 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.

One of the required finding of a subdivision is that, “all proposed land development and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement” (Section 5(5) of the Land Development and Subdivision Regulations). As stated above, there is a considerable difference in elevation from the roadway to the existing house. The TRC discussed this concern of providing adequate and permanent physical access to a public street with the applicant.

The TRC determined that conceptually, adequate and permanent physical access to a public street can be achieved. The existing grades along River Road for lots number 1 and 2 are moderately steep and would require minimum effort to develop access to the new lots. The grades along River Road for lots 3 and 4 are very steep. In order to provide access to these lots extensive engineering and corresponding excavation would be required. A future master plan submission would need to show conceptually that adequate and permanent physical access to a public street can be achieved. An

**in-depth review of the proposed solution to providing access to the lots would happen during the preliminary plan review.**

**Several alternatives of providing access to the four lots were also discussed. However, the TRC cautioned the applicant that these options would require review and approval by the Planning Board and the Director of Public Works in order to move forward. These options would be explored only if an official subdivision application is submitted to the Town. The TRC also expressed that other concerns other than physical access to the lots may arise if this application moves forward.**

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

**There are no Zoning Board applications to review for the upcoming October Zoning Board meeting.**

### **Correspondence/Miscellaneous (\*)**

#### **a. Staff Reports**

**Respectfully submitted,**

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

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**Administrative Officer to the Planning Board**