

LINCOLN PLANNING BOARD
MAY 26, 2021
APPROVED

The regular meeting of the Planning Board was held May 26, 2021. This meeting was held utilizing Zoom. Chairman Bostic called the meeting to order at 7:00 pm. The following members were present: Kenneth Bostic, Michael Reilly, Jeffrey DelGrande, and Ned London. Members William Murphy, Jeffrey Almond, and Tom Salvatore were absent.

CONSENT AGENDA

Chairman Bostic reminded members that the consent agenda is normally voted on in total unless a member motions to remove an item. Motion made by Member Reilly, second by Member London to accept the Consent Agenda as presented. Motion approved by all members present.

4. Minor Subdivision Review

- a. Hanna Minor Subdivision AP 45 Lot 72 Preliminary Plan Discussion/
-William H Hanna Jr Trustee Angell Road & Maple Avenue Approval

Town Planner Ranaldi: Presents the proposed project as per the Technical Review Committee report dated May 18, 2021 (attached). Based on the project submission, the Technical Review Committee feels that the application successfully addresses the requirements set out in the town's Land Development and Subdivision Regulations with the exception of the curbing and sidewalk requirements. The Technical Review Committee recommends Preliminary Plan Approval as stated in the TRC report. The Technical Review Committee recommends that the Final Plan Approval with conditions be delegated to the Administrative Officer.

Town Solicitor DeSisto: A lot of research has been done. Town Solicitor describes in detail the curbing issue. Leslie was asked for an analysis of the area. The Solicitor will put this in writing for clarity going forward. Member Reilly: No curbing in the area but curbing would be beneficial does the Board have leverage to require curbing. Town Solicitor DeSisto: That would be a condition of approval. Attorney Shekarchi: Agrees with the Solicitor. In addition, notes the DEM permit was approved.

Member Del Grande: Ask how many lots there can be subdivided around that area. Town Planner Ranaldi: Says it is hard to say. There are no large parcels of land that can be developed.

Chairman Bostic: In all fairness to the members and to make it clear. There are no curb around this area right now. There is a new plat across the street with curbs and sidewalks. Does not want to put Leslie in the middle, as she did not actually say it he is sure she saw the curbs that he saw. He will take the high road on this project however, when there are more houses and more traffic the more need for curbs and wants to see in our rules and regulations where we do not have to have curbs. He will take the high road on this project. The Board is supposed to preserve past and plan.

Town Solicitor DeSisto: Will address the concerns that the current subdivisions require. Had to go beyond the subdivision Rules and Regulation and goes on into detail regarding the matter.

Town Planner Ranaldi: Asks if a new house goes in is it granite? Member Reilly: Anything new is granite. Town Planner Ranaldi: Describes the rural Lime Rock area curbing.

Member Reilly make a motion to approve the Preliminary Plan, second by Ned London with the condition that the \$950.00 Sewer Assessment for Lots 2 & 3 be included. Motion approved by all members present.

Motion to delegate the final approval to the Administrative Officer, second by Member London. Motion approved by all members present.

b. Louisquisset Pike Subdivision	AP 43 Lot 34	Preliminary Plan Discussion/
- North End Realty LLC	Louisquisset Pike & Twin River Road	Approval

Town Planner Ranaldi: Present the proposed project per the Technical Review Committee Report dated May 26, 2021 (attached). Based on the project submission, the Technical Review Committee feels that the application successfully addresses the requirements set out in the Town's Land Development and Subdivision Regulations. The Technical Review Committee recommends Preliminary Plan Approval with condition listed in the TRC. Also that the Applicant request extend the vesting period to a full year to run it through the DOT process. Attorney Shekarchi: They will be more than happy to extend the vesting period for a full year.

Chairman Bostic: Questions sidewalks on the project. Town Planner Ranaldi: Customarily they would see if there is a connecting sidewalk in the area. In this particular case, there is no sidewalk that it would connect too. So they did not ask for or recommend a sidewalk on this project. Chairman Bostic: Talks about State of Rhode Island putting a new intersection in there about seven years ago. When they did they planned for the future and they put all new signs and curbing and handicapped sidewalks and curbing at Twin River Road and Louisquisset Pike. Is the sidewalk going to be continued on out of that area? The State put them there. Clearly sidewalks there. Property frontage is completely overgrown. Attorney Shekarchi: Makes a recommendation. It was their request not to have sidewalks as staffing and TRC agreed to. Part of the process was to get a DOT permit. If they bring it up and condition it they will follow it. But will be more than happy to do. Prefer not to for cost purposes. Chairman Bostic: DOT already put them there. It is tough for the Board to overlook this. The State is not going to make you put the Town sidewalks in. Town Solicitor DeSisto: Would the sidewalks be in the State right of way? Not clear in the plans. Attorney Shekarchi: It is his memory that they would be.

Town Engineer Quish: If they were going to put in sidewalks, they would have to be in the State right of way. Town Planner Ranaldi: There is room. One side there is a considerable slope. Town Solicitor DeSisto: In the State right of way? Town Planner Ranaldi: Yes. Town Solicitor DeSisto: So this would be a continuation of the sidewalks. Town Engineer Quish: Looked at this and describes the existing sidewalks. Town Solicitor DeSisto: This all goes to liability. Which is his main concern. Who installed the existing curbing and sidewalks the State or the Town? Chairman Bostic: A little bit of both.

Town Solicitor DeSisto: If Town installs the sidewalks on the State right of way and someone is walking on them and falls the liability goes to the Town. Solicitor talk about Child vs Green that he has argued opposite to. Further discussion goes on regarding this.

Member Reilly: Looks at Goggle earth view of area and relates it to the Board. Town Solicitor DeSisto: Is there a reason to have a sidewalk there? Is there a question of pedestrian traffic there to be accommodated? Chairman Bostic: We would have to do a Traffic Study. Member Reilly: Travels that way and has never seen a pedestrian there. Chairman Bostic: Maybe we should get an opinion on this from the Chief of Police. Town Solicitor DeSisto: If this could go another month, we could ask the Chief and the State.

Attorney Shekarchi: Will do what the Board requires and understands if they have to wait.

Town Planner Ranaldi: Was present when Twin River prompted this intersection to be changed and a resident asked a horse could cross the street and ask if they could push a button so horse could cross. And says that resident was again Twin River gambling. Chairman Bostic: Would like back up on this from the Chief. Town Planner Ranaldi: Will speak to the Chief and see if there are any stats on this and will try to contact the State.

Motion to continue the application until next month by Member Reilly, second by Member London. Motion approved by all members present.

Secretary's Report: None.

Solicitor's Report: Update: An issue has come as to the notice to the appeal for Break Hill SHAB appeal. Several neighbors have stated that they did not receive notice. The SHAB Attorneys wanted match up the Towns records and they do match. If anybody is contacted by neighbors, let them know that this is being addressed by all of the Attorneys. This may slow the process down a little bit. They will re notice. Chairman Bostic: Didn't you say that the residents did not have to be notified? Town Solicitor DeSisto: Apparently, that has been changed and they do give notice of the appeal and you have a right to get a lawyer. Other neighbors can intervene also. It is not a public hearing and there will be no testimony. If members want to come, we will let them know.

We have started up again with Marriott again and will be getting to it shortly.

Motion to adjourn by Member Reilly, second by Member London. Motion approved by all members present.

Meeting adjourned at 7:50 pm.

Respectfully submitted:

Elizabeth A. Gagnon

Secretary to the Planning Board

Technical Review Committee Report

May 20, 2021

Town of Lincoln – Planning Board
100 Old River Road
Lincoln, RI 02865

Dear Honorable Members,

On Tuesday, May 18, 2021 at 3:00 PM, the Technical Review Committee met to review the agenda items for the May 26, 2021 meeting of the Planning Board. In attendance were Al Ranaldi, Peggy Weigner, Michael Gagnon, Michael Reilly, Leslie Quish, Anthony DeSisto, and Francine Jackson. Russell Hervieux reviewed the submitted zoning applications and submitted written comments to the Committee. Below are the Committee's recommendations.

Minor Subdivision Review

a. Hanna Minor Subdivision	AP 45 Lot 72	Preliminary Plan Discussion /
- William H Hanna Jr Trustee	Angell Road & Maple Avenue	Approval

This application is under the 2016 Subdivision Regulations and represents the subdivision of one lot into three residential house lots. The applicant is not requesting any subdivision waivers or zoning variances. However, the Board raised a question regarding the curbing and sidewalk requirements contained within the subdivision regulations. The Town Solicitor is researching and preparing his determination on this matter and will present his findings at the May meeting. This project is classified as a minor subdivision and is at the preliminary plan review stage.

On April 10, 2021, 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 **June 12, 2021**, or within such further time as may be consented to by the applicant. A Minor Subdivision approval has a **ninety (90) day vesting period**.

The preliminary plan submission included the following:

- *Lincoln, RI Minor Subdivision prepared for William Hanna Jr Trustee, Survey of AP 45 Lot 72, Angell Road, Hillside Drive, & Maple Avenue*, dated January 4, 2019 prepared by Marsh & Long Surveying Inc.
- *Report from Natural Resources Services, Inc., regarding Proposed Residential Subdivision AP 45 Lot 72, Angell Road, Lincoln, Rhode Island*, prepared for: Marsh and Long Surveying, 450 George Washington Highway, Smithfield, RI, 02917, prepared by: Scott P. Rabideau, PWS, Principal Biologist, dated March 19, 2021.
- Letter from Lincoln Water Commission, dated March 25, 2021, to Stephen T. Long, Marsh & Long Surveying Inc., 450 George Washington Highway, Smithfield, RI, regarding AP 45 Lot 72 – 252 Angell Road.

- Letter from Lincoln Sewer Maintenance and Operation Division, dated March 26, 2021, regarding AP 45 Lot 72 – 252 Angell Road.
- Rhode Island Department of Environmental Management, Letter of Non-Jurisdiction – Wetlands Application No. 21-0088, dated May 10, 2021.

Site Layout

The Technical Review Committee reviewed the project submission. The original lot is 2.14 acres or 93,113 square feet and is located at the corner of Angell Road and Maple Avenue. The original lot is divided by two zoning districts. The RS-20 zoning district abuts Angell Road and extends into the lot for approximately 200 feet. The rear portion of the lot that runs along Maple Avenue is zoned RA-40. All proposed lots will meet their respective zoning district lot size.

The original lot (Parcel Lot 1 fronting Angell Road) will be reduced to 22,107 square feet. The proposed subdivided lot (Parcel Lot 2 fronting Angell Road) will be a total of 24,418 square feet with 20,807 upland and 3,611 wetlands. The proposed subdivided lot (Parcel Lot 3 fronting Maple Avenue) will be a total of 46,588 square feet with 40,950 upland and 5,638 wetlands. No work is allowed within a wetland, perimeter wetland, riverbank wetland, or buffer zone. Please note that the Rhode Island Department of Environmental Management is writing new regulations which will require buffer zones for all freshwater wetlands. Depending on when the new regulations go into effect and their impact on the onsite wetlands, a wetlands permit may be required for this proposed development prior to the issuance of building permits.

The original house was removed and the lot is vacant. Wetlands have been identified and verified along two areas on Maple Avenue. Access to proposed lots 1 and 2 will be from Angell Road, a town roadway. Access to proposed lot 3 will be from Maple Avenue, a town roadway. During the April Planning Board meeting, the Board raised a question regarding the curbing and sidewalk requirements contained within the subdivision regulations. The Town Solicitor is researching and preparing his determination on this matter and will present his findings at the May meeting.

At the building permit stage, erosion control plans for each lot will be required. The plans must show perimeter controls, construction entrances, and silt sacks in adjacent catch basins. The proposed stormwater management systems for the new roofs and driveways must be submitted, reviewed and approved at the building permit stage of each new house. A site plan showing the proposed topography surrounding the new houses will be required at the building permit stage.

Zoning Requirements

The original parcel is divided by two zoning districts – RS-20 and RA-40. The RS-20 zoning district runs along Angell Road. Proposed Lot 1 and Lot 2 building envelopes are both located within the RS-20 zoning district. The proposed homes will be required to meet the RS-20 setback requirements. Proposed Lot 3 is located in the RA-40 zoning district which runs along Maple Avenue. Proposed Lot 3 building envelope is located within the RA-40 and will be required to meet the RA-40 setback requirements. As a condition of Final Plan approval, a note must be placed on the record plan stating that, “The setbacks shown are for reference only. Actual setbacks will be determined at time of construction.”

Utilities

Public sewer and water are available and located within Angell Road and Maple Avenue. The new proposed houses will be connected to these public utility systems. Proposed Lot 2 and Lot 3 will each be assessed a \$950 Sewer Assessment Fee. The fee must be paid as a condition of Final Plan approval. The locations of the new sewer laterals will be reviewed and approved at the building

permit stage. A Narragansett Bay Commission permit for each new lot will be required at the building permit stage.

Based on the project submission, the Technical Review Committee feels that the application successfully addresses the requirements set out in the Town's Land Development and Subdivision Regulations with the exception of the curbing and sidewalk requirements. The Technical Review Committee recommends **Preliminary Plan Approval**.

The Final Plan must be recorded within the ninety (90) day vesting period. As a condition of Final Plan Approval, the applicant must pay a \$950 Sewer Assessment Fees for proposed Lot 2 and Lot 3 and add the following note to the record plan; "The setbacks shown are for reference only. Actual setbacks will be determined at time of construction".

The following items will be required at the building permit stage: erosion control plans for each lot, the plans must show perimeter controls, construction entrances, and silt sacks in adjacent catch basins, the proposed stormwater management systems for the new roofs and driveways must be submitted, reviewed and approved for each new house, and a site plan showing the proposed topography surrounding the new houses.

The Technical Review Committee recommends that the Final Plan Approval with conditions be delegated to the Administrative Officer.

b. Louisquisset Pike Subdivision	AP 43 Lot 34	Preliminary Plan Discussion /
- North End Realty LLC	Louisquisset Pike & Twin River Rd	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 and is at the preliminary plan review stage.

On May 18, 2021, 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 **July 22, 2021**, or within such further time as may be consented to by the applicant. A Minor Subdivision approval has a **ninety (90) day vesting period**.

The preliminary plan submission included the following:

- *"Preliminary" Lincoln, RI Minor Subdivision, prepared for North End Realty LLC, Survey of AP 43 Lot 34, Old Louisquisset Pike, Twin River Road, Zone RS-20*", prepared by Marsh & Long Surveying Inc., dated October 10, 2012 and updated on May 3, 2021.

Site Layout

The Technical Review Committee reviewed the project submission. The original lot is 0.96 acres or 41,823 square feet and is located at the corner of Old Louisquisset Pike and Twin River Road. The original lot is in the RS-20 zoning districts. All proposed lots will meet the zoning district lot size requirement.

The original lot (Parcel Lot 1 fronting Old Louisquisset Pike) will be reduced to 20,049 square feet. The proposed subdivided lot (Parcel Lot 2 fronting Twin River Road) will be a total of

21,774 square feet. No wetlands were indicated on the submitted plans.

The original house remains on the property. This structure must be razed in accordance with building code specifications before Final Plan can be recorded. The Technical Review Committee recommends as a condition of Final Plan approval that the existing house be razed according to the building permit process.

Granite curbing presently exists along the intersection (corner) of Old Louisquisset Pike and Twin River Road. However, granite curbing does not extend the full length of the subject property's frontage. The Technical Review Committee recommends that granite curbing be installed along the entire frontage of the property. Both roadways are state owned. Therefore, the curbing installation must be reviewed and approved by Rhode Island Department of Transportation through a Physical Alteration Permit process. The TRC recommends as a condition of Final Plan approval that granite curbing be installed along the entire frontage of the property.

At the building permit stage, erosion control plans for each lot will be required. The plans must show perimeter controls, construction entrances, and silt sacks in adjacent catch basins. The proposed stormwater management systems for the new roofs and driveways must be submitted, reviewed and approved at the building permit stage of each new house. A site plan showing the proposed topography surrounding the new houses will be required at the building permit stage.

Zoning Requirements

The original lot is in the RS-20 zoning districts. All proposed lots will meet the zoning district lot size requirement. As a condition of Final Plan approval, a note must be placed on the record plan stating that, "The setbacks shown are for reference only. Actual setbacks will be determined at time of construction."

Utilities

Public sewer and water are available and located within Old Louisquisset Pike and Twin River Road. The new proposed houses will be connected to these public utility systems. Public sewer is available from the Narragansett Bay Commission not the town. As a condition of Final Plan approval, a letter of sewer availability from the Narragansett Bay Commission is required. The existing house was not connected to the public sewer system and not assessed a connection fee. Therefore, proposed Lot 1 and Lot 2 will each be assessed from the town a \$950 Sewer Assessment Fee. The fee must be paid as a condition of Final Plan approval. Public water is provided by the town. As a condition of Final Plan approval, a letter of water availability from the Lincoln Water Commission is required.

Based on the project submission, the Technical Review Committee feels that the application successfully addresses the requirements set out in the Town's Land Development and Subdivision Regulations. The Technical Review Committee recommends **Preliminary Plan Approval**.

Below are the proposed conditions of **Final Plan** approval:

1. The existing house be razed according to the building permit process.
2. Granite curbing be installed along the entire frontage of the property.
3. Granite curbing installation must be reviewed and approved by Rhode Island Department of Transportation through a Physical Alteration Permit process.
4. A note must be placed on the record plan stating that, "The setbacks shown are for reference only."

5. A letter of sewer availability from the Narragansett Bay Commission is required.
6. A letter of water availability from the Lincoln Water Commission is required.
7. Proposed Lot 1 and Lot 2 will each be assessed from the town a \$950 Sewer Assessment Fee. The fee must be paid as a condition of Final Plan approval.

According to the Subdivision Regulations, the Final Plan must be recorded within the ninety (90) day vesting period. The Technical Review Committee expressed concerns about the ability of the applicant to complete the above noted conditions of approval. The TRC recommends that the applicant request a Final Plan approval extension of one year.

The following items will be required at the building permit stage: erosion control plans for each lot, the plans must show perimeter controls, construction entrances, and silt sacks in adjacent catch basins, the proposed stormwater management systems for the new roofs and driveways must be submitted, reviewed and approved for each new house, and a site plan showing the proposed topography surrounding the new houses.

The Technical Review Committee recommends that the Final Plan Approval with conditions be delegated to the Administrative Officer.

Zoning Applications (*) – June Zoning Applications

Continued from March 2021 Meeting – No new information submitted.

Jeffrey Castle, 689 Putnam Pike, Glocester, RI – Application for Dimensional Variance seeking front setback relief for the construction of a new house on property located at Twin River Road, Lincoln, RI.

AP 45, Lot 356

Zoned: RA-40

Members of the Technical Review Committee reviewed the submitted plans and application for a Dimensional Variance seeking front setback relief for the construction of a new house on property located at Twin River Road, Lincoln, RI. According to the submitted site plan, the parcel contains a large wetlands complex. The applicant has not applied to the Rhode Island Department of Environmental Management to determine the extent of the non-jurisdictional land (buildable land) if any. The location of a new house will be dictated by the RIDEM during the permitting process. The Technical Review Committee recommends that the applicant go through the RIDEM permitting process before they seek local zoning relief if needed.

Continued from March 2021 Meeting – No new information submitted.

Lincoln Mobile Estates, 27 Woodward Road, Unit #41, Lincoln, RI – Application for Use Variance to convert existing single family home into a multi-family home which exists within a mobile home park located at 27 Woodward Road, Lincoln, RI.

AP 42, Lot 2

Zoned: RA-40

Members of the Technical Review Committee reviewed the submitted plans and application for a Use Variance to convert existing single family home into a multi-family home which exists within a mobile home park located at 27 Woodward Road, Lincoln, RI. The Technical Review Committee recommends **Denial** of this Use Variance. The application currently has two existing uses on the

property. Therefore, they cannot meet the standards of a Use Variance. The Technical Review Committee feels that the application does not present the least relief needed. The Technical Review Committee feels that granting a Use Variance will impair the intent or purpose of the Zoning Ordinance and the Comprehensive Plan.

Arthur Cimini, 1 Paul Street, Lincoln, RI – Application for a Special Use Permit, seeking approval for residential scale, ground mount solar panels located in back yard at 1 Paul Street, Lincoln, RI.
AP 42, Lot 16 Zoned: RS-20

Members of the Technical Review Committee reviewed the submitted plans and application seeking a Special Use Permit for the installation of a residential scale, ground mount solar panels located in the back yard at 1 Paul Street, Lincoln, RI. The Technical Review Committee recommends **Approval** of this Special Use Permit. The installation will be located in the backyard of this residential property. The proposed installation will not exceed the permitted building height or zoning setbacks. The Technical Review Committee feels that the Special Use Permit 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 Lodge Pub & Eatery, 40 Breakneck Hill Road, Lincoln, RI – Application for Dimensional Variance located at 40 Breakneck Hill Road, Lincoln, RI.
AP 25, Lot 44 Zoned: RA-40

Members of the Technical Review Committee reviewed the submitted plans and application seeking a Dimensional Variance seeking front setback relief for the construction of a deck on a commercial business. This application is actually a remodel and slight enlargement of an existing deck for a restaurant. The Technical Review Committee recommends **Approval** of this Dimensional Variance. The Technical Review Committee feels that the application presents the least relief needed. The Technical Review Committee feels that granting the dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

Albert V. Ranaldi, Jr. AICP
Administrative Officer to the Planning Board