

LINCOLN PLANNING BOARD

DECEMBER 17, 2014

APPROVED

The regular meeting of the Planning Board was held on Wednesday, December 17, 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, Timothy Griffin and Jeffrey Delgrande. Also in attendance were Town Planner Al Ranaldi and Town Solicitor Anthony DeSisto. Russell Hervieux kept the minutes.

The following members were absent from the meeting: Michael Reilly, John Hunt and William Murphy.

Chairman Bostic advised that four members were present; have quorum.

CONSENT AGENDA

Chairman Bostic reminded members that the consent agenda has one zoning application 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 Olean to accept the consent agenda as presented was seconded by member Griffin. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

a. Darlington Street Subdivision AP 38 Lot 20 Master Plan

Robert & Ruth Biagetti Darlington Street Discussion/Approval

Mr. Ranaldi stated that this application is for the subdivision of one lot into two lots. The application was elevated to a major subdivision because of the need of a zoning variance on the existing home. The applicant is scheduled to appear before the Zoning Board at the January meeting. Both proposed lots would meet the areas for the zone. Proposed lot "B" has the existing home on it. The new lot, proposed lot "A", does not have public sewer running in front of the property. There is a manhole at the closest intersection. The applicant has provided a plan showing how they propose to tie into that manhole by gravity. Proposed lot "A" also has an existing shed in the rear corner which cannot remain on a vacant lot. The shed would either need to be removed or relocated to lot "B" with the existing house and conform to the zoning setbacks. Public water is available for this subdivision. The TRC stated that the applicant has successfully met all the requirements of master plan. The TRC recommends that the Board combine master plan stages for a vote

tonight. If the applicant receives master plan approval tonight and Zoning approval in January then the applicant could proceed to a public hearing next month. Therefore the TRC recommends master plan approval with the condition that the shed be moved from proposed lot "A" to proposed lot "B" or demolish it.

Norbert Therien, surveyor for the applicant, made a presentation to the Board for the applicant. The applicant proposes to divide this existing house lot into two lots. After a class I survey was performed it was discovered that the existing home does not meet the setbacks on two sides. The encroachments are on the Darlington Street front and the Church Street side. The zoning variance requirement kicked this minor subdivision up to a major subdivision. The applicant has already made application to the Zoning Board for this relief. Public sewer and water are available for both lots. The applicant does agree that the shed will be relocated from the new vacant lot to the lot with the existing home. Mr. Therien provided the Board with aerial photos of the area to show what it looks like currently. The applicant is requesting to combine master plan stages and grant master plan approval at this meeting so the applicant can move onto the Zoning Board meeting.

Member Olean stated that the applicant should provide letters from the sewer and water departments stating that the applicants proposed connections are acceptable. Town Solicitor DeSisto stated that the subdivision regulations require this documentation and

should be provided at the preliminary plan stage. Mr. Therien agreed to provide the necessary documentation at preliminary plan.

Motion made by member Delgrande to accept the TRC recommendations of master plan approval with the conditions and the added conditions that (1) the shed be removed from proposed lot "A" and (2) the sewer line shown on the plan be approved by the sewer department prior to preliminary plan approval. The motion was seconded by member Olean. Motion was approved by all members present.

SECRETARY'S REPORT

The Board was given one set of minutes to review. The minutes are for November 19, 2014. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Motion made by member Griffin to dispense with the reading of and accept as presented the November 19, 2014 minutes was seconded by member Delgrande. Motion was approved by all members present.

Member Olean requested that a line item be added to the agenda such as "Board Members Report" to give opportunity for members to speak on an issue that concerns them or came up at the meeting. The Town Solicitor and Town Planner will review this request.

Motion made by member Griffin to adjourn and was seconded at 7:24 pm by member Delgrande. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux

TECHNICAL REVIEW COMMITTEE REPORT

On December 10, 2014, at 3:00 PM, the Technical Review Committee (TRC) met to review the agenda items for the December 17, 2014 meeting of the Planning Board. In attendance were Al Ranaldi, Leslie Quish, Michael Reilly, Peggy Weigner, and Russell Hervieux. Below are the Committee's recommendations.

Major Subdivision Review

a. Darlington Street Subdivision AP 38 Lot 20 Master Plan Discussion/

- Robert J. & Ruth R. Biagetti Darlington Street Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The project was elevated to a major subdivision due to the need for two front setback dimensional variances for the existing house. The project is being reviewed at the Master Plan review stage.

On December 10, 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 April 9, 2015, or within such time as may be consented to by the applicant.

The master plan submission included the following:

- A plan entitled Robert J. & Ruth R. Biagetti, AP 38 Lot 20, 5 Darlington Street, Lincoln, Rhode Island – Major Subdivision, prepared for Robert J. & Ruth R. Biagetti by National Surveyors Developers Inc. of Woonsocket, RI, dated December 2013 and revised on December 13, 2014.**
- A letter from the Lincoln Water Commission dated November 18, 2014.**
- A letter from the Lincoln Department of Public Works – Sewer Maintenance and Operations Division dated November 14, 2014.**

Site Layout

The Technical Review committee reviewed the project submission. The applicant owns a 39,652 square foot residential lot located at the intersection of Darlington and Church Street. There is an existing house and an existing shed. The zoning district is RL-9. The applicant is proposing to subdivide this lot into two residential lots. Proposed Lot A will have 21,506 square feet and proposed Lot B will have 18,146 square feet. Proposed Lot B will contain the existing house. Proposed Lots A will contain an existing shed.

The front setbacks of the existing house are pre-existing non-conforming to the existing zoning criteria. The front setbacks will require two dimensional variances from the Zoning Board. According to the Zoning Ordinance, a shed is an accessory structure to the principal use – the house. As a condition of final plan approval, the TRC recommends that this shed be moved onto proposed Lot B or demolished. If the applicant decides to relocate the shed to proposed Lot B, the shed must be located 6 feet from the rear and side property lines.

Utilities

Public sewer and water are located within Darlington Street and Church Street. The public sewer line does not run along the front of proposed Lot A; however, access to the public sewer system can be

provided from a sewer manhole located at the intersection of Darlington and Central Street. If this application is approved and proceeds to the preliminary plan review state, the TRC would like the submitted plan to show how the applicant will connect to the public sewer and water lines.

If this subdivision is approved, stormwater management will be required for the new house to be built on proposed Lot A. 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. This review will be addressed at the building permit review stage and does not need to be shown on these plans. Soil and Erosion Control Plans will be required prior to issuing building permits.

Based on the project's submission, the Technical Review Committee feels that the application successfully meets the requirements of the Master Plan review stage. No further technical review is needed. If the Planning Board agrees, the TRC recommends that the Planning Board combine the review stages and issues the Master Plan approval with conditions and advance to the Preliminary Plan review stage. Since the application does not need further technical review, the TRC recommends that the applicant proceed directly to a public hearing. An abutters' list will be required.

The conditions of Master Plan Approval are:

- 1. The Plan set submitted for the preliminary plan review stage show how the applicant will connect to the public sewer and water lines.**
- 2. A note is placed on the plan indicating how the applicant will address the issue with the existing shed.**

Zoning Applications (*) – January Zoning Applications

Robert and Ruth Biagetti, 5 Darlington Street, Manville, RI – Application for dimensional Variance seeking front setback relief on existing house for the purpose of subdividing the lot.

AP 38, Lot 20 Zoned: RL-9

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 for two dimensional variances from the front yard setbacks on an existing house for the purpose of subdividing the lot. The lot is classified as a corner lot which has two front yards. The variances will clear up the pre-existing nonconformance of the existing house. The TRC feels that granting the dimensional variances will not impair the intent or purpose of the zoning Ordinance, nor the Comprehensive Plan.