

LINCOLN PLANNING BOARD

NOVEMBER 17, 2004

MINUTES

The regular meeting of the Planning Board was held on Wednesday, November 17, 2004 at the Town Hall, 100 Old River Road, Lincoln, RI.

Chairman Mancini opened the meeting at 7:05 p.m. The following members were present: Diane Hopkins, John Mancini, Gregory Mercurio, William Murphy, Gerald Olean and Michael Reilly. Absent was David Lund. Also in attendance were Town Planner Albert Ranaldi, Town Engineer Kim Wiegand, and Town Solicitor Mark Krieger. Margaret Weigner kept the minutes.

Chairman Mancini advised six members present; have a quorum.

SECRETARY'S REPORT

Mr. Olean made a motion to dispense with the reading of the minutes from September 29, 2004. Mr. Reilly seconded motion. Motion passed unanimously.

Mr. Olean made a motion to accept the minutes of September 29, 2004 as presented. Mr. Reilly seconded motion. Motion passed

unanimously.

Mr. Olean made a motion to dispense with the reading of the minutes from October 13, 2004, Subdivision Regulations Work session. Chairman Mancini stated that all subdivision regulation changes would be presented at a public hearing before being accepted. Mr. Reilly seconded motion. Motion passed unanimously.

Mr. Olean made a motion to accept the minutes of October 13, 2004 as presented. Mr. Reilly seconded motion. Motion passed unanimously

CONSENT AGENDA

Mr. Olean made a motion to accept the Consent Agenda as recommended by the Technical Review Committee. Mr. Mercurio seconded motion. Motion passed unanimously.

MAJOR SUBDIVISION REVIEW

a. Angell Road Subdivision AP 44 Lots 12 & 32 Public Hearing – 7:15 p.m.

Angell Road Development Co. Angell & Whipple Roads

Chairman Mancini explained the procedures of the public hearing – there is one held at Master Plan level and one at Preliminary Plan level. In this particular case, the Town Planner will explain the project, the developer or representative will speak, the Planning Board members can ask questions, and then the public can speak. This subdivision has come before the Board two or three times over the last four-five years. The Town and developer have negotiated a plan that is acceptable to both. A public hearing is being held to consider the plan at Master and Preliminary levels. At the preliminary level, engineering issues are discussed in detail.

Mr. Ranaldi explained that this is a 13 lot conventional subdivision consisting of single family homes and is zoned RS-20. The subdivision meets most of the subdivision requirements and is confident that it will fit in the neighborhood. The applicant has done extensive studies on traffic. The TRC reviewed five waivers and feel that the waivers are warranted. The TRC does not recommend approval of waivers without justification. The existing residents and abutters will be proud of this development. There are three outstanding issues – (1) sewers – offsite improvements to pumping station, (2) open space, and (3) care of detention basins. The Board has until December 23, 2004 to render a decision.

Attorney Michael Kelly stated that this project has a long history. It was first before the Board in 1998 as a 15 lot subdivision. Master

Plan approval expired. In 2002, the plans were filed again and Master Plan approval was granted, but not Preliminary Plan approval due to drainage issues. In 2003, a Comprehensive Permit application was filed for 40 units, but the State put a moratorium on low to moderate income housing plans. In August 2004, the plans were revised. Site conditions were redesigned, particularly drainage issues. Lots 1 & 2 have manmade slopes to address drainage issues on an existing abutting lot. A waiver on slopes would not have been needed. Waivers are needed for sidewalks (only one side) and 2 ½:1 lot depth to width ratio. Approval has been received from the Lincoln Water Commission and RI Department of Environmental Management (DEM) for 13 lots. Engineer Linda Layer from Commonwealth Engineering is available to answer any questions.

Chairman Mancini asked if the developer was willing to withdraw the Comprehensive Permit application as a condition of approval for this development. Town Solicitor Mark Krieger stated that this was an absolute condition for approval. He went on to commend the developer and their lawyer for the turnaround on this development.

Mr. Olean asked where the sidewalks would be and Mr. Kelly responded on the north side. Mr. Olean stated that concrete sidewalks are required on one side, so no waiver would be needed. Mr. Kelly withdrew the request for the waiver on sidewalks.

Mr. Krieger stated that as far as the pumping station is concerned, a

home owners' association (HOA) for the onsite pumping station is the least preferable. The Town is not in favor of a HOA. The lawyers for the Town and the developer will discuss the issue; there will be no expense to the Town.

Mr. Kelley stated that he had a discussion with one abutter (Plat 44, Lot 217) who asked for landscaping along the property line and around the pumping station. The developer is agreeable to that. Steve Archambault, who spoke on behalf of his mother and sister, stated that their drainage issues have been addressed and it was nice to see conforming, single family lots in this subdivision. Elaine DeCaporale asked how the home owners' association came up. Mr. Kelley explained that as far as the pumping station is concerned, the Town has come to the conclusion that a HOA is not a good idea, since the Town would still be called for any problems. The HOA will be for the maintenance of the detention basins only. The basins on individual lots will be maintained by the individual owner of the lot. There will be deed restrictions on those lots. The homes will be of top quality.

Mr. Olean made a motion to close the public hearing. Mr. Mercurio seconded the motion. Motion passed unanimously.

Chairman Mancini recommended that this item be placed on next month's agenda for approval for Master and Preliminary Plan. Pumping station issues need to be addressed. Mr. Ranaldi stated

that the Town is waiting for the legal language and to determine the amount of the remediation bond. Chairman Mancini wants the Board to be very clear on their vote. Mr. Krieger reminded the Board that a decision must be made by December 23, 2004; the next meeting is scheduled for December 15, 2004.

Mr. Olean made a motion to put the item on the December agenda for Master and Preliminary Plan approval. Mr. Mercurio seconded motion. Motion passed unanimously.

MINOR SUBDIVISION REVIEW

a. Sunview Street Subdivision AP 13 Lot 31 Preliminary Plan Discussion/

Seminole Development Sunview Street Approval

Chairman Mancini explained that because the applicant is requesting a waiver, the minor subdivision is being bumped up to a major subdivision review. The developer and the Town Planner will explain the development and will come back before the Board in December as a major subdivision. A public hearing will be held and Master and Preliminary Plan approval will be combined.

Mr. Ranaldi apologized for the oversight. The TRC felt that the subdivision presents a unique situation and represents the

subdivision of one lot into two. The waiver needed is for 15% slopes. A large majority of the surrounding homes in the neighborhood have retaining walls or were built into the slope. The Planning Board is concerned about granting waivers, but the TRC felt that the waiver is appropriate. Photos of the surrounding existing homes were submitted.

Chairman Mancini explained to the developer that the Planning Board must comply with the regulations which require that the subdivision be presented as a major subdivision and a public hearing be held. Mr. Reilly asked if a public informational meeting and a public hearing would be held, and Mr. Ranaldi responded that the Board can combine review stages. Notices to abutters will be sent via certified mail. Mr. Reilly stated that previous houses were built before subdivision regulations were in place, and doesn't want to set precedence for others. Mr. Ranaldi stated that the standards to meet took into consideration hardships and unique characteristics. Mr. Krieger stated that Rhode Island Courts have held that every parcel of land is unique.

Mr. Olean made a motion to move to public hearing in December. Mr. Mercurio seconded motion. Motion passed unanimously.

MINOR LAND DEVELOPMENT REVIEW

a. Lincoln Middle School AP 26 Lots 38, 39, 41 & 43 Minor Land Development

Town of Lincoln Jenckes Hill Road Discussion/Approval

Mr. Ranaldi stated that this is a minor land development. A new middle school will be located on Jenckes Hill Road, AP 26, Lots 38, 39, 41 and 43. The Planning Board has until December 17, 2004 to approve, approve with conditions, or deny. The Town Engineer has worked extensively with the school's engineers. Utility issues and stormwater and groundwater issues have been addressed. Mr. Ranaldi stated that he is pleased with the buffering of the seven residential homes on Tattersall Drive. There will be extensive evergreen vegetation on sloped land, creating a buffer of at least eleven feet high. The traffic report has been reviewed by Ms. Wiegand and concerns from the school to Lime Acres Park have been addressed.

Mr. Scott Dunlap of Architecture Involution, LLC (AI3) stated that he has had contact with the State Traffic Safety Commission on the Board's concerns for a signal-lighted crosswalk, a bridge or a tunnel. All three require approval and the state feels that neither one is justified at this time. After the school is completed, DOT will look at the traffic issue. Mr. Reilly asked why DOT couldn't look at the issue now, and Mr. Dunlap replied that DOT will not approve anything until a situation arises. Mr. Dunlap informed the Board that a flashing yellow light 100 feet before the school in each direction will warn

motorists of the 20 mph school zone. Mr. Reilly asked why a pole light couldn't be installed similar to what is in place at Kirkbrae.

Mr. Mercurio asked what has been done by state representatives, Town Solicitor and others besides calling DOT. Mr. Dunlap stated that political pressure could result in special approval. It is more dangerous to install a crosswalk without a signal light. Mr. Mercurio asked what the problem was with a tunnel and Mr. Reilly responded that money was an issue, but Mr. Mercurio stated that money is nothing compared to a child's life. Mr. Mercurio asked what would happen if the plan was approved with conditions and the conditions were not met. Mr. Dunlap replied that they are looking for approval to keep the project moving forward and feel that eventually the Town will get approval for a crosswalk.

Mr. Reilly asked who made the decision on whether there was a problem or not, and Mr. Dunlap responded that DOT needs to see the building in place and the number of pedestrians crossing daily.

Chairman Mancini stated that the Board should consider the TRC's recommendations. A bridge or a tunnel could provide a false sense of security, as people will often take the easy way out to cross the street. The health and safety of the children is the number one concern of everyone. Crossing from the school to Lime Acres Park should be minimized.

Mr. Mercurio stated that lobbying is a way to get resources and results. He is concerned that a team of people are not diligently working with DOT to get this done beforehand. He noted that two former DOT directors live in Lincoln. He went on to say that he spoke to Keith Macksoud, newly elected Councilman from the Limerock District, who spoke to State Representative Peter Petrarca, both of whom are willing to work with DOT to enforce whatever architects feel is needed for the safety of the children.

Sue McClain, a member of the School Committee and the Building Commission for the Middle School, stated that the health and safety of the children is the primary concern of everyone involved. Additional field space is available on site; if Lime Acres is utilized, the children will be bussed there. All middle school students are bussed and late kids will be supervised. Everyone has done everything in their power to address this issue and will continue to pursue DOT. The school department can not control events on weekends, or when kids are with their parents. At that point, it becomes a community issue. Mr. Ranaldi spoke to Deputy Police Chief Brian Sullivan about the issue, and Deputy Sullivan stated that middle school students are under their parents' control – they are not yet old enough to drive and depend on their parents for transportation. The chance of students crossing will be very minimal. If, in the future, people park at the school and then cross over to the park, then it becomes a community issue and the community as a whole will have to address the issue.

Mr. Olean stated that he felt the school committee is showing due diligence and the issue would have to be addressed by the community in the future. Chairman Mancini stated that in the future, if a new school is needed, a member of the Planning Board should sit in on the meetings. Mr. Krieger stated that he appreciates the Planning Board's concerns and it is not the intent of the School Department to have children crossing over to the park. Everything is self-contained on the current site. He will contact Representatives Menard, McManus, Montalbano, and Senator Connors for their support. This issue should be a low priority and should not hold up the project.

Mr. Olean made a motion to accept the recommendations of the TRC to approve with the conditions listed and to allow the Administrative Officer to grant final approval. Mr. Lund seconded motion. Motion passed with Mr. Mercurio opposed.

CORRESPONDENCE/MISCELLANEOUS

Mr. Ranaldi stated that all improvements for Shetland Estates have been completed and approved by the Engineering Department. Mr. Butterworth is asking for the release of the \$25,000 bond. Mr. Mercurio made a motion to release the bond to Shetland Estates. Mr. Murphy seconded motion. Motion passed unanimously.

Chairman Mancini asked for an updated Subdivision Projects List.

There being no further business to discuss, on a motion made by Mr. Olean and seconded by Mr. Mercurio, it was unanimously voted to adjourn. Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Margaret Weigner

Attached November 17, 2004 TRC Report:

Dear Honorable Members,

On November 9, 2004 at 3:30 pm the Technical Review Committee met to review the agenda items for the November 17, 2004 Planning Board meeting. In attendance were Al Ranaldi, Kim Wiegand, Diane Hopkins, Russell Hervieux, Ann Marie Either, and Peggy Weigner. Below are the Committee's recommendations:

Major Subdivision Review

- a. Angell Road Subdivision AP 44 Lots 12, 32 Public Hearing – 7:15 PM**

- Angell Road Development Co. Angell Rd, Whipple Rd

This project represents the subdivision of one lot into thirteen conventional single-family lots. The subject lot contains 11.03 acres of land and is located in zoning district RS-20 (20,000 square feet – Residential Single Family). The project is before the Planning Board for a public hearing. The Technical Review Committee will present final comments on the project following the public hearing. Below is a brief recap of the project.

On August 25, 2004, this new project was certified as complete and referred to the Planning Board for their regularly scheduled September meeting for review as a Master Plan. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the Master Plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan review must be made by December 23, 2004 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division has reviewed the above-proposed development according to the 2001 Land Development and Subdivision Regulations preliminary plan submission standards and requirements and engineering practice standards. The submission includes a set of 10 sheets entitled “Master/Preliminary Plan Submission for Angell Road Subdivision”,

Lincoln Rhode Island, AP 44 Lot 12, prepared for Leslie W. Sables by Commonwealth Engineers & Consultants, Inc., revised October 20, 2004. The Engineering Division also received and reviewed a report entitled “Storm Water Management Analysis and Design for AP 44 Lot 12 in Lincoln, Rhode Island”, prepared by Commonwealth Engineers & Consultants, Inc., for Leslie W. Sables, revision date June 22, 2004. The Town received a new letter from Ms. Linda Layer, P.E. dated October 14, 2004. A copy of a revised traffic report entitled “Traffic Impact Assessment Report” prepared for the above applicant by the above engineer revision date October 13, 2004 was also recently received. At this stage of review, the applicant is requesting five waivers. The waivers requested are:

- 1. A waiver from Section 24, Article A (5) – Sidewalks – waiver requested to propose sidewalks on one side of the road only**
- 2. A waiver from Section 1, Article B (10) - Minimum Buildable Lot standard - Proposed Lot #1 due to earthen berm – buildable square footage = 18,141 sqft**
- 3. A waiver from Section 1, Article B (10) - Minimum Buildable Lot standard - Proposed Lot #2 due to earthen berm – buildable square footage = 17,880 sqft**
- 4. 2 ½ : 1 lot depth to width ratio for Lot 3**
- 2 ½ : 1 lot depth to width ratio for Lot 5**

The Technical Review Committee has reviewed all the submitted materials and concluded that all major engineering issues have been successfully addressed. Conditional Approval could be granted

subject to the following issues to be resolved:

Wetlands - The applicant has received an approval from RIDEM Wetlands for the original 15 lot subdivision dated November 5, 2004. An amended permit for the revised plan must be a condition for preliminary approval.

Groundwater - The seasonal high ground water elevation must be determined in order to set the house elevations set above the seasonal high ground water elevation. Ground water elevations must be taken and documented during the wet season in the existing test pipes and also in two additional test pipes located also on the northerly side of the property.

Sanitary sewers - The developer must ensure that a homeowners association will take ownership, maintain and service the proposed pumping station to lift the sewerage for the lots on the site. Alternative arrangements with the Public Works Department may be possible. The force main and gravity sewers in the public road are proposed to be owned and maintained by the Town. The detail for the sewer trench must be modified to conform to current Town standards.

In earlier discussions the developers were requested to pay for improvements to the existing facilities at Angell Road South pumping station as a condition of approval for using public sanitary sewers. This station is near to the design capacity for the already existing,

platted lots that have paid sewer assessments. This condition is required in order to be able to accept the additional flows from the subdivision without negatively impacting the future ability to connect for the already platted lots. The Town has had some initial conversations with the engineers regarding potential improvements. The TRC recommends the condition of written acceptance of payment for improvements from the developer at this stage of the process.

Traffic - The Traffic Report revised October 14, 2004 recommends mitigation measures for traffic concerns beyond clearing the vegetation on site. The new additional recommendation is to remove a large boulder on the west side of Whipple road south of the proposed Leslie Road that blocks the sight distance. This work must be delineated out in the field prior to site construction and performed by the developer as part of the site development.

Minor Subdivision Review

- a. Sunview Street Subdivision AP 13 Lot 31 Preliminary Plan Discussion /**
 - Seminole Development Sunview Street Approval**

This application is under the 2001 Subdivision Regulations and represents the subdivision of one lot into two lots. The plan received Certificate of Completeness on November 1, 2004 in which the Planning Board has 65 days (January 5, 2004) to approve the

preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant. The TRC and the Engineering Division reviewed the above proposed development according to the Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering.

While the proposed minor subdivision represents good land development, it requires one waiver. The minor subdivision requires a waiver from Section 1, Article B(10) – Buildable lot area. The eastern section of the lot contains slopes greater than 15%. While this situation would not be considered in the planning of larger subdivisions, the applicant has presented photos of the surrounding neighborhood. Based on the photos and a site visit, a large majority of the existing houses in the area have retaining walls or have been built into the slope.

Therefore, based on the submitted plans, the fact that this is a proposal for only one lot, and that a large majority of the surrounding houses either have retaining walls to address the slopes or are built into the slope, the Technical Review Committee feels that this proposed minor subdivision represents a unique situation in this specific area and recommends that the subdivision be approved. The TRC would also like to note the requirement of open space fee. The TRC also recommends that final approval be delegated to the administrative officer.

Minor Land Development Review

a. Lincoln Middle School AP 26 Lots 38, 39, 41, 43 Minor Land Development

- Town of Lincoln Jenckes Hill Road Discussion / Approval

The Technical Review Committee and Lincoln's Public Works Engineering Division has reviewed the set of plans entitled "Lincoln Middle School, Lincoln, Rhode Island, Permit Submission Plans" prepared by Architectural Involution, Inc. dated 10/29/04 for the Town of Lincoln. This is a minor land development located on Jenckes Hill Road encompassing AP 26 Lots 38, 39, 41 and 43 and Plat 44 Lot 161.

The proposed minor land development project has been filed and reviewed under the 2001 Land Development and Subdivision Regulations preliminary plan submission standards and requirements and engineering practice standards. The plan received Certificate of Completeness on October 13, 2004 in which the Planning Board has 65 days (December 17, 2004) to approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant. Below are the committee's concerns.

Traffic/ Road design - The site access and internal traffic flow appears to meet the needs of the school. The internal flow effectively segregates the bus traffic, student drop-off and pick up as well as building services. The plans show a new turning lane constructed on Jenckes Hill Road to allow safe approach to the school from the south. The entrance onto Jenckes Hill Road requires RIDOT approval

through the Physical Alteration Permit process. The Engineering Division has reviewed the traffic report. The Traffic Report recommends installation of a school speed limit system signage. This system requires approval of the State Traffic Safety Commission. No pedestrian access is shown to Jenckes Hill Road and Lime Acres Park from the school. The school will bus all students to the school and all programs; the campus is a closed facility with strict controls and bussing for any off campus events. The design of the entrance, parking area and fields are such to encourage on site uses only and to discourage off campus connections.

Utilities - The Lincoln Water Commission (LWC) has stated that public water is available for this development. The system is in the High Service Area which will necessitate payment of an impact fee to the LWC. The water system has received preliminary approval by the LWC. The Limerock Fire Department has made preliminary recommendations to the site plan to ensure access for fire safety. The State Fire Marshall will review the fire protection system for the building.

The sewer design, connecting by gravity to a public sewer at the intersection with Harris Road is acceptable. It appears that the southern most portion of the school will require wastewater to be pumped up to a sanitary manhole that is part of the onsite gravity system. The design appears to minimize the amount of road excavation required within the State road right of way. Approval for

the wastewater discharge must be obtained from the Narragansett Bay Commission. An existing utility pole will need to be relocated for the entrance.

Stormwater/ groundwater - The engineering division has reviewed the drainage report. The design and placement of the stormwater detention basins are acceptable. Stormwater basins appear to be above the seasonal high groundwater elevation, readily accessible for maintenance.

This area of Limerock is known for seasonal high groundwater elevations. Previous soil evaluations across the site confirm that groundwater close to the surface is an issue in some areas, particularly adjacent to the wetlands. This characteristic of the land has been taken into account. As shown in the proposed finished floor elevations, the building will be above the seasonal high groundwater elevations.

Wetlands - The development is subject to RIDEM Wetlands approval. The wetlands have already been delineated and verified by RIDEM. The consultant, Pare Engineers and the Town Engineer met with representatives of RIDEM regarding the application for Preliminary Determination. It is clear that the site design will be in substantially conformance with the requirements and standards of an insignificant alteration. An application has been prepared for a RIDEM permit. The RIDOT has no objections to RIDEM reviewing the alterations of wetlands on the State highway required for the development.

Based on the above noted concerns, the Technical Review Committee recommends that this minor land development project be approved with conditions. Below are the recommended conditions:

- 1. The Engineering Division must review and approve the final traffic report.**
- 2. The public water system design needs to be reviewed and approved by the LWC.**
- 3. Submit a wastewater discharge application to the Narragansett Bay Commission.**
- 4. The engineering division must review and approve the final drainage report.**
- 5. RIDEM Wetlands approval.**

The TRC recommends that remediation bond amount and final plan approval be delegated to the Administrative Officer to the Planning Board.

December Zoning Applications

Timothy and Eileen Chaput, 11 Kirkbrae Drive, Lincoln, RI - Dimensional Variance for rear yard setback for the construction of a garage/addition.

AP 32, Lot 55 Zoned: RS 20

Members of the Technical Review Committee visited the site and reviewed the revised site and floor plans and application. The plans

submitted present a three-car garage and two-story addition above the garage. This addition is attached to the house via a 16'x8' connection that is not designed as an integrated part of the existing house. The applicant did not present any additional information to establish hardship for the variance. The Committee feels that the application does not fully address the requirements of a dimensional variance. Therefore, the Technical Review Committee recommends denial of the application for a dimensional variance.

Victor Rodrigues, 91 Suffolk Avenue, Pawtucket, RI / Anne Levesque, 24 Breakneck Hill Road, Lincoln, RI – Use Variance for the operation of a professional office/residential space for property located at 24 Breakneck Hill Road, Lincoln, RI.

AP25, Lot 74 Zoned: RS 20

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends approval of this application. The committee finds that the proposed use variances will not alter the general character of the surrounding area. Currently, there are three similar professional office/residential spaces located within the immediate vicinity. This proposed use will compliment the existing uses and will not impair the intent or purpose of the zoning ordinance, nor the Comprehensive Plan.

Nextel Communications, 40 Hartwell Avenue, Lexington, MA – Special Use Permit for the operations of a telecommunications facility to be

located at 145 Higginson Avenue, Lincoln, RI.

AP1, Lot 155 Zoned: ML 0.5

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends approval of this Special Use Permit. The committee finds that the proposed special use permit will not alter the general character of the surrounding area. Currently, the area represents a variety of manufacturing industries. This proposed use will compliment the existing uses and will not impair the intent or purpose of the zoning ordinance, nor the Comprehensive Plan.