

LINCOLN PLANNING BOARD

APRIL 23, 2008

APPROVED

The regular meeting of the Planning Board was held on Wednesday, April 23, 2008, 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, Kenneth Bostic, Michael Reilly, and John Hunt. Also in attendance were Town Planner Albert Ranaldi, Town Engineer N. Kim Wiegand and Joelle C. Sylvia for the Town Solicitor. Russell Hervieux kept the minutes.

Members Wilfred Ordonez and Greg Mercurio, Jr. were absent.

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

CONSENT AGENDA

Chairman Mancini reminded members that consent agenda has five zoning applications, two administrative final approvals 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 Reilly to pull the zoning application for 167 Central Street (AP 37 Lot 175) from the consent agenda was seconded by member Olean. Motion was approved unanimously.

Motion was made by member Olean to accept the consent agenda as amended was seconded by member Reilly. Motion was approved unanimously.

MAJOR SUBDIVISION REVIEW

a. Great Rd Estates (a.k.a. Meadow View) AP 29 Lot 3 Preliminary Plan

Meridian Real Estate Services, Inc. Great Road Extension

Mr. Ranaldi stated that this is a preliminary plan extension of a major subdivision of one lot into 14 conventional single family lots. This subdivision is off Great Road with a road ending in a cul-de-sac and a short dead end road off that road. The project has a substantial amount of work completed but ran into weather problems during the winter season. The applicant is now here to ask for an extension to complete the project. The TRC recommends a one year extension until May 23, 2009.

Motion made by member Olean to accept the TRC recommendation to grant a one year preliminary plan extension until May 23, 2009 was

seconded by member Hunt. The motion was approved unanimously.

Motion was made by member Olean to amend the Planning Board agenda to have item 5c, Homewood Suites Hotel, be the next item for consideration and was seconded by member Hunt. Motion was approved unanimously.

MAJOR LAND DEVELOPMENT REVIEW

**c. Homewood Suites Hotel AP 31 Lot 12 Preliminary Plan Land
Benderson Development, LLC 640 George Washington
Hwy Development Discussion/
Approval**

Mr. Ranaldi stated that even though this application is on the agenda as preliminary plan discussion/approval the owner is actually requesting an extension of the preliminary plan time frame. This application received a certificate of completeness on January 15, 2008 for the preliminary plan review so the Board has until May 14, 2008 to make a decision. The Town has received a letter from the owner requesting an extension of the preliminary plan review period. The applicant is requesting a six month extension bringing the decision date to November 17, 2008. The original developer has withdrawn and the owner has a new developer they are working with. The master plan is a concept and Mr. Ranaldi explained to the owner that another developer could continue this application as long as the

concept remains the same. The owner is aware that the master plan is a concept and the new plan would have to be close to the same. Chairman Mancini inquired as to whom the owner is and Mr. Ranaldi stated that the owner is Ralph Branca.

Wyatt Brochu, Attorney for the applicant Benderson Development spoke briefly to the Board. Mr. Brochu is before the Board tonight objecting to the request for an extension. The developers' argument is that the owner, Ralph Branca, does not have standing to make the request. The application is not being prosecuted by the applicant and has been withdrawn. Additionally, the purchase and sales agreement has ceased between the applicant and the owner. Mr. Branca does not own the project that is before you and does not own the plans, engineering or materials presented to the Board. Mr. Brochu feels that Mr. Branca can not make a request for an extension if the application has been withdrawn. Mr. Brochu stated again that this application has been withdrawn by the applicant.

Town Planner, Al Ranaldi, stated that his office has not received a letter from the applicant withdrawing this application as of tonight's meeting. Chairman Mancini acknowledged that fact and asked Joelle Sylvia for her legal opinion. Chairman Mancini expressed his concerns that the Board does not let the time go past for their decision thus leaving the Board in default and the application approved by default. Ms. Sylvia stated that she has reviewed the application and states that since both the owner and applicant have

both signed the application then the request, by the owner, for an extension is properly before the Board. The issue of the application withdrawal would have to be handled once the Board receives a formal withdrawal of this application. Chairman Mancini acknowledged Mr. Brochu's continued objection to this application but agreed with the Ms. Sylvia that this application is properly before the Board and can be voted on tonight.

Motion was made by member Olean to accept the TRC recommendation for a six month extension of this application was seconded by member Hunt. Mr. Brochu continued his objection to this motion. Member Olean stated that the Board does not have a letter of withdrawal of this application at this time. Member Olean also stated that legal counsel has stated that this request is properly before the Board. Motion was passed unanimously.

a. Wellington Rd Office Building AP 28 Lots 135 Public Hearing – 7:15 pm

A.G. Morrow Investment, Co. Wellington Road Preliminary Plan
Discussion/Approval

Chairman Mancini called the Public Hearing to order at 7:20 pm. Chairman Mancini reminded the Board that at last month's meeting the Board allowed the master plan and preliminary plan stages to be combined. Chairman Mancini explained the format of the Public

Hearing to be presented. Chairman Mancini then called to have the secretary read the abutters' list and have attending abutters acknowledge their name when read. The abutters' list was then read by the secretary. Two abutter notice issues were discussed with the Solicitor's representative and Chairman Mancini was satisfied that proper notice has been completed.

Mr. Ranaldi stated that this application is a land development discussion on a commercial parcel of land. This project is under the 2005 Subdivision Regulations. This parcel resides in a MG-0.5 zoning district. This application originally came before the Board as a manufacturing condominium project. Since then the zoning has changed to allow office buildings in this zone. The applicant has revised their plans and is proposing an office condominium project. The Planning Board has until July 15, 2008 to make a decision. The TRC and the Engineering division reviewed the application and have a few concerns regarding the site plan. One of the concerns is the plan shows plantings on top of the detention basin. They would have to be removed and placed at the bottom of the basin. Another concern is that the basin walls are holding water back and should not have trees growing on them. The proposed development has several retaining walls. The TRC recommends that a third party engineer be hired by the applicant to oversee the proper installation of these walls and give the Town a sign off upon completion. The TRC also had concerns about the parking lot lighting. They would like to see the type of lighting to be used so the residential abutting neighbors will

not be impacted by the lighting. Public water and sewer are available.

There are some wetlands near the project thus requiring a wetlands permit from RIDEM. A review by the Area of Planning Concern committee must be completed which is in process. The TRC feels that the applicant can resolve the issues of these concerns and should move on to the next planning stage for this project.

Chairman Mancini questioned whether the applicant would be ready for a decision by next month's meeting. Mr. Ranaldi stated that the APC meeting will be held prior to the next Board meeting and the applicant should be ready for a decision by next month's Planning Board meeting.

Brian P. Thalmann, President of Thalmann Engineering spoke to the Board in regards to this project. We were before this Board last month. The applicant requested to combine master and preliminary plan discussion. The Board honored the applicants request and combined the two stages. Several concerns were brought forward last month. The applicant has since provided the Town with revised plans addressing their concerns. We have provided an update letter from the Lincoln Water Commission stating water is available for this project. On April 9, 2008 RIDEM provided a revised wetland permit for this project. A revised landscape plan has been provided moving the trees off the wall of the basin per the Town request. The applicant understands that this project must go before the Area of Planning Concern committee which is scheduled for mid May. The applicant takes no exceptions to the comments of the TRC.

Chairman Mancini opened up the meeting for public comment on this application at this time. There were no members of the public who came to speak. Motion was made by member Olean to close the Public Hearing for Wellington Road Office Building was seconded by member Reilly. Motion was passed unanimously at 7:31 pm.

Motion was made by member Olean to continue this application until next month's meeting was seconded by member Bostic. Motion was passed unanimously.

b. Highlands at Lincoln AP 31 Lots 38 & 40 Preliminary Plan

Lincoln Development, LLC George Washington Hwy Discussion/Approval

Mr. Ranaldi stated that this project is a major land development project to be located on Rt. 116 behind the Marriott Hotel. The applicant is here tonight at the preliminary plan stage. The applicant received a certificate of completeness on April 14, 2008. The Planning Board has until August 12, 2008 to make a decision. This project is a 172,000 square foot senior residential community. This facility will be situated on 12.2 acres of land which is zoned BL-0.5. There will be 112 independent care units, 60 assisted living units and 6 single independent living cottages. There will be a total of 178 units. Two units were removed from Master to Preliminary plan. Master plan was approved at the January meeting of this year. The

TRC and the engineering division reviewed the plans. The detention basin that was created when this original lot was subdivided into three lots was designed with the development of this lot in mind. This basin will need some minor modifications but can handle the volume. The applicant is also proposing a smaller detention basin at the lower end of this property. An advantage of this design is the entrance to this project will be off the lower entrance to the Lincoln Mall, off Rt. 116, which is signalized. The TRC had some concerns about the four way intersection on the Lincoln Mall property with this project. The TRC feels the layout needs a little more work making it safer and more defined to use and possibly contain a pedestrian crosswalk. The TRC feels that this issue could easily be resolved. This project would require a Physical Alteration Permit from RIDOT. There are a number of retaining walls on this project. The TRC recommends the applicant hire an independent engineer to oversee the installation of the walls. The TRC recommends that stable erosion controls be in place during the course of construction until the land is stabilized. The Albion Fire Department must also review and accept the site plan and water service. The TRC feels that most of the concerns are minor in nature and can be addressed by the applicant. The TRC recommends that the applicant be scheduled for a public hearing at next month's meeting.

Wyatt Brochu, Attorney for the applicant made a brief presentation to the Board. Mr. Brochu introduced all the parties that were available this evening on behalf of the applicant. Mr. Brochu also

stated that Ms. Donna Begin is present to speak on behalf of the Lincoln Mall property owner. The applicant is requesting that a Public Hearing be scheduled for the May Planning Board hearing.

Scott Lindgren of PARE Engineering made a presentation. Mr. Lindgren passed out some updated drawings to the Board. We did receive master plan approval in January. We have since gone to the Zoning Board for their approval. We received a special use permit, a dimensional variance for building height and a dimensional variance for the number of parking spaces. The variances were heard and approved at the March zoning meeting. The two lots under this project have been merged into one lot. We have filed for a permit with RIDEM. The applicant has contacted Lincoln Water and Narragansett Bay Commission for their approvals. We will also be contacting Albion Fire Department shortly for their final approvals. The project is well under way and we look forward to the public hearing presentation. We have no objections to the TRC comments other than the four way intersection. At the master plan phase the applicant did show a vehicular connection to the Lincoln Mall property. This did not include a pedestrian connection. At master plan stage the Board requested to see a pedestrian connection even though the owner did not feel it would be utilized. The road is up a steep grade, approximately 30 feet, which would be difficult to walk up. The owner would supply a shuttle service instead. The latest proposal does include a pedestrian walkway to the intersection. This proposal has led to further comments from the Board and TRC such

as crosswalks and additional sidewalks on the Mall property. The applicant has had many discussions with the Mall owners and currently there is an access easement agreement. The Mall has questioned any further improvements to the intersection on their property.

Ed Morris of Royal Star Partners who is the developer of this project spoke to the Board. Mr. Morris has invited Donna Begin representing the Lincoln Mall owners to tonight's hearing. The applicant and the Mall have reached a full agreement on the easement to access the Mall property at the lower entrance road. Negotiations are ongoing with the Mall owners and Mr. Morris feels that these two owners should be great neighbors. There have been a lot of discussions about this new four way intersection with our project. The Mall can't allow many changes to the current configuration of that intersection maybe a few subtle changes could be done.

Donna Begin, Lincoln Mall Property Manager spoke to the Board. The owners of the Lincoln Mall do support this plan. The Mall owners and the applicant have been working together and have come to an agreement with the access easement. Ms. Begin will be available for the public hearing in case questions arise.

Scott Lindgren of PARE Engineering made some final comments to the Board. Mr. Lindgren reiterated some of the concerns on the intersection. One main problem is many people do not obey the

current signage in this intersection. Perhaps some reassessment of the visibility of the signage will help with some additional striping. The addition of pedestrian access to the Mall is very difficult and the applicant still feels it will not be used by the residents of this senior living facility.

Chairman Mancini asked for comments from the Planning Board members. Member Reilly still has concerns about the traffic flow at this new four way intersection. Member Reilly would like to see some layouts of modifications to this intersection to make it safer for vehicular traffic. Mr. Ranaldi believes that corrections could be made through signage adjustments and new striping. Member Bostic expressed concerns that the sidewalk should remain up to the intersection as possibly a visitor or employee would walk to the Mall not necessarily a resident. Member Hunt asked about average ages in this type of community. Mr. Morris replied that the average age is 80 – 84 years old. Member Hunt also expressed that a sidewalk should be included on the entrance road at least to the intersection. Mr. Morris felt that leaving the sidewalk off the entrance road would discourage people from walking that road which may be a good thing.

Member Olean had some comments mostly about the configuration of the entrance as it relates to the intersection. Safety is the most important issue according to member Olean.

Motion was made by member Olean to accept the TRC recommendations to move this application to a Public Hearing was

seconded by member Bostic. Motion was approved unanimously.

ZONING APPLICATIONS

Jennifer Gardener/Jason North, 167 Central Street, Manville, RI – Special Use Permit application to convert two family residential unit to a three family residential unit.

AP 37, Lot 175 Zoned: RG-7

Member Reilly had a concern regarding off street parking. Mr. Ranaldi explained that this site has four off street parking spaces to the left of the building which exist today. The site has a two stall garage so this site will have six off street parking spaces which meets the zoning ordinance for three units. Motion made by member Reilly to accept TRC recommendation for approval of this special use permit was seconded by member Olean. Motion was approved unanimously.

SECRETARY'S REPORT

The Board was given one set of minutes to review. They are for March 26, 2008. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Motion made by member Olean to dispense with the reading of the March 26, 2008 minutes which was seconded by member Reilly.

Motion was approved unanimously.

Motion made by member Olean to accept the minutes of March 26, 2008 as presented was seconded by member Reilly. Motion was approved unanimously.

Motion was made by member Olean to adjourn which was seconded by member Bostic at 8:14 pm. Motion was approved unanimously.

Respectfully submitted,

Russell Hervieux