

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of August 4, 2015 Meeting

Present: David DeAngelis-Chair, Lori Lyle, Stephen Kearns, John Barr, Mark Enander

Excused: John Bart, Robert Oster

Minutes

Motion made by Member Kearns to accept the June 2015 Minutes as presented. Motion seconded by Member Lyle. Motion carried by all present.

Correspondence

None

Applications:

**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

Represented by: Chris Fagan

This application originated in February 2015 and has been continued twice. All seven members of the Zoning Board were present and testimony was presented. The application was continued at the June 2015 meeting for allowing applicant additional time for completeness and preparedness of the application. Chairman stated the application could not be heard as some of the seven members who were present at the February meeting were absent restricting this application to five members. If the application were to be continued to the September agenda all five members would need to be present and Member Lyle will not be attending the September meeting. The application can be continued to the October agenda as all members would be present at that meeting. The Technical Review Committee has not reviewed the application and was unable to render a recommendation. Chairman recommended continuing the application to the October 6, 2015 agenda.

Member Kearns asked if a certificate of completion had been issued and Mr. Fagan replied no. Russell Hervieux, Zoning Official stated this is an unusual application. The Planning Board usually handles this type of application and recommended a continuance to the October agenda. Chris Fagan asked that the Board continue the application to the October agenda.

Motion made by Chairman to continue the application to the October agenda. Motion seconded by Member Barr. Motion carried by all present.

Fortune Metal Inc. of RI, 7 Crow Point Road, Lincoln, RI – Application for Special Use Permit to store ferrous metals on property located at 7 Crow Point Road, Lincoln, RI.

AP 1, Lot 127 Zoned: ML 05

Represented by: Derrick Wong, President

Russell Hervieux, Zoning Official's report stated this application represents a request for a Special Use Permit to store ferrous metals on the property outside a building. The applicant proposes to store piles of ferrous metals as part of a business which is conducted on an adjacent lot. This business would be allowed with a SUP under section 260-15G. The processing of this material would be allowed with a SUP under section 260-19CC

Chairman read into the record standards that need to be met for a Special Use Permit.

The lot in question is vacant and consists of 200,000 sq. feet. Ferrous metals consist of brass, copper and aluminum. Site is set up to recycle non ferrous metals. Customers come onsite to sell metals and applicant only purchases scrap metals for resale. Automobiles are not accepted. If a customer come in with suspicious metals applicant contacts police. They process 100-150 million pounds of

scrap metal per year. Nothing toxic or radioactive is accepted. Applicant has eighty employees and will hire an additional ten employees if application is granted. Hours of operation are 7:00am to 3:30 pm with no second shift.

Chairman read into the record Planning Board/Technical Review Committee recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a special use permit to store ferrous metals on property located at 7 Crow Point Road, Lincoln, RI. The Planning Board recommends Approval with Conditions of this application according to the submitted plans and application. According to the submission, the applicant would like to diversify their operations to include ferrous metals. The Planning Board finds that this proposed use will complement the existing recycling use of the adjoining property located at 2 Crow Point Road. The Planning Board recommends as a condition of approval that the applicant install an opaque fence along the roadway side of the property in order to buffer the visual impact of the use. The Planning Board feels that the application meets all of the criteria set forth in the zoning ordinance, will not alter the general character of the surrounding area. The Planning Board feels that granting the special use permit will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Opposed:

John Raposa

He read from and submitted into the record an article which appeared in the International Journal of Powder Metallurgy, Volume 49, Issue 4, 2013. He has owned his business at 12 Crow Point Road for 37 years and is concerned about where applicant wants to store the materials as it is an open air lot. He manufactures baking materials and is worried iron and steel will create hazardous issues. Chairman asked if he tests the air quality in his building and he replied “no”. His facility is totally enclosed and air is brought in through a ventilation system.

Opposed

Meg Goulet, Narragansett Bay Commission

Narragansett Bay Commission (NBC) has a manhole structure on the property and is concerned about how the materials will be stored and used. Also afraid their structure may be damaged. Inquired about the method of storage and wants to make sure safety measures are in place. They do not access the site often but need 24 hour accessibility to their facility.

Opposed

Kerri Britt, Narragansett Bay Commission

NBC is concerned about storm water runoff containing metals. They do conduct water samplings for metals. The manhole structure is fifty years old and currently has a cast iron cover. Would applicant consider installing a water tight cover over the manhole. Applicant

could not store any materials directly on the manhole cover. There is also a sewer easement on the property and applicant could not build a permanent structure on the easement.

Mr. Wong stated a Department of Environment does not require a permit but he would be willing to hire a storm water engineer if required. He met with the Town and NBC regarding the sewer line several years ago.

Member Barr informed the Board that DEM regulations state no company can allow their dust to be carried outside their border and DEM conducts testing to ensure companies comply with this requirement. Once the meeting reconvened Mr. Wong stated he would be willing to put down concrete over the dirt to avoid possible dust issue at the site. No shredding of metals will be conducted at the site. Mr. Raposa asked if his employees wear masks and Mr. Wong replied yes..

Chairman suggested taking a break allowing applicant and NBC representative to meet and see if they could reach amicable solution. Recessed at 7:55 pm and reconvened at 8:15 pm.

Meg Goulet from NBC asked if Mr. Wong would be willing to install a physical barrier around the existing manhole cover and Mr. Wong stated he would. She also asked if he would be willing to install interlocking locks to secure the site and he replied yes. Kerri Britt

inquired about installing a storm water mitigation system. NBC representatives and applicant both came to an agreement to install a physical barrier and install interlocking locks..

Chairman read into the record quote from the Rhode Island Department of Environmental Management air pollution control regulation #5. Chairman addressed Mr. Wong and informed him he needs to be aware of the fact that neighbors are concerned about the quality of air once storage starts to take place if the application is approved. It appears he is a good neighbor and addresses their concerns regarding air quality. Member Lyle asked if he would be adding any lighting and he replied only for security purposes.

Antonio Fonseca addressed the Board and stated applicant has been a good neighbor and always cooperative.

Motion made by Member Enander to approve the application with conditions that storm water mitigation system be installed; the lot is asphalted; that barriers be installed around the NBC manhole cover; and dual access gate system also be installed for 24 hours access by NBC. He further stated:

- That the Special Use is specifically authorized under this Ordinance**
- That the Special Use meets all the criteria set forth in this Ordinance authorizing such special use**
- That the granting of the Special Use will not alter the general**

character of the surrounding area

• That the granting of the Special Use will not impair the intent or purpose of this Ordinance nor the Lincoln Comprehensive Plan

Motion to approve seconded by Member Kearns. Motion carried with a 5-0 vote.

Motion made by Member Lyle to adjourn the meeting. Motion seconded by Member Barr. Motion carried by all present.

Respectfully submitted,

Ghislaine D. Therien

Recording Secretary