

LINCOLN PLANNING BOARD

MARCH 25, 2015

APPROVED

The regular meeting of the Planning Board was held on Wednesday, March 25, 2015, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Bostic called the meeting to order at 7:05 p.m. The following members were present: Kenneth Bostic, Gerald Olean, Jeffrey Delgrande, William Murphy and John Hunt. Also in attendance were Town Planner Al Ranaldi, Town Engineer Leslie Quish and Town Solicitor Anthony DeSisto. Russell Hervieux kept the minutes.

The following members were absent from the meeting: Michael Reilly and Timothy Griffin.

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

CONSENT AGENDA

Chairman Bostic reminded members that the consent agenda has five 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 Olean to accept the consent agenda as presented was seconded by member Hunt. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

- a. Dennell Drive Subdivision AP 42 Lot 10 Public Hearing-7:00 PM**
Dennell Properties 15 Dennell Drive Preliminary Plan
Discussion/Approval

Chairman Bostic called the Public Hearing to order at 7:12 pm. Roll call of the abutter's list was read by the recording secretary. There were two responses to the reading of the abutter's list. Chairman Bostic called for any other abutter in the audience whose name was not read to be recognized. No responses were given.

Mr. Ranaldi stated that this is a major subdivision of one lot into four lots. Dennell Drive is proposed to be extended up to 907 feet where the regulations allow 900 feet in this zone. The applicant is requesting a waiver of 7 feet for the road length. The applicant has addressed all of the Town's engineering concerns and planning concerns. The Town Engineer has calculated the amount of a remediation bond which is for the Town to stabilize the lot if this project does not get completed. The bond amount is \$45,000 which

the Town is requesting a cash bond. The applicant is also requesting a waiver on the depth of the sewer main, in one location. The applicant proposes depth of 5'-8" which 6' is required so a waiver of 4" is requested. The Town Engineer has no issues with this waiver request. The Town has requested that the applicant ask for a waiver on the sidewalk requirement. The applicant has shown a sidewalk on the plan however the Town feels this is not required. The entire area does not have sidewalks. The Director of Public Works hopes the Board would consider a waiver on this sidewalk because the Town has no plans to install any other sidewalks in this area. The applicant proposes two of the lots will be served by private sewer grinder pumps. A detention basin for this project would be maintained by a homeowners association. The existing cul-de-sac will be removed which will revert that area of land to the property owners that currently about the cul-de-sac. It is the responsibility of the applicant to rehabilitate the land to a form to satisfy those property owners. The TRC is comfortable with the current plan and barring any concerns brought out at the public hearing, the TRC recommends the applicant come back next month with the appropriate documents in place for preliminary plan approval.

John Shekarchi, attorney for the applicant, made a brief presentation to the Board. Mr. Shekarchi stated he would like the surveyor and engineer respond to some issues brought up by the TRC. The plan for the existing cul-de-sac will also be explained and would like input from those property owners.

Richard Bzdyra, engineer and surveyor for the applicant, made a presentation to the Board. Mr. Bzdyra stated that this project has been before the Board numerous times to step through the details. The drainage plans took extra effort because of the new RIDEM regulations. However a plan has been submitted that is acceptable to both RIDEM and the Town Engineer. The plan is for a four lot subdivision with the existing house on lot #1. The house is to be remodeled and eventually sold. The subdivision has public water and sewer available. Lots 2 & 3 will have private sewer grinder pumps going to the proposed gravity sewer. The existing cul-de-sac is in a defeasible easement meaning when the cul-de-sac is removed the land goes to the abutting property owners. A plan has been submitted to the Town for the rehabilitation of this area. Some discussions with those property owners have also taken place. Chairman Bostic asked Mr. Bzdyra to elaborate on the wet vegetative treatment system being proposed for this application. Mr. Bzdyra passed that question off to the engineer who prepared those plans.

Byron Holmes, professional engineer for the applicant, made a presentation to the Board. Mr. Holmes stated that the engineering on this project has been approved by RIDEM and by the Town Engineer. The wet vegetative treatment system is something relatively new to Rhode Island. The old regulations used to be concerned with how fast storm water leaves the proposed site. This system does accomplish that for the 2, 10, 25 and 100 year storms. Additionally it

is important to treat for water quality. The vegetative treatment system is actually planted at the bottom of the holding areas with different species of vegetation. The holding areas can have varying depths. The areas will maintain water from 6 – 12 inches deep with the exception of where the water first enters which is 4 feet deep. These systems are designed to treat both water quality and mitigation of runoff. Each lot has a swale bio-detention system on them to mitigate runoff not from the road.

Chairman Bostic opened up the meeting to comments from the public.

Lorenzo Iadaluca of 17 Dennell Drive expressed concern about the removal of the existing cul-de-sac and his wall. The wall is currently on this property but is set back because of the bulb of the cul-de-sac which is proposed to be removed. He is concerned that it won't look right because of the distance back from the new corrected road. Member Olean stated that the last statement in the TRC report states that the applicant would have to reach an agreement with the neighbors in regards to the rehabilitation of their lots due to the removal of the cul-de-sac. Member Olean was concerned that the agreement has not been done and is not ready to present to this Board. That discussion should not take place at this hearing. Attorney Shekarchi stated that the applicant would stipulate that they will negotiate an agreement with the neighbor on this issue.

Motion made by member Olean to close the public hearing at 7:28 pm was seconded by member Delgrande. Motion was approved by all members present.

Motion made by member Olean to this application to next month's meeting was seconded by member Hunt. Motion was approved by all members present.

Motion made by member Olean to move item #5, Major Land Development – Shell Station Rebuild, to the next item on the agenda. Motion was seconded by member Murphy. Motion was approved by all members present.

MAJOR LAND DEVELOPMENT REVIEW

a. Shell Station Rebuild AP 43 Lot 78 Master Plan

Colbea Enterprises, LLC 1783 Old Louisquisset Pike Discussion/Approval

Mr. Ranaldi stated that this application is a major land development before the Board at master plan stage. The application received a certificate of completeness on March 17, 2015 and the Board has until July 15, 2015 to make a decision on master plan. This is an existing gas station on Old Louisquisset Pike at Breakneck Hill Road. The applicant is proposing to raze the building and build a new building. The site will be reconfigured to maximize the lot and help it function

better than it does now. The gas tanks will be replaced but the pumps and canopy will stay as is. The applicant will need to seek several zoning variance to complete this project. The main focus of this redevelopment is to improve the circulation around the canopy and the lot. The applicant has spent a lot of time making sure that safety is maximized on this site. The plan calls for discontinuing the use of the current septic system and tying into public sewer. The applicant will also need several State permit approvals for this project to move forward. The TRC is happy with the amount of detail on the master plan documents. The applicant is scheduled to appear before the Zoning Board in April. The applicant would need master plan approval to proceed to the Zoning Board. The TRC recommends master plan approval and advance to preliminary plan review after they receive the approvals from zoning.

Tim Chapman, attorney for the applicant, made a brief presentation to the Board. Mr. Chapman introduced the professionals that are representing the applicant on this project. The applicant, Colbea Enterprises LLC, is before the Board seeking approval for a major land development of an existing gas/convenience store located at the intersection of Breakneck Hill Road and Old Louisquisset Pike. The proposal entails a full redevelopment of the property. The noise, lighting and buffer impacts will be improved from the current site. The applicant proposes to make a more estechically pleasing site. Member Hunt asked for a description of the additional signage that the applicant is requesting. Mr. Chapman asked the engineer to

answer that question.

Tony Fruchtl, engineer for the applicant, made a presentation to the Board. Mr. Fruchtl stated that the applicant recognizes that this property resides in a residential zone. The applicant applied for a signage variance for the existing signage that exists today and a very small amount more. A graphic was displayed to the Board of what the signage will look like. The existing signage is 238 square feet and the proposal is for 244 square feet of signage. Member Olean requested some documentation that the pump canopy is up to code since it is not proposed to be replaced. Mr. Fruchtl stated that he could supply the documents.

Motion made by member Olean to accept the TRC report to combine master plan review stages and approve master plan. The motion was seconded by member Delgrande. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

b. 55 Wilbur Road Subdivision AP 27 Lot 42 Public Hearing-7:15 PM

Gale & Joseph Santoro 55 Wilbur Road Preliminary Plan

Discussion/Approval

Chairman Bostic called the Public Hearing to order at 7:46 pm. Roll call of the abutter's list was read by the recording secretary. There

were two responses to the reading of the abutter's list. Chairman Bostic called for any other abutter in the audience whose name was not read to be recognized. No responses were given.

Mr. Ranaldi stated that this application is at the preliminary plan public hearing stage. The proposal is to subdivide one lot into two lots. The plan requires two subdivision regulation waivers for interior angles over 200 degrees. The original lot is close to 3 acres of land with the house situated in relatively the middle of the lot. Due to medical concerns, the applicant wishes to build a house which is handicap accessible. The property is in the RA-40 zone which requires 40,000 square feet of land for a lot. This configuration came about by the desire to create a subdivision that does not require any zoning relief. This plan does not require any zoning relief but would require two subdivision waivers by this Board. There is a deck which leads to an above ground pool, on the existing house, which would have to be removed to avoid any zoning relief required. The property has public sewer and water available to it. The TRC recommends approval of the preliminary plan with conditions as listed in the TRC report. The TRC also recommends that the Administrative Officer be delegated final plan review and approval.

John Shekarchi, attorney for the applicant, made a brief presentation to the Board. Mr. Shekarchi stated that this application is a one lot subdivision with municipal water and sewer available. The proposed new lot will have 40,009 square feet.

Chairman Bostic opened the meeting to public comment.

Mark Krieger of 58 Wilbur Road lives directly across from this proposed subdivision. Mr. Krieger has been there since 1988 and has a good relationship with the Santoro's. Mr. Krieger spoke in favor of this proposal. Mr. Krieger was concerned about the location of the proposed driveway but has spoken with the applicant and is satisfied.

Lori Melucci of 54 Wilbur Road had questions about the size of the proposed house, driveway and retaining wall. Attorney Shekarchi did not have an exact plan however the applicant had a rendering of what they plan to construct. The Board also offered the site plan to review.

Motion made by member Olean to close the public hearing at 7:55 pm was seconded by member Hunt. Motion was approved by all members present.

Motion made by member Hunt to accept the TRC report for preliminary plan approval with conditions and delegate final plan approval to the Administrative Officer. Motion was seconded by member Delgrande. Motion was approved by all members present.

c. Highridge Subdivision AP 31 Lot 20 Master Plan

Highridge Corporation 192 Old River Road Discussion/Approval

Mr. Ranaldi stated that this is an existing site which the use is nonconforming but did receive a Use Variance in 1958 for the private swim club. The applicant is proposing to cut off two lots which would require a modification to the previously approved Use Variance. The portion of the property proposed to be subdivided is in the RS-12 zone. Both new lots would meet the zoning regulations. The applicant is intensifying the use which means they would have to bring the property up to current day zoning standards. The property currently has a grass parking area with no striping which does not meet the current code. This use has been going since 1958 with the grass parking area. The parking works today as is. The use currently runs from May until September. The Town asked the applicant if they would be willing to put a deeded restriction stating this property would only be used between May through September. The applicant agreed. The applicant agrees to have guard rails with lines on it to denote a parking space. There is some illumination from the building directed toward the parking area. The applicant has not filed an application with the Zoning Board yet so they could get some input from this Board. A buffer is required between the commercial and residential use. The applicant has proposed a row of evergreens however the TRC would like to see them arranged in a more natural state and not perfectly lined up along the property line. The TRC would also like to see the trees be on the pool club property and not the newly created lots. The TRC recommends that the applicant go to a public informational meeting next month and address any

concerns.

John Shekarchi, attorney for the applicant, made a brief presentation to the Board. Mr. Shekarchi stated that the surveyor has added some of the information that the TRC requested to the plans. The applicant would like to move to a public informational meeting and will file a zoning application within the next week. Chairman Bostic asked if the applicant agrees with the restrictions in the TRC report. Mr. Shekarchi stated that the applicant was fine with them. Member Olean questioned whether the applicant will seek relief from the buffer requirement as stated in the TRC report. Mr. Ranaldi stated that there was an error in the TRC report. The applicant proposes to seek relief from the parking construction standard.

Ed Pimentel, certified planner for the applicant, made a presentation to the Board. Mr. Pimentel stated that when the applicant realized a use variance had been granted they researched and got a copy of that original variance. The variance had some conditions applied to it which are in Mr. Pimentel's revised report. The applicant does not want to "commercialize" the parking area but leave it as it has been used for years. The Zoning Official requested a list of relief needed as if this use was being installed as new. The applicant will provide the buffers required by the ordinance. The proposed design tries to keep the spirit of the regulations but still keep a rustic feel to the property. The applicant will ask for variances from the requirements of a commercial type parking area. Member Olean asked if the

requirements of the parking be completed prior to any house construction under this subdivision. Attorney Shekarchi stated that the applicant would accept that as a condition of approval.

Motion made by member Olean to move this application to a master plan public informational meeting next month was seconded by member Murphy. Motion was approved by all members present.

MINOR SUBDIVISION REVIEW

a. Jergensen Subdivision AP 40 Lots 30 & 31 Preliminary Plan Glenn Jergensen 309 Albion Road Discussion/Approval

Mr. Ranaldi stated that this is a subdivision of two lots into three lots. One of the lots has the main residence but it also has another house on the same lot. Currently, one lot has two houses and the other lot is a vacant piece of land. The applicant is proposing to create a lot around the second house. Therefore the first house would be on its own lot which meets zoning and the second house would be on its own lot which meets zoning. Both properties currently have public sewer and water. The TRC recommends approval of this subdivision with one condition. The accessory structure on the lot with the main house needs to be confirmed that it meets the zoning setbacks. The TRC also recommends that the final plan approval be delegated to the Administrative Officer.

Mark Krieger, attorney for the applicant, made a brief presentation to the Board. Mr. Krieger stated that the applicant will address the issue of the accessory structure. The surveyor did not bring this issue to the attention of the applicant.

Motion made by member Olean to accept the TRC report for preliminary plan approval with a condition and delegate final plan approval to the Administrative Officer. Motion was seconded by member Murphy. Motion was approved by all members present.

SECRETARY'S REPORT

The Board was given two sets of minutes to review. The minutes are for January 28, 2015 and February 25, 2015. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Motion made by member Olean to dispense with the reading of the January 28, 2015 and February 25, 2015 minutes was seconded by member Delgrande. Motion was approved by all members present.

Motion made by member Olean to accept the January 28, 2015 and February 25, 2015 minutes as presented was seconded by member Hunt. Motion was approved by all members present.

GENERAL PLANNING BOARD DISCUSSIONS/INQUIRIES WITH TOWN STAFF

Member Delgrande asked if a clean up or spill procedure has to be submitted to the Town for the force sewer mains. Town Engineer Quish stated that there is nothing currently in the regulations. A spill over 100 cubic feet would fall under RIDEM regulations. The Town sewer ordinance is still being worked on as far as the update. Some of these issues with the sewer may be better placed in the subdivision regulations.

Mr. Ranaldi stated that the Board was given a copy of the subdivision regulations before the meeting. The changes represent approximately seven years of General Assembly updates. The rural protection zone section was removed. Please review the update and make note of any changes that the Board would like to see. Any changes will be discussed at the next meeting.

Motion made by member Olean to adjourn and was seconded at 8:28 pm by member Murphy. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux

Attached March TRC Report:

On March 17, 2015 at 3:00 PM, the Technical Review Committee met to review the agenda items for the March 25, 2015 meeting of the Planning Board. In attendance were Al Ranaldi, Leslie Quish, Michael Reilly, Michael Gagnon, Michael Gamage, Romeo Mendes, Peggy Weigner, and Russell Hervieux. Below are the Committee's recommendations.

Major Subdivision Review

- a. Dennell Drive Subdivision AP 42 Lot 10 Public Hearing – 7:00 PM
- Dennell Properties 15 Dennell Drive Preliminary Plan
Discussion/
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 in front of the Planning Board at the Preliminary Plan review stage, Public Hearing.

On November 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 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 March 10, 2015, or within such further time as may be consented to by the applicant. During the January 28, 2015 Planning Board meeting, the applicant consented to an additional 90 day extension from March 10, 2015 deadline. Therefore, a decision on the preliminary plan review must be made by June 08, 2015, or within such further time as may be consented to by the applicant.

The preliminary plan submission included the following:

- Draft Preliminary Plan AP 42 Lot 10 Dennell Drive Lincoln Rhode Island, Prepared for Harry Zervas, prepared by Ocean State Planners, Inc., dated January 7, 2015 and revised February 13, 2015 (Sheets 2-9).
- Response to Comments Letters from Ocean State Planners, Inc dated February 10, 2015, January 6, 2015 and from Byron R. Holmes, PE dated December 31, 2014.
- Drainage System Operation and Maintenance Plan, Dennell Drive, Lincoln Rhode Island.
- Erosion and Sedimentation Control Plan, Dennell Drive, Lincoln Rhode Island

Site Layout

The Technical Review Committee reviewed the project submission against the requirements for a preliminary plan review. 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 proposed subdivision meets the zoning requirements of the RA-40 zoning district and the submitted plans show the required setbacks for each new lot.

The proposed right-of-way would end in a cul-de-sac. The existing cul-de-sac will be removed and the remaining land will be added to the abutting property owners. The Town asked the applicant if he would reach out to the abutting neighbors to discuss and document the proposed improvements that the developer will do when he removes the existing cul-de-sac. This information has not been provided to the Town.

The existing right-of-way will be extended from its existing length of 436 feet to a total length of 907 feet. The maximum cul-de-sac length in an RA-40 zone is 900 feet. The applicant has requested a waiver of this requirement. The TRC recommends approval of this waiver based on the minimal length requested.

The project submission shows a 5 foot wide sidewalk proposed for the northern side of the new right-of-way. The applicant will meet and the plans show this subdivision requirement. However, the Technical Review Committee and the Director of Public Works re-examined this requirement as it related to this particular subdivision. The existing neighborhood does not contain any sidewalks and the Town does not plan on installing any sidewalks in the future. The proposed sidewalk would essentially be a sidewalk leading to nowhere. Future

maintenance of the sidewalk would become the responsibility of the Town. Therefore, the TRC recommends approval of this waiver based on the recommendation of the Town's Director of Public Works. Enclosed in this month's package is a letter from the Director.

The submitted plans show the cover of the sewer pipe between SMH 1 and SMH 2 measuring at slightly less than six feet based on the invert and rim elevations provided on Sheet 4. A minimum of 6' cover is the requirement of the subdivision regulations. The applicant is requesting a waiver from this requirement. The Town Engineer reviewed the plans and feels that the requested waiver of 6" is acceptable. The TRC recommends approval of this waiver.

Stormwater Management System

A stormwater management system that will serve the proposed roadway will be located on Lot 3. This stormwater 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. The Drainage System Operation and Maintenance will be the responsibility of a homeowners association.

The applicant is proposing to install a Wet Vegetated Treatment System (WVTS). This type of stormwater management system is one of the acceptable systems allowed within the current edition of the Rhode Island Stormwater Design and Installation Standards Manual (RISDISM). However, the Town is not familiar with this type of system and would prefer to have the Rhode Island Department of Environmental Management review and approve the system before

the Town makes its final recommendation to the Planning Board. An approved RIDEM permit for the system was submitted to the Town on February 25, 2015. The Town Engineer reviewed the approved permit and compared it against the submitted plans. The plans are consistent with the approval.

Stormwater mitigation for each individual house lot will be addressed by individual bioretention systems along the property lines of each new lot. The length and width of these systems range from 80'x 4' to 200'x 4'. The Technical Review Committee is concerned that future homeowners may not understand the need for this type of system and fill in the depressions. Therefore, the TRC recommends that pressure treated timber post measuring a minimum of 3 feet above grade and a minimum of 4 feet below grade be installed 1 foot in front of the bioretention systems. The posts shall be placed every 20 feet for the length of the system.

A RIPDES permit from the Rhode Island Department of Environmental Management (RIDEM) will be required as a condition of preliminary plan approval.

Utilities

Currently, underground public utilities exist within Dennell Drive and are available to the proposed house lots. House lot number 1 has an existing gravity connection to the public sewer system. The applicant is proposing to extend the public gravity sewer line approximately 100 feet down the new roadway extension. A private force main system is proposed for house lot number 2 and 3. Each

house will have an individual grinder pump with a force main collection system located outside of the future Town Right of Way. The force main collection system would collect and convey flow into the extended public gravity sewer line via a new manhole. The town will have no responsibilities for this system.

The TRC and the Town acknowledge that this type of sewer system is not common within the town and that the Planning Board may have some reservations about this system. The Town Engineer and Director of Public Works did extensive research on the proposed private sewer system. Based on their research, they feel that the force main and individual grinder pump sewer system is a proven system for the removal of residential sewer waste. The Town does not object to the proposed system as conceptually presented, conditioned upon the following stipulations:

- The Town of Lincoln will take no ownership or responsibility for the force main system, including the individual grinder pumps.
- Complete engineering of the proposed system has been submitted and reviewed by the Town at the preliminary plan phase of review. This system is acceptable.
- All proposed house lots must be created and recorded at the same time; phasing of individual lots will not be permitted. The deed for each lot utilizing the force main system must include appropriate reference to the private line easement benefitting lot #3 running along the frontage of lots #1 and #2, and that the Town of Lincoln will take no ownership or responsibility for the force main system, including the individual grinder.

- **Notation on the Final Recorded Plan referencing the legal documents associated with the private sewer system.**

The Lincoln Water Commission (LWC) has reviewed and granted preliminary approval to their submitted public water system.

Project Remediation Bond

The Town Engineer reviewed plans entitled “Preliminary Plan. AP42 Lot10, Dennell Drive Lincoln, Rhode Island, Prepared for Harry Zervas”, prepared by Ocean State Planners, Inc., dated January 5, 2015 and revised February 23, 2015 for calculating the remediation bond amount. The remediation bond covers replacement of any and all erosion controls as shown on the plan, seed for stabilizing areas of disturbance, and installing a 6’ chain link fence around the existing dwelling. Without the installation and maintenance of these controls, the site is left with potential sedimentation and erosion conditions that would adversely impact abutters and Town infrastructure. The amount of the bond is \$45,000.00. Since the amount of the bond is modest, the Technical Review Committee recommends that a cash bond be posted. Site clearing, earth disturbance, and construction of improvements cannot commence until the bond is paid to the Town.

Construction Phase

Before any construction can commence, a cash bond in the above noted amount must be posted with the Town. A private line

agreement shall be submitted and reviewed by the Town. Copies of all legal documents describing the property, proposed easements and rights-of-way shall be submitted to the Town for review and approval. A maintenance agreement for the proposed wet vegetated treatment system shall be reviewed and approved by the Town.

The applicant shall provide the Town with their proposed arrangements for completion of the required public improvements, including the construction schedule.

All of the above concerns presented by the Town Engineer are minor in nature and will be addressed before the next meeting. At this meeting, the TRC asks the Planning Board to review and consider the requested waivers for approval.

Based on the project's submission, there appears to be only one requirement that has not been addressed. The Town asked the applicant during their February review if he would reach out to the abutting neighbors to discuss and document the proposed improvements that the developer will do when he removes the existing cul-de-sac. This information has not been provided to the Town.

b. 55 Wilbur Road Subdivision AP 27 Lot 43 Public Hearing – 7:00 PM

**- Gale and Joseph Santoro
Plan Discussion/**

55 Wilbur Road Preliminary

Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two single family residential house lots. There is an existing house on the original lot which will remain. This project was elevated to a major subdivision due to the need for two subdivision waivers of two interior angles greater than 200-degrees. The two waivers are due to the configuration of the proposed lot. This lot was configured in such a manner to conform to all zoning requirements. The project received Master Plan approval on February 25, 2015. The project is being reviewed at the Preliminary Plan review stage – Public Hearing.

On March 17, 2015, 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 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 July 15, 2015, or within such time as may be consented to by the applicant.

The preliminary plan submission included the following:

- “Preliminary” Minor Subdivision Lincoln, RI Prepared for Gale L. & Joseph A Santoro, Class I Survey of AP 27 Lot 43 Wilbur Road RA-40, dated December 29, 2014 and updated on February 23, 2014. This**

plan was prepared by Marsh & Long Surveying.

- A report entitled; “Town of Lincoln Planning Board Two-Lot Minor Subdivision Analysis, 55 Wilbur Road – Assessor’s Plat 27, Lot 43, prepared for Gale L. and Joseph A. Santoro, by Edward Pimentel, 09 February 2015**
- Letter from the Lincoln Water Commission to Joseph and Gale Santoro, 55 Wilbur Road, Lincoln, RI 02865, dated February 20, 2015**

Site Layout

The Technical Review Committee reviewed the project submission. The original lot is 2.69 acres and zoned RA-40. This lot will be reduced to 77,129 square feet (1.77 acres). The proposed subdivided lot will be 40,000 square feet (0.92 acres) and meets all of the zoning requirements.

While the proposed lot meets all of the zoning regulations, the shape of this lot is odd and contains two interior angles greater than 200-degrees. These two interior angles are considered two subdivision waivers. The Planning Department and the applicant worked on several layouts. The proposed lot layout is the only acceptable shape that meets the Town’s zoning regulations.

The TRC reviewed the shapes of the existing lots in the surrounding area. There are numerous odd shaped lots in the area. The TRC also reviewed the requested subdivision waivers against the goal of the applicant, the land development and subdivision regulations, and the requirements set out in the zoning ordinance. The TRC finds that requested waivers are reasonable and within the general purpose and

intent of the subdivision regulations. The TRC recommends Approval of the two interior angles greater than 200-degrees subdivision regulation waivers.

The existing house has a wooden deck connecting the house to the above ground pool. Based on the proposed new lot's shape, the deck would require a rear yard setback variance from the zoning ordinance. The applicant will remove the deck in order to submit a subdivision with the least relief required. A note shall be placed on the plans indicating that the wooden deck will be removed as a condition of approval. To ensure complete documentation of the removed deck, the Zoning Official recommends that the applicant take out a building/demolition permit before the deck is removed. This permit will then update the property card.

Utilities

Public sewer and water are located within Wilbur Road and are available to the proposed house lot. The exact connection locations will be addressed at the building permit stage. Proposed topography for the new house will be required at the building permit stage. Stormwater management will be required for the 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. This will be reviewed at the building permit stage.

Based on the project's submission, the Technical Review Committee feels that the application successfully meets the requirements of the

Preliminary Plan review stage. No further technical review is needed. Barring any unforeseen concerns brought out at the Public Hearing, the Technical Review Committee recommends Preliminary Plan approval with conditions. The conditions of approval are as follows:

- 1. A note shall be placed on the plans indicating that the wooden deck shall be removed as a condition of approval.**
- 2. A building/demolition permit shall be taken out before the deck is removed. This permit will then update the property card.**
- 3. The title of the plans shall be changed from “Preliminary Minor Subdivision” to “Preliminary Major Subdivision”.**

The TRC recommends that the Administrative Officer to the Planning Board be delegated final plan review and approval.

**c. 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 recreational use granted in 1958. The project is at the master plan review stage.

On January 20, 2015, 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 May 20, 2015, 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 Major Subdivision, Prepared for Highridge Corp, Class 1 Survey of AP31 Lot 20, Old River Road, RS-20, dated January 30, 2014 and revised up to February 24, 2015, and a Record Plan dated February 27, 2014 and prepared by Marsh & 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 and updated on February 20, 2015.

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.

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. An application has not been filed with the Zoning Board at this time. However, the revised report contains a narrative of the zoning relief the applicant will seek.

The plans show that the existing parking lot layout will remain as a grassy field. A grassy parking field would require a zoning variance. This parking lot has successfully served the needs of the facility since its opening in 1958. However, when a property and its associated use is changed or significantly modified, the zoning ordinance requires that the property must be brought up to the present zoning and subdivision/land development standards. In the case of this application, the parking area would have to meet the parking lot standards outlined in Article V – Parking and Loading, Section 260-31B. This means that the grassy parking lot would have to be paved and striped.

The existing commercial use of the property also requires that a buffer be created between the commercial use and the residential use. According to the zoning ordinance, “A parking area for more than 20 cars adjacent to or within a Residential District shall have an opaque fence maintained between such parking area and the adjoining Residential District. Such fence shall be not less than four or more than six feet in height. A compact evergreen screen not less than five feet in height may be used in place of the fence”. The revised report states that the applicant will seek relief from this requirement. However, the TRC recommends that the applicant includes a compact evergreen screen along the two sides of the proposed lots that abut the commercial use. The vegetated screen should be placed on the original lot and maintained by the applicant. The evergreen screening should be planted in such a way as to appear as natural as possible. A staggered planting pattern with a few openings is suggested.

The Town spoke with the representative of the applicant and explained what would be required to meet this zoning requirement. The group concluded that this requirement would be excessive based on the limited amount of use the parking area experiences. Currently, the pool facility operates from May to the end of September. The organization does not plan on changing their use or increasing their membership. As stated above, the grassy parking lot area has worked for the facility since its opening in 1958. The applicant stated that they would be willing to limit their months of operation to the time they currently operate in. This limitation could be incorporated

into the zoning application and if approved, would be part of a condition of approval. The outcome of the zoning application would be recorded against the title of the property. This proposal would constitute the need for an additional variance from the zoning ordinance.

Parking Lot

The revised plans show a grassy parking field designed in such a way as to address the overall goal of safety within a parking area. The applicant will install a series of wooden guard rails that will form a parking area and travel lanes. A white painted marker will be placed on the guard rail to indicate the parking stalls. The plans or submitted report do not address how or if the applicant plans on eliminating the parking area.

While the proposed parking lot does not meet the zoning requirements of the Town, the Technical Review Committee feels that based on the limited months of use of the facility and the fact that this grassy field has worked for the facility since its opening in 1958, the updated grassy parking field as presented in the revised plans will provide an orderly parking area. However, the applicant will have to make their argument to the Zoning Board who has jurisdiction over parking lot requirements. The TRC recommends approval of this zoning variance.

Utilities

Public sewer and water are located within Old River Road. If this

subdivision is approved, stormwater management will be required for each individual house lot. The design and type of stormwater 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 stormwater 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 should prepare and submit the needed zoning applicant as soon as possible. At this stage in the review process, the TRC recommends that the application move to a master plan public informational meeting next month. This meet may bring out additional concerns that may need to be addressed.

Major Land Development Review

- a. Shell Station Rebuild AP43 Lot 78 Master Plan Discussion/
- Colbea Enterprises LLC 1783 Old Louisquisset Pike Approval**

This application is under the 2005 Subdivision Regulations and represents the complete redevelopment of an existing gas station and is classified as a major land development review. On March 17, 2015, 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 July 15, 2015, or within such further time as may be consented to by the applicant.

The master plan submission included the following:

- Site Improvement Plans, Prepared for Colbea Enterprises, LLC 2050 PlainfieldPike Cranston RI 02921. Location: 1783 Old Louisquisset Pike, Lincoln, RI, prepared by Ayoub Engineering, dated February 20, 2015, revised March 19, 2015.**
- Commercial Redevelopment, LDP and Special Use Permit/Variance Application, 1783 Old Louisquisset Pike, Assessor's Plat 43; Lot 78, Prepared for: Colbea Enterprises, LLC, By: Edward Pimentel, 17 March 2015.**

Site Layout

The Technical Review Committee reviewed the project submission. This application represents the complete redevelopment of an existing gas station. The applicant proposes to relocate a new and enlarged fuel dispensing and food convenience building, reconfigure the parking areas to improve overall site circulation, install new gas storage tanks, resolve existing flooding issues, and remove the existing septic system and connect to the local sewer system. The

new building will have a residential look and feel. The roof will be a traditional hip roof. The front of the building will be made up of stone veneer and modern aluminum panels.

Circulation around the canopy is going to be tight/congested. With vehicles parked in the outer lane of the gas service area, drive aisles widths are narrow. However, the layout is a significant improvement to the current layout and circulation is expected to improve. The two existing curb cuts will remain.

At the Preliminary Plan review stage, the Town Engineer and the TRC would like to see the proposed plans show the connection between the underground storage tanks and the canopy area. The proposed stormwater management system should be shown. The plan should provide vehicular protection along edge of pavement near building if curbing is not proposed.

Zoning Requirements

Several zoning variances will be required. The applicant has stated the following zoning variances will be requested:

- a. Modify the existing Use Variance due to the enlarged building.**
- b. Rear/side setback relief for the building placement.**
- c. Signage.**
- d. Loading zoning requirements.**

Utilities

Public Water and Sewer are available to the site. Currently, the building is serviced by a septic system. The application will remove this system and connect to the public sewer system. At the

Preliminary Plan review stage, the Town Engineer and the TRC would like to see the proposed plans show all existing utilities (including the mains) in Old Louisquisset Pike and Breakneck Hill Road, and the sizing calculations for the private force main. The 6” force main seems large.

Permits

According the Town Engineer and the Technical Review Committee, this project will require but not limited to the following permits:

- a. Physical Alteration Permit from RIDOT.**
- b. Approval from the Narragansett Bay Commission.**
- c. Approval from RIDEM’s Underground Storage Tank (UST) program.**

Based on the project’s submission, the Technical Review Committee feels that the application has successfully addressed the requirements of a Master Land Development review. There are several comments and concerns that need to be addressed. However, these comments and concerns are minor in nature. No further technical review is needed at this stage. The Zoning Board is scheduled to review the required zoning variance at their April meeting. The application requires master plan approval in order to move to the Zoning Board review. The TRC recommends that the Planning Board combine the Master Plan review stages and issues a Master Plan approval and advance this application to the Preliminary Plan review stage.

Minor Subdivision Review

a. Jergensen Subdivision AP 40 Lots 30 and 31 Preliminary Plan Discussion/

- Glenn Jergensen 309 Albion Road Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of two lots into three lots. There are two existing houses on the Lot 30. Lot 31 represents a 49.97 acre of forested land. The applicant would like to place each house on its own lot. The proposed new lot is located within the RS-12 zoning district. The existing house on Lot 30 is located in the RA-40 zoning district. The proposed new lot and the reconfigured existing lots all meet the requirements of the Town's Zoning Ordinance. This project is classified as a minor subdivision. The project is at the preliminary plan review stage.

On March 17, 2015, 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 May 21, 2015, or within such further time as may be consented to by the applicant.

The preliminary plan submission included the following:

- **“Record Plan” Lincoln, RI, Minor Subdivision prepared for R. H. Jergensen Co. Inc., Class I Survey of AP 40 Lot 30 & 31, Albion Road by Marsh & Long Surveying, Inc., dated February 17, 2015**

Site Layout

The Technical Review Committee reviewed the project submission. Lot 30 contains 2.09 acres of land and two existing houses. Lot 31 represents a 47.65 acre of forested land. The applicant would like to place each house on its own lot. The proposed new lot subdivided from Lot 30 would have 23,595 square feet of land. This lot is located within the RS-12 zoning district. Lot 30 will be reconfigured with land from Lot 31 and increase in size to 3.87 acres. The existing house on Lot 30 is located in the RA-40 zoning district. Lot 31 will be reduced in size from 49.97 acres to 47.65 acres. Each lot meets the requirements of their zoning district.

Zoning Requirements

The Zoning Official noted that there is an existing accessory structure associated with the house that will be set on its own lot. The square footage of this structure is not indicated on the plans. If the structure is over 500 square feet, this structure would have to be with the building envelope setbacks. The size of this building needs to be measured. If the structure is over 500 square feet in size, the applicant will have to request dimensional zoning relief, remove the structure from the property or relocate the structure within the building envelope setbacks.

Utilities

Public sewer and water are located within Albion Road and are currently connected to each of the houses.

Based on the project's submission, the Technical Review Committee feels that the application successfully addresses the requirements set out in the Town's Land Development and Subdivision Regulations. If the accessory structure noted above is below 500 square feet in size, the Technical review Committee recommends Approval of this minor subdivision. If the accessory structure measures greater than 500 square feet in size, the applicant will have to decide how he would like to address this structure.

Based on the project's submission, the Technical Review Committee feels that the application successfully addresses the requirements set out in the Town's Land Development and Subdivision Regulations. Therefore, the Technical Review Committee recommends Approval of this minor subdivision. The TRC recommends that the Administrative Officer to the Planning Board be delegated final plan review and approval.

Zoning Applications (*) –April Zoning Applications

Satti Construction, Inc., 681 Paine Road, North Attleboro, MA/Mark Enander, 32 Whipple Road, Lincoln, RI- Application for Dimensional

Variance seeking side setback relief for a new home and deck located at 32 Whipple Road, Lincoln, RI.

AP 44, Plat 181 Zoned: RS 20

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a side yard setback relief for a new home and deck located at 32 Whipple Road, Lincoln, RI. The Technical Review Committee recommends Approval of this application according to the submitted plans and application. According to the submitted application, an engineer made a mistake while staking out the house foundation and did not include the placement of the proposed deck within the building envelope. The site plan shows that the building envelope can accommodate the house and deck if staked out correctly. The Technical Review Committee feels that the applicant presents the least relief needed. The TRC feels that granting the side yard dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Carl Benevides, 85 Industrial Circle, 15 Moshassuck Road, Lincoln, RI – Application for Special Use Permit to allow a mixture of uses including live/work units for a mill conversion project for property located at 85 Industrial Circle, 15 Moshassuck Road, Lincoln, RI.

AP 2, Lots 88 and 92 Zoned: MG 0.5

The applicant did not submit updated plans. Therefore, the TRC

could not review the project. The applicant is going to request that the application be continued to the May hearing.

Colbea Enterprises, LLC, 2050 Plainfield Pike, Cranston, RI/Ayoub Engineering Inc., 414 Benefit Street, Providence, RI – Application for Use Variance for modification of an existing use variance for gasoline filling station with convenience store for property located at 1783 Louisquisset Pike, Lincoln, RI.

AP 43, Lot 78 Zoned: RS-20.

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a use variance for modification of an existing use variance for gasoline filling station with convenience store for property located at 1783 Louisquisset Pike, Lincoln, RI. The Technical Review Committee recommends Approval of this application according to the submitted plans and application. This project represents the complete redevelopment of an existing gas station. The applicant proposes to relocate a new and enlarged fuel dispensing and food convenience building, reconfigure the parking areas to improve overall site circulation, install new gas storage tanks, resolve existing flooding issues, and remove the existing septic system and connect to the local sewer system. The proposed site layout is a significant improvement to the current layout and circulation is expected to improve. The Technical Review Committee feels that the application presents the least relief needed. The TRC feels that granting the use variance will not impair the intent

or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Colbea Enterprises, LLC, 2050 Plainfield Pike, Cranston, RI/Ayoub Engineering Inc., 414 Benefit Street, Providence, RI – Application for Dimensional Variance for setback relief, reduction of required parking spaces and elimination of loading dock at remodeled gasoline filling station with convenience store for property located at 1783 Louisquisset Pike, Lincoln, RI.

AP 43, Lot 78 Zoned: RS-20.

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a Dimensional Variance for setback relief, and elimination of loading dock at remodeled gasoline filling station with convenience store for property located at 1783 Louisquisset Pike, Lincoln, RI. The Technical Review Committee recommends Approval of this application according to the submitted plans and application. The proposed site layout is a significant improvement to the current layout and circulation is expected to improve. The Technical Review Committee feels that the application presents the least relief needed. The TRC feels that granting the dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Colbea Enterprises, LLC, 2050 Plainfield Pike, Cranston, RI/Ayoub Engineering Inc., 414 Benefit Street, Providence, RI – Application for Special Use Permit for additional signage for remodeled gasoline

**filling station with convenience for property located at 1783
Louisquisset Pike, Lincoln, RI.**

AP 43, Lot 78 Zoned: RS-20.

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a Special Use Permit for additional signage for remodeled gasoline filling station with convenience store for property located at 1783 Louisquisset Pike, Lincoln, RI. The Technical Review Committee recommends Approval of this application according to the submitted plans and application. The proposed application is for a modest increase in additional signage. The Technical Review Committee feels that the application presents the least relief needed. The TRC feels that granting the special use permit will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Correspondence/Miscellaneous (*)

a. Staff Reports