

LINCOLN PLANNING BOARD MEETING MINUTES

April 28, 2021

The regular meeting of the Planning board was held April 28, 2021. This meeting was held utilizing zoom. Chairman Ken Bostic called the meeting to order at 7:00 p.m. The following member were present: Ken Bostic, Ned London, Mike Reilly, Jeff Almond, William Murphy, Member Absent was Tom Salvatore. Elizabeth Gagnon kept the minutes.

CONSENT AGENDA

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

Minor Subdivision Review

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

Town Planner Ranaldi presents the proposed project per the Technical Review Committee Report dated April 22, 2021. (Attached) Based on the project submission, the Technical Review Committee does not feel comfortable advancing this minor subdivision without carefully reviewing the location of the new home, driveway and stormwater management system. The Technical Review Committee discussed their concerns with the attorney representing the property owner. The attorney agreed to extend the review period to the June meeting in order to address these concerns. Leslie has reviewed the wetlands. The reengineering is not needed. They are going to DEM for review and possible permit.

Town Engineer Leslie Quish: Spoke with Mike Gagnon who thought there was not wetlands. The wetlands are flagged. They are not proposing any work within the wetlands. The wetlands are not being touched. It is a non-issue. Condition of approval would be to obtain a DEM permit

Town Planner Ranaldi: So Leslie addressed the wetlands and the only other concerns were the erosion control plan and stormwater system because it is a three (3)-lot subdivision. Those concerns will be addressed at the building permit stage.

Member Reilly: Al when that gets to the building permit stage it will be reviewed and sent over to Leslie. Town Engineer Quish: I review every permit application.

Chairman Bostic: Wanted to make it clear that curbing that is going on this subdivision and lists the curbing in that area. Curbing is a life safety issue. More expensive if Public Works does the curbing later. Curbing is in the Subdivision Rules and Regulations. Attorney John Shekarchi: Attorney for the Applicant and Hanna Family Trust. Attorney Sherkarchi states that he knows the Board has the power to require the curbs and sidewalks. He asks that the Board waive the sidewalks.

Bill Hanna: On his side, there is no curbs. However, he would be ok with that. Chairman Bostic: The Board would need something from DEM that says the curbs would be an encumbrance on the wetland. Hanna: Says the curbs are only on Angell and not on Maple or Hillside.

Town Engineer Quish: Before this is added as part of approval, Leslie thinks this needs to be reviewed in the field. The Town typically does not allow curbing on Angell Road because it is narrow. She would review this with the Public Works Director. Chairman Bostic: Mentions curbing that is in that area and says that curbing is something the Board is doing more and more of. Town Planner Ranaldi: Suggest they come back in June after everybody looks at it. Curbing may not be allowed. Town Planner Quish: Says it might be fine. Attorney Shekarchi: Says it is smart to do a review. Attorney Sherkarchi: Discusses Phase 1 and 2 moving forward based on DEM approval if needed. Town Solicitor DeSisto: Says the question is the title aspect. How do you put a hold on Lot 3? Attorney Shekarchi: Hopeful that the permit will be in by next month. Chairman Bostic: Says curbing is in the Subdivision Rules and Regulations not something new. Attorney Shekarchi: We defer to Leslie and Public Works. Member Reilly: May 26, 2021 date of next meeting. Attorney Shekarchi: Ok with the bond and describes the bond to Mr. Hanna.

Town Planner Ranaldi: We do have an assessment for Sewer. And it has been paid on the original lot.

Motion to proceed to extend project to May 26, 2021 for review unless the Applicant does not have the DEM permit and then it will move to June by Member Reilly, second by Member Murphy. Motion approved by all members present.

5. Major Land Development Review

a. Lincoln Ridge	AP 31 lot 38	Final Plan Discussion/
-Washington Highway LLC	George Washington Highway	Approval

Town Planner Ranaldi: This was put on the agenda to keep the Planning Board in the loop. This is Marriott Residence Inn RT 116. It was brought to their attention that the Developer did not complete several items at the time of the CO. It is complicated. Al describes situation. There is an expired temporary CO. Town Solicitor DeSisto: As the Town's lawyer, there is a violation on it. Solicitor DeSisto explains the situation. Town Planner Ranaldi: The Owner has been trying to get the Developer.

Casey: Representative Marriott. The Developer is trying to postpone the work. And Casey explains the issue. Wants to know how the Town can help. Town Planner Ranaldi: Has not discussed anything about bonding. Town would not want to pursue. The Town wants to close the job and move on. Not one conversation has been had with the Planner's office. It is raw piece of property. Town Solicitor DeSisto: The only solution is to go to Municipal Court. Chairman Bostic: Ask the Solicitor about the temporary CO? Town Solicitor DeSisto: We want to let you know what is happening with a project you approved. Member Reilly: Very disappointed when he learned from Al of all the things that were not done. Town Solicitor DeSisto: We want you to know what is going on. Chairman Bostic: Discusses the gate issue with Casey. Casey: Casey has an issue with the gate supplier. They awaiting parts and the motor is out.

Town Planner Ranaldi: Many of the delays are due to COVID. They have been working in good faith with Marriott, but the Developer is not. Discussion of any life safety issues with Leslie, Casey, and Board. In addition, discussion with Board and Solicitor DeSisto on how to proceed to Municipal Court.

8. Secretary's Report: Motion to dispense with the reading of the minutes of November 18, 2020, December 16, 2020, February 14, 2021, March 24, 2021 by Member Reilly, second by Member Almond. Motion approved by all members present. Motion by Member Murphy to accept the minute drafts, second by Member Reilly. Motion approved by all members present.

Solicitor's Report: Break Hill affordable housing filed their brief on Friday and Town has 30 days to respond. Some neighbors complained they did not get notice from SHAB and contacted their Councilmen. They did not get notice. It will just be the lawyers and no testimony. Recommended they contact their State Representative's and change the law.

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

Meeting adjourned at 8:00 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 prepared 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 prepared 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 \$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 Technical Review Committee recommends that the Final Plan Approval with conditions be delegated to the Administrative Officer.

Major Land Development Review

a. Lincoln Ridge	AP 31 Lot 38	Final Plan Discussion /
Washington Highway LLC	George Washington Highway	Approval

This application is under the 2016 Subdivision Regulations and represents the subdivision of a vacant 12.22 acre parcel of land into two lots. Proposed Parcel A will be 3.4 acres in size and remain undeveloped. Proposed Parcel B will be 8.8 acres in size and will be developed into a 107-room 4-story hotel and associated parking.

During a review of the final plan, it was brought to the attention of the Administrative Officer that several items contained on the approved plans were not completed by the developer. The items are as follows:

- 1) Obtain approval from civil engineer that improvements were installed in accordance with the approved plan, this includes the traffic improvements at the intersection of the Stop and Shop access drive and Route 116. (Hotel representative have received signoffs for site improvement from DiPrete Engineer for onsite work but not from Pare Corporation for the traffic improvements. It appears that the traffic improvements at the intersection of the Stop and Shop Driveway and 116 are complete but they do not believe the improvements at the intersection of the Lincoln Mall driveway across from the Dunkin Donuts have been completed.)
- 2) The improvements at the intersection of the upper driveway and Stop and Shop need to be completed (stop signs, island, striping, sidewalk) – see attached. The paved areas at this intersection also needs to be modified as approved by the planning board. (This has not been completed. Waiting on developer to complete.)
- 3) The approved plan includes a sidewalk going from the hotel up to Stop and Shop as well as down to the gas station. This work must be completed. (This has not been completed. Waiting on developer to complete.)

Several attempts to have this work completed by the developer were made. The Town Solicitor instructed the Administrative Officer to put this project on the agenda for discussion and possible action by the Planning Board.

Zoning Applications (*) – May Zoning Applications

William King, 37 Olney Avenue, Lincoln, RI – Application for Dimensional Variance seeking a side yard and height relief on a newly constructed single-family house located at 37 Olney Avenue, Lincoln, RI.

AP 17, Lot 96 Zoned: RS12

Continued from March 2021 Meeting – No new information submitted.

Members of the Technical Review Committee reviewed the submitted plans and application seeking a Dimensional Variance seeking a side yard and height relief on a newly

constructed single-family house located at 37 Olney Avenue, Lincoln, RI. The Technical Review Committee recommends **Denial** of these dimensional variances. This is a newly constructed house. During the building permit review stage, the building officials notice the possibility of the house being built over the maximum allowed building height. A note of caution was documented in the building permit file and presented to the contractor/homeowner. The Director of Public Works also expressed a number of occurrences where he had to point out deficiencies in site conditions during the construction of the house. The Technical Review Committee feels that the application does not present the least relief needed. The applicant can reconstruct the roofing system, which will eliminate the need for these dimensional variances. The Technical Review Committee feels that granting the dimensional variance will impair the intent and purpose of the Zoning Ordinance and the Comprehensive Plan.

Sean Gaughan, 6 Park Boulevard, Lincoln, RI – Application for Dimensional Variance seeking side and rear setback relief for the construction of an accessory dwelling unit at 6 Park Boulevard in Lincoln, RI.

AP 13, Lot 083 Zoned: RL-9

Members of the Technical Review Committee reviewed the submitted plans and application seeking side and rear relief for the construction of an accessory dwelling unit at 6 Park Boulevard in Lincoln, RI. The proposed addition will be located where the existing garage is located. The Technical Review Committee recommends **Approval** of these Dimensional Variances. The proposed location of the accessory dwelling unit will not disturb the existing functionality of the residence. 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.

Omar Paulino, 194 Althea Street, Providence, RI – Application for Dimensional Variance for lot area relief for two-family residential home located at 109-111 Lonsdale Main Street, Lincoln, RI.

AP 5, Lot 10 Zoned: RG-7

Members of the Technical Review Committee reviewed the submitted plans and application seeking lot area relief for a two-family residential home located at 109-111 Lonsdale Main Street, Lincoln, RI. The applicant is not proposing any new construction. According to the application, a previous owner, through permits, converted the house from a four-family to a single-family residence. The house remained physically set up as a two-family home. This application is to re-establish the house as a two-family home. The Technical Review Committee recommends **Approval** of these Dimensional Variances. The Technical Review Committee feels that the application presents the least relief needed and is consistent with the surrounding neighborhood. 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.

Waterloo Way, LLP, 3900 North West Second Avenue, Miami Florida – Application for Special Use Permit to locate a tattoo parlor inside an existing commercial property at 100 Higginson Avenue, Unit 1, in Lincoln RI.

AP 1 Lot 133

Zoned: MG-0.5

Members of the Technical Review Committee reviewed the submitted plans and application seeking a Special Use Permit locate a tattoo parlor inside an existing commercial property at 100 Higginson Avenue, Unit 1, in Lincoln RI. This use is allowed with a Special Use Permit. The Technical Review Committee recommends **Approval** of this Special Use Permit. The proposed tattoo parlor will be located within a commercial facility that contains many other uses. The property has ample customer parking. 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.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

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Administrative Officer to the Planning Board