

**March 23, 2018**

**Town of Lincoln – Planning Board**

**100 Old River Road**

**Lincoln, RI 02865**

**Dear Honorable Members,**

**On Tuesday, March 20, 2018 at 3:00 PM, the Technical Review Committee met to review the agenda items for the March 28, 2018 meeting of the Planning Board. In attendance were Al Ranaldi, Leslie Quish, Russell Hervieux, Michael Gamage, and Peggy Weigner. Below are the Committee's recommendations.**

**Major Land Development Review**

**a. George Washington Highway Solar AP41 Lot 58 Public  
Hearing – 7:00 PM**

**- WED GW Solar II, LLC 600 George Washington Hwy  
Preliminary Plan Discussion / Approval**

**This application is under the 2016 Subdivision Regulations and represents the development of 9.83 acres of an existing 15.11 acre parcel of commercial land into a 3.0 MW solar array system and associated site improvements. This project received a special use permit with conditions on November 7, 2017. Currently, the front portion of the site contains a 7,500 square foot commercial building and associated parking. The rear portion of the property is vegetated**

**with mature trees. This project is in front of the Board at the Preliminary Plan review stage.**

**On February 20, 2018, the project received a Certificate of Completeness. The Planning Board shall, within ninety days (90) days of certification of completeness or within such further time as may be consented to and obtain a written waiver of the deadline from 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, 2018, or within such further time as may be consented and obtain a written waiver of the deadline from the applicant.**

**The preliminary plan submission included the following:**

- Preliminary Plan Submission, George Washington Highway Solar, 600 George Washington Highway, Lincoln, Rhode Island, Assessor's Plat 41 Lot 58, revised February 22, 2018 and prepared by DiPrete Engineering.**
- Stormwater Management Report, WED GW Solar, Located in Lincoln, Rhode Island, Applicant: WED GW Solar II, LLC, dated January 24, 2018.**
- Operation & Maintenance Plan, WED GW Solar, Located in Lincoln, Rhode Island, Applicant: WED GW Solar II, LLC, dated January 22, 2018.**
- Soil Erosion and Sediment Control Plan for WED GQ Solar, 600 George Washington Highway, Lincoln RI Assessor's Plat 41, Lot 58,**

prepared by DiPrete Engineering, dated January 22, 2018.

- Letter from the Albion Fire District, Inc. 38 School Street, P.O. Box 579, Albion, Rhode Island 02802, dated February 8, 2018.
- Letter of Determination of No Hazard to Air Navigation from the Federal Aviation Administration, Southwest Regional Office, Obstruction Evaluation Group, 10101 Hillwood Parkway, Fort Worth, TX 76177, issued Date: 07/24/2017
- Noise Analysis Plan, prepared by Green Development, LLC

### **Site Layout**

The property contains a total of 15.11 acres of land. The front portion of the site that abuts George Washington Highway contains an existing 7,500 square foot commercial building and associated parking. The rear portion of the property is vacant and vegetated with mature trees. The property is bound by a car dealership and vacant land to the west, and a trucking company and vacant land to the east. There are several small buildings located within the vegetated area. These buildings must be demolished. There is an existing cesspool within the vicinity of the buildings. The cesspool will need to be abandoned in accordance with RIDEM requirements. There is an existing well within the vicinity of the buildings. The well will need to be abandoned in accordance with the Department of Health requirements.

The proposed application is to construct a 3.0 MW solar array facility and associated site improvements on approximately 9.83 acres of undeveloped land at the rear portion of the property. A mix of low

**growth, shade and drought tolerant native grasses will be planted as ground cover under the solar arrays. The entire solar array facility will be fenced by a six foot tall fence. The proposed fencing running along the western edge of the property will have vinyl slats to provide a visual buffer of the site.**

**The property contains a regional underground natural gas pipeline and associated easement. The exact location of the gas pipeline and easement has been determined and documented on a Class 1 survey.**

**The applicant has reached out to Tennessee Gas Pipeline Company, the owner of the natural gas pipeline, to discuss the proposed project. Tennessee Gas has requested that the applicant perform an AC/DC Stray Study of the project area. The Technical Review Committee recommends that the applicant provide the town with the appropriate approval/sign off for the project from Tennessee Gas Pipeline Company.**

**Access to the site will be from a gravel driveway opening from the reconfigured parking area. The existing parking area will be reconfigured to accommodate this gravel driveway access point as well as providing a turnaround area for large vehicles. The reconfigured parking lot will provide a total of 60 parking spaces for the commercial building. The solar panels will be serviced from a gravel roadway traveling within the fenced in facility along the west side of the property. A new vegetated buffer area is proposed between the reconfigured parking area and the proposed solar field.**

**During the Master Plan review stage, the Planning Board recommended that the applicant have the Albion Fire District review**

**the proposed parking lot reconfiguration and access road and issue a letter of their acceptance. The applicant met with the fire district and the site plan was revised accordingly. A hammerhead turnaround was added at the end of the gravel service road and the proposed gate to the facility was moved in order to accommodate the turnaround within the parking lot of the commercial building.**

## **Zoning**

**The property is zoned ML-05 (Manufacturing Limited) and the proposed use requires a special use permit under section 260-19Z: Renewable Energy – Utility Scale Facility. On November 7, 2017, this project received a special use permit with conditions.**

**During the Zoning Board review of this project, the Zoning Board expressed the same concerns as the Planning Board regarding illegal site access and placed conditions of the Special Use Permit. As a condition of the Special Use Permit, the applicant shall place signage/labels no further than 50 feet apart from each other. The signage/labels shall be visible from fifty feet away and made of reflective material and will indicate voltage and the type of PPE Material and equipment on site. The appropriate notes are included on the submitted plan set.**

**The applicant performed a noise analysis on the proposed solar facility. The analysis indicates that the facility will be below the maximum sound level set in our zoning ordinance.**

## **Utilities**

**The proposed solar farm will not require any public utilities. The proposed development will be connected to the existing overhead electric system that runs along George Washington Highway by a new underground service. New poles will be installed within the state's right-of-way. These new poles will be owned and maintained by the National Grid (a public utility).**

### **Wetlands/Stormwater Runoff**

**The preliminary plan submission shows a fully engineered stormwater runoff system made up of several stone infiltration trenches and grass overflow berms. These systems are strategically located throughout the site based on the existing tributary drainage areas. Based on the submitted stormwater control plans and reports, the TRC feels that the submitted preliminary plans successfully address the stormwater runoff needs for the proposed project according to the Rhode Island Stormwater Design and Installation Standards Manual. A RIPDES/Stormwater Construction Permit/Wetlands permit from Rhode Island Department of Environmental Management (RIDEM) is required as a condition of Preliminary Plan Approval.**

**A natural gas pipeline easement and a small wetlands complex run along the east side of the property. This easement and the wetlands complex are outside of the fenced in project area. The TRC believes that the project will not require a wetlands permit. However, the overall project will require a RIPDES and Stormwater Construction Permit from RIDEM prior to Preliminary Plan approval. The RIPDES**

**permit will review the wetlands complex and determine if a wetlands permit is needed.**

### **Parking**

**This proposed development will not require any dedicated parking spaces. However, the service roadway that runs along the western edge of the array system is 20 feet wide that will allow for a vehicle to park while another vehicle passes by if needed. Based on a site plan review by the Albion Fire District at the Master Plan review stage, a hammerhead turnaround was requested at the end of the service roadway. The applicant successfully addressed this request in the Preliminary Plan submission.**

### **Traffic**

**After the initial installation phase, this type of development will not generate any traffic to or from the property. The facility will undergo regular maintenance visits from one or two technicians on an annual basis.**

### **Property Access**

**Access to the solar array facility will be from a gravel driveway from the reconfigured parking area. The existing parking area will be reconfigured to accommodate this access as well as a turnaround area for large vehicles. A revised parking lot design that clearly displays the proposed reconfiguration was submitted and reviewed by the TRC. This reconfigured parking lot satisfies the concerns of**

the TRC.

### **Site Buffering**

**According to §260-23: Business and Manufacturing Districts, all Manufacture Limited (ML) and Manufacture General (MG) uses shall be at least 100 feet from Residential or Commercial Recreation Zoning Districts. If this distance is not feasible or unduly burdensome, a suitable buffer may be substituted, subject to review by the Zoning Enforcement Officer. At Master Plan, the applicant agreed to install vinyl slats in the proposed fencing running along the western edge of the property to provide a visual buffer of the site. The preliminary plan submission satisfies this requirement.**

**The Technical Review Committee feels that the applicant has successfully addressed the technical and regulatory requirements of the subdivision regulation for a Preliminary Plan review stage. Barring any unforeseen concerns brought out at the Public Hearing, the Technical Review Committee recommends Preliminary Plan Approval with Conditions. Below are the proposed conditions of approval.**

- 1. The existing buildings on the site must be demolished according to the rules and regulations of the Lincoln Building Department. These buildings must be demolished.**
- 2. The existing cesspool within the vicinity of the buildings must be abandoned in accordance with RIDEM requirements.**
- 3. The existing well within the vicinity of the buildings must be**

**abandoned in accordance with the Department of Health requirements.**

**4. The applicant must provide the town with the appropriate approval/sign off for the project from Tennessee Gas Pipeline Company.**

**5. The applicant must install vinyl slats in the fencing running along the western edge of the property to provide a visual buffer of the site.**

**6. The applicant shall place signage/labels no further than 50 feet apart from each other. The signage/labels shall be visible from fifty feet away and made of reflective material and will indicate voltage and the type of PPE Material and equipment on site.**

**7. A RIPDES/Stormwater Construction Permit/Wetlands permit from Rhode Island Department of Environmental Management (RIDEM) is required.**

**The Technical Review Committee recommends that the Final Plan approval be delegated to the Administrative Officer.**

### **Minor Subdivision Review**

**a. Main Street Subdivision AP 35 Lot 10 Preliminary Plan Discussion /**

**- BCO Inc. 74 – 76 Main Street Approval**

**This application is under the 2016 Subdivision Regulations and represents the subdivision of one lot into two residential house lots.**

**The applicant is not requesting any subdivision waivers or zoning variances. This project is classified as a minor subdivision. The**

**project is at the preliminary plan review stage.**

**On February 15, 2018, 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 April 21, 2018, or within such further time as may be consented to by the applicant.**

**The preliminary plan submission included the following:**

- Minor Subdivision prepared for BCO, Inc., survey of Assessor's Plat 35 Lot 10, Pine Street, Main Street, Zone RL-9, dated December 18, 2017 and revised up to March 21, 2018 by Marsh & Long Surveying, Inc. 450 George Washington Highway, Smithfield, RI.**

### **Site Layout**

**The Technical Review Committee reviewed the project submission. The original lot is a total of 23,794 square feet. The original lot (Record Lot 1) will be reduced to 12,000 square feet and the proposed subdivided lot (Record Lot 2) will be 11,794 square feet. The parcel is located at the corner of Main Street and Pine Street, Manville. There is an existing house on Record Lot 1. This house will remain. There is an existing garage on Record Lot 2. The existing garage is an accessory use to the principal use; the two family house. In order to**

**subdivide the original lot into two lots, this garage must be demolished before Final Plan can be recorded. Therefore, as a condition of Final Plan, the existing garage on the property shall be demolished in accordance with the Building Inspector's rules and regulations.**

### **Zoning Requirements**

**The entire property is located within Zoning District RL-9. The proposed subdivision meets all of the requirements of this zone.**

### **Utilities**

**Public sewer, water, and gas are located within Main Street and Pine Street. Public water for Record Lot 1 is accessed from the Pine Street Right-of-Way. Public sewer for this lot is accessed from Chestnut Street. Public sewer and water for Record Lot 2 are available from Main Street. The exact connection locations will be addressed at the building permit stage.**

**Stormwater management will be required for a new house on Record Lot 2. 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. A detailed review and approval of the house placement, driveway location and stormwater management system will be addressed at the building permit review stage.**

**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 with conditions of this minor subdivision. The condition of approval is as follows:**

**1. The existing garage located on proposed Record Lot 2 shall be demolished as a condition of Preliminary Plan approval.**

**The Technical Review Committee recommends that the Final Plan approval be delegated to the Administrative Officer.**

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

**Continued from November 6, 2017 Zoning Board meeting:**

**Thomas McNulty, 573 Mendon Road, Cumberland, RI – Application for Dimensional Variance seeking rear setback relief for the construction of a new house located at Leslie Way, Lincoln, RI.**

**AP 44, Lot 240 Zoned: RA 40**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application for a dimensional variance seeking rear setback relief for the construction of a new house located at Leslie Way, Lincoln, RI. The Planning Board recommends Denial of this application. The applicant is the developer who proposed and ultimately received Planning Board approval for the original subdivision and the vacant lot in question.**

**The existing lot has a significant building envelope in the rear portion of this lot that can easily accommodate the proposed house with no need for any type of variance.**

**The Planning Board feels that the proposed application does not successfully meet the standards of approval for a Dimensional Variance. The TRC feels that the proposed Dimensional Variance is due to the prior actions of the applicant and it is not the least relief necessary considering that a significant building envelope exists in the rear portion of this lot.**

**Continued from February 6, 2018 Zoning Board meeting:**

**William M. Davies Career and Technical H.S., 50 Jenckes Hill Road, Lincoln, RI - Application for Use Variance to install a ground mounted solar array for power and education of the students.**

**AP 43, Lot 16 Zoned: RA-40**

**Please note: This recommendation is from the Technical Review Committee not the Planning Board. Members of the Technical Review Committee reviewed the submitted plans and application for Use Variance to install a ground mounted solar array for power and education of the students. The Technical Review Committee struggled with this application due to the high criteria of a Use Variance. Based on the application, the proposed solar array is to be**

located at the Jenckes Hill Road entrance of the property. The Technical Review Committee recommends Denial of this use variance at its proposed location. The Technical Review Committee feels that the use 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. The Technical Review Committee would like to suggest to the applicant that they explore locating the solar array on the rooftop of one of many buildings on the campus as an alternative.

Sign Advisors, Inc., P.O. Box 1867, Mattapoisett, MA/MB Lincoln Mall LLC, Highlands REIT, 332 South Michigan Avenue, Chicago, IL – Application for Special Use Permit for a free standing pylon sign for kidney care vendor to be located at 622 George Washington Highway, Lincoln, RI.

AP 41, Lot 7 Zoned: BL-0.5

Members of the Technical Review Committee reviewed the submitted plans and application for Special Use Permit for a freestanding pylon sign for kidney care vendor to be located at 622 George Washington Highway, Lincoln, RI. The Technical Review Committee recommends Denial of this Special Use Permit. The town's boards and commissions have worked diligently with the property owners over a number of years to develop a comprehensive sign variance agreement that would allow the property owner to independently implement within certain parameters. This agreement outlined the

**maximum amount of sign square footage that the entire property could have. The agreement also noted that there shall not be any additional free standing pylon signs on the property. The proposed application is requesting permission to install a large 8 foot by 5 foot, two faced pylon sign. Based on the existing agreement, the Technical Review Committee feels that the Special Use Permit will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.**

**Nicholas Sokoloski and Nancy Faucher, 5 Cider Mill Lane, Lincoln, RI – Application for Special Use Permit to construct a three family residential dwelling on vacant land located on Kelly Street, Lincoln, RI.**

**AP 10, Lot 349 Zoned: RG-7**

**Members of the Technical Review Committee reviewed the submitted plans and application for Special Use Permit to construct a three family residential dwelling unit on vacant land located on Kelly Street, Lincoln, RI. The subject property is located in the RG-7 zone that allows multi-family homes. The Technical Review Committee recommends Denial of a Special Use Permit. Based on a site visit, the Technical Review Committee felt that there were no three family dwelling units within the immediate vicinity of the subject property and the proposed dwelling unit will not fit into the surrounding area. The immediate surrounding neighborhood is made up of single family**

**and two family dwelling units. The Technical Review Committee feels that the Special Use Permit will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.**

**B2 Partners. LLC, 477 Far Reach Road, Westwood, MA – Application for Dimensional Variance seeking rear yard setback relief for the construction of a new single family residence located at 14 Thomas Drive, Lincoln, RI.**

**AP 45, Lot 435 Zoned: RA-40**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application for a dimensional variance seeking rear yard setback relief for the construction of a new single-family residence located at 14 Thomas Drive, Lincoln, RI. The Technical Review Committee recommends Approval of this application. The applicant is proposing to build a house that can accommodate the ambulatory and rehabilitative needs of their disabled adult son. The applicant hired an architect to design a house within the existing lot setbacks. The requested relief is the least relief needed to accommodate their son's ambulatory and rehabilitative needs. The Technical Review Committee feels that granting this dimensional variance will not alter the general character of the surrounding area and will not impair the intent and purpose of the zoning ordinance and the Comprehensive Plan. The Technical Review Committee would like to bring to the applicant's attention that**

**the proposed house may require building lot coverage variance.**

**Cumberland Farms, Inc., 100 Crossing Boulevard, Framingham, MA – Application for Extension of Decision granted on April 11, 2017 for a Dimensional Variance and a Special Use Permit in regards to a remodel of a gasoline station with associated products for property located at 823 Smithfield Avenue, Lincoln, RI.**

**AP 6, Lots 345, 346, 347, 387, and 389 Zoned: VCMU**

**Members of the Technical Review Committee reviewed the submitted application for an extension of a decision granted on April 11, 2017 for a Dimensional Variance and a Special Use Permit in regards to a remodel of a gasoline station with associated products for property located at 823 Smithfield Avenue, Lincoln, RI. The applicant has been actively pursuing all of the required steps in the redevelopment of this property. The Technical Review Committee recommends Approval of this request of an extension of one year.**

**Correspondence/Miscellaneous (\*)**

**a. Staff Reports**

**b. ZS Real Estate Investments LLC AP42 Lot 10 Final Plan  
Recorded**

**Respectfully submitted,**

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

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**Administrative Officer to the Planning Board**