

# **LINCOLN PLANNING BOARD**

**NOVEMBER 28, 2007**

**APPROVED**

The regular meeting of the Planning Board was held on Wednesday, November 28, 2007, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Mancini called the meeting to order at 7:04 p.m. The following members were present: John Mancini, Gerald Olean, Michael Reilly, Kenneth Bostic, Wilfred Ordonez, Greg Mercurio, Jr. and John Hunt. Also in attendance were Town Planner Albert Ranaldi and Town Solicitor Joelle Sylvia. Russell Hervieux kept the minutes.

Chairman Mancini advised that seven members were present; have quorum.

Town Planner Al Ranaldi reminded the Chairman that the agenda for tonight's meeting was amended to add item 5C. This item is the Angell Road Subdivision major subdivision modification. All members have a revised agenda.

## **SECRETARY'S REPORT**

Motion made by member Olean to move Secretary's Report to be heard after item number 9, on the agenda, before the close of the

meeting. This motion was seconded by member Reilly. Motion approved unanimously.

## **CONSENT AGENDA**

Chairman Mancini reminded members that consent agenda has zoning applications, administrative final approval for Carriage Drive and staff reports. A consent agenda is normally voted on in total unless a member motions to remove an item.

Motion was made by member Olean to accept the consent agenda as presented and was seconded by member Mercurio. Motion was approved unanimously.

## **MAJOR SUBDIVISION REVIEW**

Motion was made by member Olean to amend the agenda to have item 5b, Lincoln Garden Estates, be the next item for consideration and was seconded by member Reilly. Motion was approved unanimously.

**b. Lincoln Garden Estates AP 26 Lot 2 Preliminary Plan Extension  
Steven, Stuart, and Cara Popovich Old Louisquisset Pike**

Mr. Ranaldi stated that this is an extension of a preliminary plan which the applicant received preliminary plan approval on April 26,

**2006. This project is approximately 98% complete. The applicant is seeking an extension until May 28, 2008. The applicant has been working on this project diligently. The TRC recommends approval of this extension.**

**Motion made by member Mercurio to grant a six month preliminary plan extension until May 28, 2008 was seconded by member Bostic. Some discussion took place that this application for an extension was late. Al Ranaldi stated that new policies are going into effect to prevent these situations. The motion was amended by member Mercurio to state that the six month extension is from today's meeting and was seconded by member Bostic. The amended motion was approved unanimously.**

**Motion was made by member Olean to amend the agenda to have item 5c, Angell Road Subdivision, be the next item for consideration and was seconded by member Mercurio. Motion was approved unanimously.**

**c. Angell Road Subdivision-Modification AP 44 Lots 12, 90 Guarantee Bond Review/**

**Angell Road Development Co. Angell & Whipple Approval**

**Mr. Ranaldi stated that this is a major subdivision at the final plan stages and is in front of the Board tonight for a Guarantee Bond review. At last months meeting this applicant received final plan**

approval with the conditions for the phased development. The Town Engineer has outlined ten items that still need to be completed and the bond would be for these items. These items include granite bounds, surface course on road, granite curbs in phase III, street trees, and plantings per RIDEM, sidewalks, erosion controls, loam and seed within right of way, street signs and fencing. N. Kim Wiegand, Town Engineer, is recommending a bond amount of \$112,000.00 which the TRC supports. Member Mercurio questioned as to what form the bond would be in. Mr. Ranaldi responded that it would be a surety bond.

Motion made by member Mercurio to accept the TRC recommendations and the guarantee bond be a surety bond of \$112,000.00. This motion was seconded by member Olean. Discussions took place as to whether the applicant has been informed of this amount. Eric Brainsky attorney for the applicant spoke in behalf of the applicant. Mr. Brainsky stated that the applicant has accepted the amount of the bond. The applicant also agrees in providing a surety bond. Town Solicitor Joelle Sylvia explained that the applicant has choices in the form of the bond in the subdivision regulations. Motion was approved unanimously.

a. Vernon Estates AP 26 Lot 2 Master Plan - Public

JCM, LLC Jenckes Hill Road Informational Meeting

The Chairman opened the Public Informational Meeting at 7:20 pm.

**Chairman Mancini explained that the abutters were notified to attend through a mailing. Russell Hervieux read the abutters list for the record of attendance. The list was supplied by the applicant. No abutters responded. Chairman Mancini asked the audience if anybody was in attendance as an abutter but their name was not called. There was no response. There were no members of the audience wishing to speak about this subdivision.**

**Town Planner Al Ranaldi stated that this application is before the Board for a public informational meeting. This project is under the 2005 subdivision regulations and was elevated from a minor subdivision to a major subdivision because it requires a zoning variance for lot width. This is a one lot being divided into two lots with one lot having only fifty feet of frontage on Jenckes Hill Road. The applicant is required to receive a conditional master plan approval before going before the Zoning Board. If Zoning gives a favorable decision, this application will come back to Planning at Preliminary Plan level. The application received a certificate of completeness on September 27, 2007. The Board has until January 22, 2008 to make a decision. Mr. Ranaldi has included the TRC concerns with the consistency with the Comprehensive Plan. The TRC feels that this application is not consistent with the Comprehensive Plan or the general purposes of the land development Subdivision Regulations. The TRC did not make a recommendation but would rather evaluate the public input and make a recommendation at the Master Plan level.**

**Eric Brainsky, Attorney for the applicant spoke in behalf of the applicant to the Board. This project is located on Jenckes Hill Road, AP 26 Lot 2, which is a State owned road. Originally submitted as a minor subdivision but was elevated to a major subdivision because of the required zoning relief. The proposal is to divide a single lot into two lots with one lot having only fifty feet of frontage. The applicant is requesting master plan approval to give them the opportunity to seek the required zoning relief. Mr. Brainsky gave the Board a brief history of this proposed project which was attempted in other forms but was unsuccessful. Mr. Brainsky also alluded to some legal issues going on with another application on this same lot. Town Solicitor Joelle Sylvia cautioned the Board to treat the applications separately. The application under appeal is not before the Board tonight. The Board agreed and only facts pertaining to this application tonight will be considered.**

**Motion was made by member Olean to close the public informational hearing portion of this application as there was no members of the public to speak. This motion was seconded by member Reilly. Motion was passed unanimously at 7:33 pm.**

**Motion was made by member Olean to move this application to next month's meeting at Master Plan level for a possible decision and was seconded by member Reilly. The applicant will supply additional information to the Board alluded to in the conversation by the next**

meeting. Chairman Mancini requested that the TRC include findings of fact in their next report to this Board in regards to this application. Motion was passed unanimously.

## **COMPREHENSIVE PERMIT**

### **a. Albion Place AP 32 Lot 44 Comprehensive Permit**

#### **Albion Place, LLC Main Street Extension**

Mr. Ranaldi stated that this application is a comprehensive permit under the 2005 regulations and the low to moderate housing income act. The applicant received preliminary plan approval on September 27, 2006. The applicant has submitted a written request for a one year extension of this approval. The applicant could not attend tonight's meeting and asked Mr. Ranaldi to speak for them. The applicant has been diligently working on the plans but encountered some architectural delays with the plans and meeting the Rhode Island Housing requirements. The TRC recommends approval of a one year extension until September 27, 2008. Member Mercurio inquired as to who the applicant was. Mr. Ranaldi responded the applicant is Dr. Mark Kuhar.

Motion was made by member Olean to accept the TRC recommendation of extending this application for one year until September 27, 2008 and was seconded by member Bostic. Motion was approved unanimously.

## **MINOR SUBDIVISION REVIEW**

### **a. Mount Mariah Lodge AP 29 Lot 6 Preliminary Plan**

#### **Mount Mariah Lodge Great Road Discussion/Approval**

**Mr. Ranaldi stated that this application is under the 2005 subdivision regulations. The application represents the subdivision of one lot into two residential lots. Certificate of completeness was issued on November 6, 2007 in which the Board has until January 10, 2008 to make a decision. This application meets all of the subdivision and zoning regulations. There are no wetlands that would affect the newly created lot. Public utilities are available. Therefore the TRC recommends preliminary plan approval with conditions. The conditions include a sedimentation and erosion control plan, Narragansett Bay Commission permit, note on plans for no finished floors below the seasonal high groundwater level, locate proposed driveway, below ground roof drainage system and granite bounds on corners of new lot. Some of the above conditions will be met at the building permit stage.**

**Norbert Therien, Professional Land Surveyor, spoke on behalf of the applicant. Mr. Therien prepared the plan before the Board this evening. The original lot is a 5.3 acre parcel. A class I survey along with a topographical survey was prepared. Water and sewer have been confirmed available; a letter from the Town Sewer was entered**

into the record. A more detailed plan would be supplied at time of application of a building permit. The applicant agrees with the conditions placed by the TRC.

Motion was made by member Olean to accept the TRC recommendation to approve with conditions and was seconded by member Mercurio. Motion was approved unanimously.

Motion was made by member Olean to delegate the final approval to the Administrative Officer and was seconded by member Bostic. Motion was approved unanimously.

## **SECRETARY'S REPORT**

The Board was given five sets of minutes to review. They are as follows: December 20, 2006, July 19, 2007, August 22, 2007, September 26, 2007 and October 24, 2007. The Town Planner Al Ranaldi stated that he has reviewed all of these minutes.

Motion made by member Olean to dispense with the reading of the December 20, 2006 minutes which was seconded by member Reilly. Motion was approved unanimously. Chairman Mancini made some minor corrections.

Motion made by member Olean to accept the minutes of December 20, 2006 as amended and was seconded by member Reilly. Motion

**was approved unanimously.**

**Motion made by member Olean to dispense with the reading of the July 19, 2007 minutes which was seconded by member Reilly. Motion was approved unanimously. Member Bostic made some minor corrections. Member Mercurio also had some minor corrections.**

**Motion made by member Olean to accept the minutes of July 19, 2007 as amended and was seconded by member Ordonez. Motion was approved unanimously.**

**Motion made by member Olean to dispense with the reading of the August 22, 2007 minutes which was seconded by member Reilly. Motion was approved unanimously. Chairman Mancini made some minor corrections. Member Mercurio made some minor corrections.**

**Motion made by member Olean to accept the minutes of August 22, 2007 as amended and was seconded by member Bostic. Motion was approved unanimously.**

**Motion made by member Olean to dispense with the reading of the September 26, 2007 minutes which was seconded by member Hunt. Motion was approved unanimously.**

**Motion made by member Olean to accept the minutes of September 26, 2007 as presented and was seconded by member Reilly. Motion**

**was approved unanimously.**

**Motion made by member Olean to dispense with the reading of the October 24, 2007 minutes which was seconded by member Hunt. Motion was approved unanimously. Chairman Mancini made some minor corrections.**

**Motion made by member Olean to accept the minutes of October 24, 2007 as amended and was seconded by member Bostic. Motion was approved unanimously.**

**Secretary Reilly read a list of minutes still owed to the Board. The list includes March 16, 2006, March 22, 2006, April 26, 2006 and June 8, 2006.**

**Motion was made by member Olean to adjourn which was seconded by member Mercurio at 8:26 pm. Motion was approved unanimously.**

**Respectfully submitted,**

**Russell Hervieux**