

November 21, 2007

Town of Lincoln – Planning Board

100 Old River Road

Lincoln, RI 02865

Dear Honorable Members,

On November 15, 2007, at 2:30 pm, the Technical Review Committee met to review the agenda items for the November 28, 2007 meeting of the Planning Board. In attendance were Al Ranaldi, Russell Hervieux, Margaret Weigner, and Kim Wiegand. Below are the Committee's recommendations:

Major Subdivision Review

a. Vernon Estates AP 26 Lot 2 Master Plan - Public

- JCM, LLC Jenckes Hill Road Informational Meeting – 7:15 PM

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The proposed project is classified as a Major Subdivision due to the project's need for a dimensional variance for the lot width. The new proposed lot would only have 50 feet of frontage while the zoning for this area requires 150 feet of frontage. The applicant will have to

apply to the Zoning Board for this relief. In order for this to proceed, the applicant would need conditional master plan approval of the plan according to Section 6(A)1 of the Subdivision Regulations.

The plan received a Certificate of Completeness on September 24, 2007 in which the Planning Board has 120 days (January 22, 2008) to approve the Master plan as submitted, approve with changes and/or conditions, deny the application, or within such further time as may be consented to by the applicant. The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Minor Subdivision Plan for Vernon Estates," on Jenckes Hill Road AP 26 Lot 2, in Lincoln, Rhode Island, prepared for property owner; Melissa McKee, and Developer JCM, LLC by Darveau & Associates, Inc., dated August 16, 2007. Below are the TRC recommendations from the October's TRC report.

At Master Plan level, the application meets all of the technical subdivision requirements. While the applicant has not submitted water and sewer availability letters yet, the public services are available to the parcel. Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site. This would be a condition of this subdivision and required at the building permit stage. Due to the known seasonal high groundwater in this area, a condition of any approval must include the specification that no

finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as located by a certified soil evaluator. A certified seasonal high groundwater elevation must be established prior to the release of any building permit. This condition should be included on the final plans. In addition, roof drainages will be required for the proposed house. This would be a condition of this subdivision and required at the building permit stage. Jenckes Hill Road is a State road and requires a Physical Alteration Permit from RIDOT for any new access to the State right of way. A Physical Alteration Permit must be obtained as a condition of this subdivision.

The developer would also be required to obtain a permit from Narragansett Bay Commission for the additional connection to the public sewer as a condition of this subdivision.

Consistency with the Comprehensive Plan and Land Development and Subdivision Regulations

The Technical Review Committee feels that the project is inconsistent with the Lincoln Comprehensive Plan and the General Purpose of Land Development and Subdivision Review Rules and Regulations which have been developed and will be maintained in accordance with RIGL 45 23 and the Lincoln Comprehensive Plan (which complies with RIGL 45.22.2) and the Lincoln Zoning Ordinance (which complies with RIGL 45.24 27 et seq.)

As presented in the Land Use element of the Comprehensive Plan, the Town of Lincoln has been successful at managing its land use development by following the Comprehensive Plan and the Zoning

and Subdivision Regulations. The 2003 Comprehensive Plan Update points out that the pressure to deviate from these plans will become greater as the amount of available vacant land decreases. This project is a clear indication of the pressures the Town will be confronted with in the future (2003 Comprehensive Plan – Land Use Element).

Within Section 1 of the Subdivision Regulations, the general purposes of the regulations are presented. The TRC reviewed the purposes that the regulations are intended to address and feel that this project does not promote or address several of these purposes. Specifically, the TRC feels that this project does not promote or address subdivision purposes number 2 – 5 (2005 Land Development and Subdivision Regulations, page 3).

- Purpose (2) - Promote high quality and appropriate design and construction of land development and subdivision - The project “does not promote high quality and appropriate design and construction of land development and subdivision”. The proposed subdivision would create an irregular shaped lot commonly referred to as a hockey stick lot. This type of lot configuration is not of high quality or appropriate design for the sole purpose of creating one new house.**

- Purpose (4) - Promote design of land development and subdivisions that are well integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can allow the best support for the appropriate uses by reason of natural characteristics and existing**

infrastructure - The project does not “encourage local design and improvement standards to reflect the intent of with regard to the physical character of the various neighborhoods and districts of the Town”. Limerock village is an area where the Town “seeks ways to use less land” for development. The applicant is proposing to take an existing lot and subdivide it into two lots with the creation of an irregular shaped lot. While there may be one or two examples of irregular shaped lots within the surrounding area, these lots were created several decades ago. The development within the last two decades all display commonly accepted lot configurations.

• Purpose (5) - Encourage local design and improvement standards to reflect the intent of the Lincoln Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the town – The project does not “Encourage local design and improvement standards to reflect the intent of the Lincoln Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the town”. As stated above, the applicant is proposing to take an existing lot and subdivide it into two lots with the creation of an irregular shaped lot. While there may be one or two examples of irregular shaped lots within the surrounding area, these lots were created several decades ago. The development within the last two decades all display commonly accepted lot configurations.

While the TRC feels that this project is not consistent with the Lincoln Comprehensive Plan and the General Purpose of Land Development

and Subdivision Review Rules and Regulations which have been developed and will be maintained in accordance with RIGL 45 23 and the Lincoln Comprehensive Plan (which complies with RIGL 45.22.2) and the Lincoln Zoning Ordinance (which complies with RIGL 45.24 27 et seq), Section 6(A)1 of the Subdivision Regulations requires that the project proceed in the normal course of the Master Plan stages so that the Planning Board members and the general public can receive an objective review of the proposal.

This project is in front of the Planning Board for a public informational meeting. The TRC recommends that the applicant addresses the above noted concerns and any concerns presented at the public informational meeting and return to the next Planning Board meeting for further review.

b. Lincoln Garden Estates AP 43 Lot 20 and 21 Preliminary Plan Extension

- Steven, Stuart, and Cara Popovich Old Louisquisset Pike

This Preliminary Plan application is under the 2005 Subdivision Regulations and represents the subdivision of two lots into four single-family residential lots. On April 26, 2006, the Preliminary Plan was approved with conditions. As presented in the application for a time extension, the applicant has been diligently working to install and complete the proposed subdivision. A large majority of the public improvements have been completed. The applicant is requesting a six month extension to submit for Final Plan. However,

since the application to extend the Preliminary Plan extension came in too late, the TRC recommends that the applicant receive a six month extension from the date of this meeting. The TRC has reviewed the application and recommends approval of this request for Preliminary Plan extension until May 28, 2008.

6. Comprehensive Permit

a. Albion Place AP 32 Lot 44 Comprehensive Permit

- Albion Place LLC Main Street Extension

This Comprehensive Permit application is under the 2005 Subdivision Regulations and the Low and Moderate Income Housing Act. This application represents the land development of six additional condominiums to an existing complex. Two of the six units will be designated for income qualified people. On September 27, 2006, the Preliminary Plan was approved with conditions. As presented in the application for a time extension, the applicant has been diligently working to complete the project. Unfortunately, they encountered delays with the review and approval of the architectural plans and with meeting conditions set by Rhode Island Housing. The applicant is requesting a one year extension to submit for Final Plan. The TRC has reviewed the application and recommends approval of this request for Preliminary Plan extension until September 27, 2008.

7. Minor Subdivision Review

a. Mount Moriah Lodge AP 29 Lot 6 Preliminary Plan Discussion /

- Mount Moriah Lodge Great Road Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The plan received a Certificate of Completeness on November 6, 2007 in which the Planning Board has sixty-five (65) days (January 10, 2008) to approve the preliminary plan as submitted, approve with changes and/or conditions, deny the application, or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the Land Development and Subdivision Regulations preliminary plan submission requirements and standard engineering practices. The submission includes a plan entitled “Minor Subdivision, Proposed Conditions” AP 29 Lot 6, Anna Sayles Road, Lincoln, Rhode Island, prepared for Mount Moriah Lodge by National Surveyors-Developers, Inc. dated May 2007. A letter from the Lincoln Water Commission was received dated November 9, 2007. Below are the TRC recommendations for this project.

Groundwater/ Drainage/ Wetlands

Wetlands are shown on the lot though no reference is given as to how they were delineated. The delineation needs to be clarified. No wetlands appear to be present on the proposed sub-lot A. There are existing drainage issues at the intersection of Anna Sayles and Great Roads. Infiltration structures are therefore recommended as part of

the subdivision approval to contain the roof runoff. In addition, the following should also be a condition for approval: “No finished floors or basements shall be constructed at or below the seasonal high groundwater, as located by a Certified Soil Evaluator”. This certification must be included for review at the time that the building permit application is filed. Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site.

Utilities

The new lot is proposed to be connected to public water and sewer. The sewer supervisor has confirmed that public sewers are available. The applicant must obtain a permit from Narragansett Bay Commission for the proposed sewer discharge. The applicant has received preliminary approval for water service to the proposed new lot from the Lincoln Water Commission.

Site plan

The location of the proposed driveway for the new house must be shown at the time of the building permit application. Sight distance does not appear to be a problem, however, it is recommended that the stone walls along Anna Sayles be kept intact as much as possible, as these delineate the road right of way/boundary.

Record plan

Granite bounds must be shown marking the location of the new

property corners.

Based on the nature of the above concerns, the TRC feels that the applicant can easily address the concerns. Therefore, the TRC recommends Preliminary Plan Approval with Conditions. The conditions are as follows:

- 1. A sedimentation and erosion control plan must be submitted for review and approval at the time a building permit is requested.**
- 2. The developer must obtain approval for the Narragansett Bay Commission for the additional indirect discharge.**
- 3. A note must be added to the plans stating that no finished floors or basements shall be constructed at or below the seasonal high groundwater, as located by a certified soil evaluator.**
- 4. The location of the proposed driveway for the new house must be shown at the time of the building permit application.**
- 5. Roof drainages will be required for the proposed house. This would be required at the building permit stage.**
- 6. Granite bounds must be shown marking the location of the property corners.**

Zoning Applications (*) – December Zoning Applications

John Bigonette, Jr., 290 Albion Road, Lincoln, RI – Application for Dimensional Variance seeking side yard setback, height relief on accessory structure and accessory structure in front yard for the

construction of a garage.

AP 31, Lot 206 Zoned: RS 20

Members of the Technical Review Committee visited the site and reviewed the submitted plans, application, and supplemented information. The Technical Review Committee recommends Denial of the application for a dimensional variance seeking side yard setback, height relief on accessory structure and accessory structure in front yard for the construction of a garage. The Technical Review Committee discussed this application at length. The Committee felt that the application met the standards of relief for a dimensional variance from the side yard setback and the standards of relief for an accessory structure in front yard. However, the Technical Review Committee felt that the application did not represent the least relief necessary as it pertained to height relief. The Technical Review Committee feels that the least relief for the proposed garage is the side yard variance and allowing an accessory structure in the front yard. Considering this single application contained three requests for relief, the TRC had to deny the application in its entirety.

H.L. George Development Corp., c/o Richard Ackerman, Esquire, 191 Social Street, Woonsocket, RI – Extension of Zoning Board of Review Decision rendered on January 3, 2006 for a Dimensional Variance application.

AP 41, Lot 44 Zoned: BL 0.5

This Dimensional Variance is to construct an Alzheimer's Facility was rendered by the Zoning Board on January 3, 2006. The applicant is requesting a one year extension of this approval. The Technical Review Committee reviewed the submitted application and recommends Approval of this request. As stated in the application, the applicant has been working diligently to obtain RIDEM permits and final building plans necessary to proceed to the construction phase of the project.

H.L. George Development Corp., c/o Richard Ackerman, Esquire, 191 Social Street, Woonsocket, RI – Extension of Zoning Board of Review Decision rendered on January 3, 2006 for a Special Use Permit application.

AP 41, Lot 44 Zoned: BL 0.5

This Special Use Permit is to construct an Alzheimer's Facility was rendered by the Zoning Board on January 3, 2006. The applicant is requesting a one year extension of this permit. The Technical Review Committee reviewed the submitted application and recommends Approval of this request. As stated in the application, the applicant has been working diligently to obtain RIDEM permits and final building plans necessary to proceed to the construction phase of the project.

David Reynolds, 38 Rockridge Road, Lincoln, RI – Application for Dimensional Variance seeking side yard setback for the construction

of an addition.

AP 8, Lot 44 Zoned: RS-12

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Denial of the application for a dimensional variance. The Committee feels that the application does not represent the least relief needed and that the applicant is creating their own hardship. The TRC feels that the proposed house addition is not consistent with the size and massing of the surrounding houses in the neighborhood and the applicant has significant room in the rear of the property to expand. The Technical Review Committee feels that the dimensional variance will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Correspondence/Miscellaneous (*)

a. Little Max Realty, LLC – AP 16 Lot 9 Carriage Drive Final Plan Approved

This represents final plan approval of a minor subdivision of one residential lot into two residential lots. The applicant successfully met all of the Planning Board requirements.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

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Administrative Officer to the Planning Board