

LINCOLN PLANNING BOARD

DECEMBER 19, 2007

APPROVED

The regular meeting of the Planning Board was held on Wednesday, December 19, 2007, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Mancini called the meeting to order at 7:09 p.m. The following members were present: John Mancini, Gerald Olean, Kenneth Bostic, Wilfred Ordonez, and John Hunt. Also in attendance were Town Planner Albert Ranaldi and Joelle C. Sylvia for the Town Solicitor. Russell Hervieux kept the minutes.

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

CONSENT AGENDA

There were no items on the consent agenda for tonight's meeting.

MAJOR SUBDIVISION REVIEW

- a. Vernon Estates AP 26 Lot 2 Master Plan – Discussion/
JCM, LLC Jenckes Hill Road Approval

Chairman Mancini reminded the Board that the Public Informational Meeting was held at last months meeting and the Board could make a decision at this meeting. All members received copies of the TRC recommendations and a separate document titled "Findings of Required Standards". A report from Attorney Michael Kelly was also given to all members. This report was drafted by Edward Pimentel regarding a professional opinion on land use for this subdivision. The Chairman has decided to accept this report to make it part of the permanent record. However, the Chairman feels that this report has lost its value because the report refers to a design that was previously submitted and rejected and compares that application to this current application. It is not the job of the Planning Board to compare designs and decide which is better. The Board should look strictly at the application that is before us tonight.

Attorney Joelle C. Sylvia made a clarification for the Board. She stated that a representation was made to the Board at the last hearing that the neighbor was in agreement with this application. It has been brought to the attention of Attorney Sylvia that the neighbor is not in agreement with this application.

Eric Brainsky, attorney for the applicant spoke on behalf of his client. Mr. Brainsky asked if the resume of Mr. Pimentel was attached to the report spoken of previously. The resume was attached. Attorney Brainsky attempted to clarify the issue with the neighbor. The confusion was over the location of the driveway in the current application. The neighbor is represented by counsel and is working

with Attorney Brainsky on the objection. Attorney Brainsky requested that the Board allow him to retract that statement at last months hearing. The Board agreed. The Chairman cautioned the applicant that no more further public comment could be allowed since the Public Informational meeting is closed. The Board has sufficient information to render a decision. Attorney Brainsky finished up his comments by stating that his client strongly disagrees with the TRC recommendations and feels this application meets the burdens to be approved.

Member Olean requested a legal opinion as to how to make the proper motion for this application. Chairman Mancini answered by stating that the motion needs to be a positive motion even if it is for denial. The motion must also include the reasons or findings for why to approve or deny.

Motion was made by member Olean to accept the TRC recommendations including the added Findings of Required Standards which would be a motion for denial. Member Hunt seconded the motion. A roll call vote was taken. Motion for denial was approved unanimously.

**b. Lincoln Meadows II AP 45 Lots 2, 181 & 353 Preliminary Plan
Angellin, LLC Angel Road, Whipple Road Extension**

Mr. Ranaldi stated that this is an extension of a preliminary plan

which the applicant received preliminary plan approval on February 22, 2006. This approval received a one year extension until February 22, 2008. This project is under the 2005 Subdivision Regulations. The applicant is seeking an extension until February 22, 2009. This would give the applicant the spring and summer construction season to finish this project. The TRC recommends approval of this extension. However the TRC would like to remind the developer that this is their second extension and the Town would like to see significant work toward completion when the weather breaks.

Steve Puleo of Angellin, LLC spoke to the Board. Mr. Puleo stated that due to weather and market conditions the project has commenced slowly. He also stated that the project will move forward in the spring. Mr. Puleo also stated the project is not in financial trouble.

Motion made by member Olean to accept the TRC recommendations to grant a one year preliminary plan extension until February 22, 2009 was seconded by member Hunt. The motion was approved unanimously.

c. Angell Road Subdivision-Phase 2 & 3 AP 44 Lots 12, 90

**Angell Road Development Co. Preliminary Plan Extension
Angell & Whipple Phase 2 & 3**

Mr. Ranaldi stated that this is a confusing matter. As the Board

recalls this project originally came in as one full project. Several months ago the Board allowed this project to be phased into three phases. Phase I has received final approval. Out of caution the applicant is requesting an extension on Phases 2 & 3. The TRC has reviewed the application and recommends approval of the preliminary plan extension until December 14, 2008. The project has most of the public improvements are in and some fine tuning needs to be completed. Upon an inquiry from member Olean, AI stated that Phase 2 is complete but we are waiting for some testing to be completed on the detention basin.

Motion made by member Olean to accept the TRC recommendations of the preliminary plan extension for Phase 2 & 3 until December 14, 2008. Motion was seconded by member Bostic. Motion was approved unanimously.

d. The Hills of Monticello Subdivision AP 40 Lots 30 & 31 Preliminary Plan

R.H. Jergensen Construction Co. Albion Road Discussion/Approval

Mr. Ranaldi stated that this application has received master plan approval. The applicant is seeking preliminary plan approval. This project is under the 2005 Subdivision Regulations. This application represents the subdivision of two lots into fourteen single family house lots. All lots would be accessed from a new roadway ending in

a cul-de-sac and a short cul-de-sac coming off that roadway. The zoning would be RA-40. This application received a certificate of completeness on December 13, 2007. The Planning Board has until April 11, 2008 to make a decision. The TRC and the Town Engineer reviewed the plans and have a few concerns. An additional waiver would be required for the end of the cul-de-sac from a 1% grade to a 2% grade. The Town Engineer feels this waiver is acceptable and recommends approval. There are several details that need to be included in the construction plans which are detailed in the TRC report. There are several high retaining walls in this project. The TRC has asked the developer to detail the bottom elevation and top elevation of each wall on the plans. The Town Engineer recommends that the developer hire an independent engineer to oversee the installation of all retaining walls and report back to the Town. The TRC also recommends a pre-blast survey be performed before any ledge removal commences. The TRC recommends that a Physical Alteration Permit be obtained from RIDOT since Albion Road is a state owned road. The developer is offering some off site drainage improvements to account for the project drainage and some existing problems to improve overall drainage in the area. The Town Engineer would like a note stating that no detention basins or house basements shall be constructed in the seasonal high groundwater. A RIDEM wetlands permit must be obtained for this project. The TRC feels that the applicant can successfully address these concerns and this project should move forward to the Public Hearing stage.

Glen Jergenson of Jergenson Construction spoke to the Board on the issue of the retention walls. He stated he had no issue with hiring an independent engineer to oversee the construction of the walls.

Scott Lindgren of PARE Engineering also spoke to the Board regarding the retaining walls. He stated he felt it would be a good idea for the third party engineer with the ledge and wetland constraints that have to be dealt with on this project. Mr. Lindgren also stated that two of the walls are in the future town right of way and the other will be in the detention basin easement. The actual heights of these walls are not yet determined as there is still some engineering that needs to be done.

Al Ranaldi mentioned that the TRC report also calls for sidewalks to be installed in this project. The TRC would also like to see a walking path from the sidewalk to the Town owned open space land through an easement.

Motion made by member Olean to accept the TRC recommendations to proceed to a Public Hearing next month was seconded by member Hunt. Member Olean suggested that the developer have information available for the public hearing in regards to any blasting required. The motion was approved unanimously.

MAJOR LAND DEVELOPMENT REVIEW

**a. Highlands at Lincoln AP 31 Lots 38 & 40 Master Plan Discussion/
Lincoln Development, LLC George Washington Hwy Approval**

Mr. Ranaldi stated that this project is a master land development project under the 2005 regulations. This application received a certificate of completeness on December 13, 2007. The Planning Board has until April 11, 2008 to make a decision. This application is at master plan level and it requires a Special Use Permit from the Zoning Board. This applicant will also need a variance from the parking standard and building height from the Zoning Board. This applicant is requesting to receive conditional master plan approval so they can proceed to the Zoning Board. This application represents the development of a 172, 000 square foot assisted living facility on a lot behind the Courtyard Marriot on George Washington Highway. This lot resides in a BL-0.5 zone. There shall be 112 independent care units, 60 assisted living units and separate 8 independent living buildings. Traffic was a concern on a similar plan that went before zoning previously. This applicant has rectified that concern by making access from the Lincoln Mall lower entrance which is signalized. This plan also has sidewalks that will link to Lincoln Mall such that residents would have walking access. Utilities are accessible and some easements would be required. The Albion Fire Department has reviewed the plans and has recommended a drive around access for the entire building. One half of the parking will be under the building. The applicant is requesting a reduction in parking based on experiences with similar facilities elsewhere. Drainage

facilities are mostly already in place.

Chairman Mancini inquired of the applicant why they are requesting a building height variance. Scott Lindgren of PARE Engineering responded to the question. He stated that the site constraints and the fact the applicant is trying to compact the building causes this request. Mr. Lindgren also stated the applicant will be requesting a fifteen foot height variance to sixty five feet.

Scott Lindgren of PARE Engineering made a presentation. He passed out four exhibits to the Board for their consideration. The exhibits are to help the Board with a visual presentation of what the project would look like. Attorney Peter Ruggiero is the attorney of record for this project. This project came before the Town approximately three years ago but was not built for financial reasons. The proposed project is a senior independent living facility with assisted living element as well. The main building is 172,000 square feet as is four stories tall. The subject site is 12.1 acres under two separate parcels. The site has had some tree removal performed and there are some wetlands on the site. There is also a significant amount of rock/ledge on this site. The applicant is requesting a total of 180 units which falls within the zoning requirements for density. We will be requesting a parking variance and Special Use Permit along with the previously mentioned height variance from the Zoning Board. This applicant owns many other similar facilities and has found the maximum parking requirement to be .6 parking spaces per

unit. The Town zoning code calls for 1.5 parking spaces per unit. We expect to be a maximum of 20 employees at the facility at any one time. The applicant will supply 193 parking spaces and will ask for a variance for the balance. Mr. Lindgren pointed out some mistakes on the plans in regards to elevations on the building. The corrections will be made for the submission to Zoning and also this Board. There will be a parking area under the building which will house 80 parking spaces. The eight separated units are for seniors who would like to use some of the services but not yet be in the main building. The architecture will be similar to the main building.

Ed Morris of Royal Star Partners who is the developer of this project spoke to the Board. This developer has completed approximately 30 projects of this nature. The National Electrical Benefit Fund is backing this project financially. Finances are currently in place. Tony Mullen is the founder of Royal Star Properties. This company has a great deal of experience in this field and with these types of projects. The easement required to access the Lincoln Mall is not complete but we have received positive feedback from the Mall owners.

Motion was made by member Olean to accept the TRC recommendations to move this application to a Public Hearing next month and was seconded by member Bostic. Motion was approved unanimously.

SECRETARY'S REPORT

The Board was given three sets of minutes to review. They are as follows: March 16, 2006, April 26, 2006, and November 28, 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 March 16, 2006 minutes which was seconded by member Hunt. Motion was approved unanimously.

Motion made by member Olean to accept the minutes of March 16, 2006 as presented and was seconded by member Bostic. Motion was approved unanimously.

Motion made by member Olean to dispense with the reading of the April 26, 2006 minutes which was seconded by member Hunt. Motion was approved unanimously.

Motion made by member Olean to accept the minutes of April 26, 2006 as presented and was seconded by member Hunt. Motion was approved unanimously.

Motion made by member Olean to dispense with the reading of the November 28, 2007 minutes which was seconded by member Bostic. Motion was approved unanimously.

Motion made by member Olean to accept the minutes of November 28, 2007 as presented and was seconded by member Bostic. Motion was approved unanimously.

Recording Secretary Russell Hervieux mentioned to the Board that copies of the March 22, 2006 minutes are in his possession. Al Ranaldi has not reviewed these minutes yet. The Board decided to allow Al to review the minutes and present to the Board at next months meeting for approval.

Member Olean had a technical question for the Solicitor regarding a condition the Planning Board adds to developments regarding no finished floors in the seasonal high ground water. Mr. Olean asked if the Board could legally do this. Ms. Sylvia offered the opinion that this condition would not be enforceable.

Motion was made by member Olean to adjourn which was seconded by member Hunt at 8:50 pm. Motion was approved unanimously.

**Respectfully submitted,
Russell Hervieux**