

LINCOLN PLANNING BOARD

NOVEMBER 15, 2006

MINUTES

The regular meeting of the Planning Board was held on Wednesday, November 15, 2006, at the Town Hall, 100 Old River Road, Lincoln, RI.

Chairman Mancini called the meeting to order at 7:10 p.m. The following members were present: Patrick Crowley, Diane Hopkins, John Mancini, Gregory Mercurio, and Gerald Olean. Absent were David Lund and Michael Reilly. 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 five members present; have quorum.

SECRETARY'S REPORT

There was no secretary report for review.

CONSENT AGENDA

Chairman Mancini stated that any item on the consent agenda could

be removed and discussed separately by making a motion. There are five items under Zoning Applications and Correspondence/Miscellaneous on the agenda for consideration.

Mr. Mercurio made a motion to approve the Consent Agenda as recommended by the Technical Review Committee (TRC). Ms. Hopkins seconded motion. Motion passed unanimously.

MAJOR SUBDIVISION REVIEW

a. Sables Road Subdivision – Phase 2 AP 44 Lot 33 Preliminary Plan Discussion

Leslie W. Sables Lantern & East Lantern Roads Approval

Mr. Ranaldi stated that the Preliminary Plan for Sables Road Subdivision is up for a vote for approval or denial. As previously discussed, Mr. Ranaldi stated that this is a 17 lot single family residential development. Phase I of the project has already received Preliminary Plan approval for 9 lots. A Home Owners' Association (HOA) will own and maintain the water and sewer lines. Phase II consists of 8 single family lots on an existing road. Again, the sewer and water lines will be owned and maintained by a HOA. One waiver

is being requested for Lot #10 for the buildable lot area due to wetlands and sewer and water easements; RI Department of Environmental Management (RIDEM) requested that the easement for water be moved out of the wetlands perimeter. Another easement is for sight distance clearance; the TRC recommends granting the waiver due to the Town's request for sight distance clearance at the corner of the existing road. Mr. Ranaldi reminded the Board that a decision had to be made tonight as the decision must be made by November 28th. In addition to the conditions previously presented, an abutter came to the TRC meeting and presented pictures of the area showing how the narrow road is blocked from vehicles parked on the side of the road. An email was received from another abutter noting safety concerns. The TRC has three additional conditions to alleviate safety concerns for the nearby residents - #8 - #10 on page four of the TRC report. Condition #8 requires that all construction vehicles and equipment use the utility easement, a gravel access road that runs parallel to East Lantern Road, behind the property for access to all site improvements. Condition #9 requires that the developer shall locate an equipment and materials staging area on site to be accessed from the utility easement. Condition #10 requires that a field person coordinate and communicate on a daily basis with the neighbors to help keep the road clear and control traffic. Mr. Ranaldi stated that Ms. Wiegand was in charge of the Toll Brothers project and there was a person who coordinated everything for the abutting residents and it worked out very, very well. The seven other conditions that are listed in the TRC report were discussed for

months. The email from the abutting resident was submitted for the record.

Mr. Mercurio asked how many people came forward since the public hearing and Mr. Ranaldi replied two people. Mr. Mercurio stated that if the project is approved, he would suggest a meeting for the neighbors to let everyone know when construction will start. This meeting forces people to attend or not complain if they do not attend. Mr. Ranaldi stated that if there are any complaints, the neighbors will call Ms. Wiegand. Chairman Mancini commented that this is an added cushion for neighbors.

Eric Brainsky of Michael Kelly's office asked Mr. Mercurio to elaborate. Mr. Mercurio stated that approximately one month before construction starts, the developer should send a letter to the abutters stating when the construction will start to help minimize problems in the area.

Ms. Wiegand stated that when the Toll Brothers project started, DiPrete Engineering sent out a flyer to residents and coordinated everything in the area for the residents and neighboring businesses – mailman, school bus, etc. The field person went above and beyond and made the construction process a lot easier for everyone.

Mr. Olean asked about the phases in the project – if Phase II was contingent upon Phase I being completed – and what safeguards are

in place. Ms. Wiegand responded that if there are no sewers installed, there are no houses. Mr. Olean commented that Phase I is not going so fast, what happens to Phase II. Ms. Wiegand responded that there would be a performance bond for everything. All utilities must be in. The developer can not receive a Certificate of Occupancy without the sewer system being built.

Mr. Brainsky stated that the developer is amenable to providing notice to the abutters one month in advance of the start of construction. The meeting will be held at the developer's office at 573 Mendon Road. The developer's representative has met with Mr. VanNieuwenhuyze and will notify him of the meeting.

Mr. Mercurio made a motion to accept the TRC recommendations and approve the Preliminary Plan with the ten conditions as listed and the understanding that the developer will notify the abutters one month in advance of construction. Mr. Olean seconded the motion. Motion passed unanimously. Chairman Mancini stated that the Board does not want to delegate final approval to Mr. Ranaldi on this project. The developer will have to come back before the Board for final approval. Mr. Ranaldi submitted the pictures from Mr. Rampone for the record.

There being no further business to discuss, on a motion made by Mr. Crowley and seconded by Mr. Mercurio, it was unanimously voted to adjourn. Meeting adjourned at

7:35 p.m.

Respectfully submitted,

Margaret Weigner

Attached November TRC Report:

Dear Honorable Members,

On November 8, 2006 at 2:30 pm, the Technical Review Committee met to review the agenda items for the November 15, 2006 meeting of the Planning Board. In attendance were Al Ranaldi, Kim Wiegand, Diane Hopkins, and Peggy Weigner. Below are the Committee's recommendations:

Major Subdivision Review

- a. Sables Road Subdivision – Phase 2 AP 44 Lot 33 Preliminary
Plan Discussion /
- Leslie W. Sables Lantern & East Lantern Rd Approval**

This application is under the 2005 Subdivision Regulations and

represents the subdivision of one lot into 17 single-family residential lots. The project is proposed to be reviewed in two phases. Phase one represents the development of 9 single-family residential lots and one new cul-de-sac. Phase two represents the development of 8 single-family residential lots. One subdivision waiver is requested. The Planning Board is reviewing Phase 2.

On August 1, 2006, the Phase 2 - Preliminary Plan submittal for the above noted project received a Certificate of Completeness. 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 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 Phase two of the Preliminary Plan must be made by November 28, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division reviewed the proposed development according to the Lincoln Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The latest submission included a set of 14 sheets entitled "Preliminary Plan Submission for Phase 2, Sables Road Subdivision", Lincoln Rhode Island, AP 44 Lot 33, prepared for Leslie W. Sables by Commonwealth Engineers & Consultants, Inc., dated July 7, 2006. Additional material previously received included a report entitled "Stormwater Management Analysis" revision date October 28, 2005

prepared by the above consultant for the above applicant. Soil evaluation logs performed by a certified soil evaluator were previously reviewed as well. A copy of the RIDEM Wetlands stamped approved plans have been received by the Engineering Office. A public hearing was held on October 18, 2006. Below are the TRC recommendations for this project.

Wetlands

The proposed subdivision has received an approval from Department of Environmental Management (RIDEM) Wetlands dated July 19, 2006 which included improvements to East Lantern Road and Lantern Road in Lincoln. The RIDEM Wetlands permit included both Phases 1 and 2.

Drainage

There are existing drainage problems and seasonal high groundwater in the area of the project. The Town reviewed the drainage report for the proposed development. Phase 2 contains a swale in front of the proposed lots on East Lantern Road to be maintained by the individual property owners as a restriction on their deeds. This deed restriction must be approved by the Town DPW and Town Solicitor.

Groundwater

Groundwater is a significant problem in this area. No form of subdrains will be allowed to drain onto the road or abutting properties. A certified soil evaluator will be required in order to

obtain information so that the houses are set above the seasonal high ground water elevation. A condition of any approval must also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation. A note is shown on the plan addressing this issue.

Sanitary Sewers

The design as well as the ownership, maintenance and operation of the proposed pumping station will be through a private homeownership association. The association agreement must be approved by the Town solicitor as a condition for approval. The design and specifications for the pump station must be approved by the sewer supervisor and the Public Works Department. The force main and gravity sewers in the public road and utility easements are proposed to be owned and maintained by the homeowners association, but accessible to the Town in case of an emergency. The developer must also provide a generator for the Rollingwood pump station, as agreed in discussions May 2006 between the Public Works Department, the applicant and his attorney, as a part of mitigating the impact to the existing area collection system. This item was included in Phase 1 but has not yet been completed. Preliminary Plan approval will require approval from Narragansett Bay Commission for sewer discharges as a condition of approval.

Public Water Service

John Faile, superintendent of the Lincoln Water Commission (LWC)

stated that he is in the process of negotiating a waterline design with the developer. The homeowners association will be responsible for water lines within the development. The Town has not yet received any written approval for the project from the LWC. Preliminary approval will require approval from the LWC as a condition of approval.

Traffic

Phase 2 includes improvements to Lantern and East Lantern Roads and an easement to provide adequate sight distance for vehicles turning the corner on Lantern Road at East Lantern Road. The easement description must describe the property owners' and the Town's responsibilities. During the Public Hearing held on October 25, 2006, several abutters expressed concern regarding the anticipated traffic impacts to the existing road and neighborhood. One neighbor submitted a written letter detailing his concerns. Another neighbor attended the Technical Review Committee meeting and presented the Committee with pictures of the existing roadway. The TRC discussed the benefits of the proposed off site improvements that the developer will provide as his own cost to help mitigate any traffic concerns. During this discussion, the TRC and the neighbor developed three additional conditions of approval. These conditions of approval are designed to help mitigate the impact to the existing neighborhood during construction. The recommended conditions are as follows:

- 1. During construction, all construction vehicles and equipment should use the utility easement, a proposed gravel access road, that runs parallel to East Lantern Road for access to all site improvements as much as possible,**
- 2. During construction, the developer shall locate an equipment and materials staging area on site. This staging area shall be accessed from the utility easement, and**
- 3. During construction, the developer shall assign a field person to communicate on an as-needed daily basis with all the neighbors to keep the road clear, coordinate the schedule of work, and control traffic.**

Site Design

One subdivision waiver is requested for Lot 10 which contains less than 40,000 square feet, the minimum buildable area, due to wetlands and sewer and water easements. One of the easements is the sight distance clearance. This is not an area which would be built on in any case. The other easement, for water and sewer, was moved out of the perimeter wetlands in accordance with RIDEM comments on the permit application. The TRC recommends granting a waiver for buildable area for this particular situation due to the Town's request for sight distance clearance at the corner of the existing road.

Based on the above noted concerns and concerns presented by the public during the Public Hearing held last month, the Technical Review Committee recommends Approval with Conditions. The

conditions of approval are as follows:

- 1. No finished floors or basements shall be constructed at or below the seasonal high groundwater elevation. A note is shown on the plan addressing this issue.**
- 2. The ownership, maintenance and operation of the proposed pumping station will be through a private homeownership association. The association agreement must be approved by the Town solicitor as a condition for approval.**
- 3. The design and specifications for the pump station must be approved by the sewer supervisor and the Public Works Department.**
- 4. The developer must also provide a generator for the Rollingwood pump station, as agreed in discussions May 2006 between the Public Works Department, the applicant and his attorney, as a part of mitigating the impact to the existing area collection system.**
- 5. Narragansett Bay Commission approval for sewer discharges.**
- 6. Lincoln Water Commission (LWC) approval for waterline design and maintenance.**
- 7. A sight distance easement to provide adequate sight distance for vehicles turning the corner on Lantern Road at East Lantern Road.**
- 8. During construction, all construction vehicles and equipment should use the utility easement, a proposed gravel access road that runs parallel to East Lantern Road. for access to all site improvements as much as possible.**
- 9. During construction, the developer shall locate an equipment and materials staging area on site. This staging area shall be accessed**

from the utility easement.

10. During construction, the developer shall assign a field person to communicate on an as-needed daily basis with all the neighbors to keep the road clear, coordinate the schedule of work, and control traffic.

Correspondence/Miscellaneous (*)

a. Cullen Avenue Subdivision AP11 Lots 49 & 85 Final Plan Approved & Recorded

This project represents the subdivision of two residential lots into three lots. On November 2, 2006, the applicant successfully addressed all of the preliminary plan approval conditions. Therefore, final plan was issued and the final plan was recorded.

b. Winterberry Estates AP 45 Lot 335 Maintenance Bond Reduction

The developer has successfully finished several public improvements as they relate to this subdivision. The engineering division has reviewed the amount of the existing Maintenance Bond with the estimated amount of the outstanding public improvements and determined that the existing Maintenance Bond can be reduced. See attached memo from the engineering division.

Zoning Applications (*) – December Zoning Applications

Inland American Retail Management LLC, 2901 Butterfield Road, Oakbrook, IL – Special Use Permit to increase tenant and ownership square footage signage on exterior of property located at 622 George Washington Highway, Lincoln, RI.

AP 41, Lot 7 Zoned: BL 05

The application was not available for the Technical Review Committee to review. Therefore, no recommendation can be offered.

David Garneau, 1 DuCarl Drive, Lincoln, RI/Steven & Joann Enauder, 9 Blue Mist Drive, Manville, RI – Dimensional Variance seeking relief for the construction of an addition.

AP 39, Lot 69 Zoned: RS 20

The Technical Review Committee recommends Approval of this application. The TRC reviewed the submitted site plans and visited the site. The TRC determined that the layout of the existing single family limits the owners to the area in which they can locate an in-law addition. This corner lot also presents a unique building envelope that limits the area to build. The Committee finds that the applicant presents a realistic site layout that meets the intent of the zoning and would not be detrimental to the neighborhood.

Anthony Marchetti, 10 Morning Star Court, Lincoln, RI – Dimensional Relief seeking relief for the construction of an addition.

AP 26, Lot 238 Zoned: R 40

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends Denial of the application for a dimensional variance. The Committee feels that the application does not meet any of the standards for relief of a dimensional variance as presented in the Zoning Ordinance. More specifically, the TRC feels that the site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The TRC feels that the applicant has sufficient room to the side of the property to locate an addition without having to request a variance. The Technical Review Committee feels that the dimensional variance will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

H.L. George Development Corp., c/o Richard Ackerman, Esquire, 800 Clinton Street, Woonsocket, RI/First Facility Lincoln, LLC, /o Richard Ackerman, Esquire, 800 Clinton Street, Woonsocket, RI – Request for one year extension of Decision rendered on January 3, 2006.

AP 41, Lot 44 Zoned: BL

Members of the Technical Review Committee reviewed the submitted application for a time extension of a special use variance. The TRC recommends Approval of the application for a time extension. The Committee feels that the applicant has been diligently working to start construction of the project within the one year time frame but

time ran out.

Town of Lincoln, 100 Old River Road, Lincoln, RI – Dimensional Variance seeking pole height relief for school and athletic fields located at 152 Jenckes Hill Road, Lincoln, RI.

AP 26, Lots 38/39/41/43 Zoned: RA 40

The application was not available for the Technical Review Committee to review. Therefore, no recommendation can be offered.