

LINCOLN PLANNING BOARD

JUNE 25, 2008

APPROVED

The regular meeting of the Planning Board was held on Wednesday, June 25, 2008, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Mancini called the meeting to order at 7:06 p.m. The following members were present: John Mancini, Gerald Olean, Greg Mercurio, Jr., Michael Reilly, and Kenneth Bostic. 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 John Hunt and Wilfred Ordonez were absent.

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

CONSENT AGENDA

Chairman Mancini reminded members that consent agenda has eight zoning applications but five are repeats from previous month, correspondence 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 Mercurio to accept the consent agenda and the TRC recommendations as presented were seconded by member Olean. Motion was approved unanimously.

Motion was made by member Olean to modify the agenda to consider item 8 Secretary's Report as the next order of business was seconded by member Mercurio. Motion was approved unanimously.

SECRETARY'S REPORT

The Board was given one set of minutes to review. They are for May 28, 2008.

Motion made by member Olean to dispense with the reading of the May 28, 2008 minutes which was seconded by member Reilly. Motion was approved unanimously.

Member Mercurio had two issues with the minutes of May 28, 2008. Member Mercurio stated that he had asked the developer of The Residences at Stone Creek two questions that are not reflected in the minutes. The first question was who the owners of Break Hill Development were. Attorney DiBona had answered this question. This should have been noted on either page 7 or 8 of the minutes. Chairman Mancini consulted with the recording secretary on this issue. Mr. Hervieux responded that the tape would have to be

reviewed again.

Motion made by member Olean to table the minutes of May 28, 2008 until the tape can be reviewed and corrections made was seconded by member Reilly. Motion was approved unanimously.

COMPREHENSIVE PERMIT

- a. **The Residences at Stone Creek AP 20 Lot 15 Public Informational Break Hill Development, Inc. Breakneck Hill Rd. Meeting – 7:15 PM Master Plan Discussion/Approval**

Chairman Mancini called the public informational meeting to order at 7:15 pm. Chairman Mancini called to have the secretary read the abutter's list for a roll call. The secretary completed the roll call. Chairman Mancini explained the format of how the public informational meeting will proceed. There were no responses to the roll call.

Al Ranaldi stated that this application is a comprehensive permit. It is a Comprehensive Permit because the developer has filed under the guidelines of the Town comprehensive permit ordinance, affordable housing production plan and the State law for affordable housing, RIGL 45-53. This application received a certificate of completeness on May 23, 2008. The Board has until September 20, 2008 to make a decision. The comprehensive permit process is an expedited

process however since this is a major land development the applicant will go through the normal master and preliminary plan process. The applicant is proposing 70 unit condominium project, 18 of which will be deeded as affordable units. This project is age restricted to 55 and over senior residential community. This project will be a private condominium complex with 26 duplexes and 3 six unit buildings with associated driveways and underground utilities. There was an amended application submitted stating the request is for 70 units. The Town has received quite a bit of documentation and studies that have been performed. The updated application contains a list of requested relief being sought. There was an area of the application that was not filled in regarding sidewalks. It was unclear whether the applicant was or was not going to have sidewalks. The plan shows no sidewalks but the application does not ask for relief. The application needs to be clarified on this issue. The traffic plan analyzed the surrounding area however the TRC noticed that it didn't specify the YMCA traffic. The Town knows the YMCA is a large generator of traffic at certain times. The traffic plan did not touch upon this issue to the TRC satisfaction. The TRC requests that the traffic issue with YMCA be addressed. The greatest reason why this application is before the Board is the applicant is proposing to provide utilities including sewer. The greatest obstacle to past projects proposed for this parcel was sewers. This applicant is proposing to do a low pressure force sewer main connecting with the YMCA and then discharging into the existing gravity sewer main on Breakneck Hill Road. In addition, the applicant is proposing to

upgrade the east butterfly pump station in which the Town has documented the need for an upgrade. Previous proposals for this parcel have not included these improvements along with private connection for YMCA. This takes care of the Town concern for sewers in this area. The plans show that storm water management can work for this site. The Town Solicitor has notified the Town that the affordable housing has to be integrated throughout this development.

Chairman Mancini requested some guidance from the Solicitor's office. Ms. Sylvia spoke of the importance of clearly delineating the findings of fact. There are five required findings of fact that must be met to approve this permit. The first finding is that the development is consistent with local needs and consistent with the comprehensive plan and affordable housing plan. The second finding is the proposed development is in compliance with the standards of the local zoning and planning ordinances or when the standards are waived local concerns that have been affected by the relief granted do not outweigh the state and local need for low and moderate income housing. The third finding is that all low and moderate income housing units proposed are integrated throughout the development, are compatible in scale and architectural size with the market rate units within the project. The affordable units will be built before or simultaneous with the market rate units. The fourth finding is there will be no significant negative environmental impacts from the proposed development as shown on the final plan with all

required conditions for approval. The fifth finding is there will be no significant negative impacts on the health and safety of current or future residents in the community in areas including but not limited to safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewage disposal, availability of potable water, adequate surface water runoff, and the preservation of natural, historical and cultural features. The sixth finding is the proposed land development will have adequate access to a public street of all subdivided lots. The last finding is that the proposed development will not result in the creation of individual lots with any physical constraints to development unless created as a permanent open space reserved for public purpose on the approved recorded plans. All of these findings will have to be made when a decision is rendered according to RIGL 45-53-4. Member Mercurio questioned Ms. Sylvia on the definition of integration of units. Member Mercurio also questioned about what stage of plan consideration do all these considerations need to be met. Ms. Sylvia replied that each of the findings would have to be addressed at every stage of the comprehensive permit. All findings would have to be resolved by final plan stage. Ms. Sylvia addressed the integration question with the fact that no court has defined what integration of affordable units into market rate units is. The decision of how to integrate the units in this development would be up to the Planning Board.

Al Ranaldi continued with the TRC report. The TRC recommends that the applicant address these minor concerns and any concerns of the

Board and public then come back to the Board in July for further discussions. Chairman Mancini reminded the Board that this Board will ask the Zoning Board for their recommendation on this project. Ms. Sylvia suggested that this Board be specific as to which waivers the recommendation from Zoning is for.

John S. DiBona, attorney for the applicant made a presentation to the Board. Mr. DiBona stated that he has professionals here this evening to answer the concerns of the TRC. Mr. DiBona then introduced all parties available to testify to the Board. This application proposes a 70 unit condominium project which will be a senior residential community under a comprehensive permit application. A revised binder has been issued to the Board with updates and answers to concerns at the last meeting. There is a typographical error in this binder as it states that the applicant is not asking for a waiver on sidewalks. The applicant is in fact asking for a waiver in the sidewalk requirement. Mr. DiBona wanted to state for the record that this application is for low to moderate income housing not section 8 housing. The binder contains a letter from RIHMC detailing eligibility of this project. The letter states that the maximum price would be based on the 120% of area of median income. Mr. DiBona believes he has submitted a complete application. The applicant is willing to work with the Board to better integrate the affordable units into the market rate units.

Paul Bannon, RAB Professional Engineers, Inc. presented his resume and list of qualifications to the Board as Exhibit #1. Mr. Bannon prepared the traffic study in regards to this project which the Board has received. The traffic study has been updated since the last meeting to correct inconsistencies that were pointed out by the Board. The traffic study required a reviewed of the proposed project site plan, visited the site and servicing roadways, conducted traffic counts on the roads and nearby intersections, inventoried roadways for geometry and conditions and obtained accident information from local police department for last three years. A trip generation estimate was developed for the proposed project using the ITE trip generation manual. RAB Engineers then performed an assessment of future operations from the site to Breakneck Hill Road and servicing roadways at our intersection and with the closest major intersection which would be Route 146. Our findings relative to what Breakneck Hill Road is, a minor arterial roadway, shows that approximately 13,000 vehicles per day use this road. The morning peak is 7:00 – 8:00 am which sees approximately 960 vehicles. The evening peak sees approximately 1,200 vehicles. Breakneck Hill Road is currently 30 feet wide with 11 foot travel lanes and 4 foot delineated shoulders. The alignment of the road is gently rolling with several horizontal curves. In determining where the project driveway should be located, a speed study was conducted of vehicles on Breakneck Hill Road and a study of sight distance was performed. It was determined that the 85% speed is 44 mph. After existing conditions were analyzed, we estimated how many trips would be added by this project. The

morning peak would add 21 trips, 8 entering the site and 13 exiting the site. The evening peak would add 38 trips, 23 entering the site and 15 exiting the site. A residential development of this nature would add fewer trips than a standard single family development. Based on these findings entering the project driveway would be a level service A during both periods. The greatest delays would be exiting the site during the evening peak period. Mr. Bannon coordinated with RIDOT about the interchange ramps for Route 146. The ramps for Route 146 from Breakneck Hill Road are presently under design for upgrades with either traffic signals or roundabouts. Mr. Bannon feels with proposed upgrades by RIDOT intersections along this section of roadway will be enhanced.

Chairman Mancini questioned the reasoning why the traffic report did not consider the operations of the YMCA nearby. The YMCA has activities at different portions of the year which greatly add to traffic in the area. Mr. Bannon stated that private driveways are not normally studied when traffic studies are performed. Mr. Bannon understands that there are plans for YMCA to move their main entrance further away from our project. This project will not affect the traffic stream generated by the YMCA. Chairman Mancini would like some type of information from the YMCA about the vehicular traffic to and from their site. Mr. Bannon stated that he has contacted the engineer for the YMCA but they have conducted a traffic study as of yet. Chairman Mancini would still like to see information on the YMCA scheduling and what associated vehicular traffic would be with

that. Several members of the Board agreed that this information is needed and Chairman Mancini suggested that the developer could coordinate with the Town Engineer/Planner to request this information from the YMCA. Mr. Bannon again stated that this project will generate low amounts of additional traffic on this road. Attorney DiBona stated his applicant would work on acquiring the information the Board is requesting. Mr. Bannon stated that this project will not have an adverse affect on the general health and safety of the area. This project also will not lead to traffic congestion. This project will have adequate safe access to and from this site. Member Mercurio questioned whether additional approvals are necessary for a driveway on a State owned road. Mr. Bannon stated that the applicant would need to acquire a Physical Alteration Permit from RIDOT. Member Olean asked what the evening peak time would be. Mr. Bannon replied that evening peak time is 3:00 – 6:00 pm.

Joseph Lombardo, expert in planning, presented his resume and a list of qualifications to the Board as Exhibit #2. Mr. Lombardo stated his report documents the need for affordable housing in the Town of Lincoln. This project will encompass 18 affordable units. According to RIHMFC the Town of Lincoln currently has 7.21% of its' housing stock as affordable. This project will raise that number to 7.42%. Lincoln housing costs are the seventh highest in the State as of 2002.

This project is for home ownership. The Town Zoning Ordinance calls for a balance of housing choices for all income levels and age levels. The type of housing being proposed is on target with the

ordinance. The only zone in this town which allows for multifamily is RG-7. The Town Comprehensive Plan speaks of adding increase density in zones like RS-20 to reach the affordable housing goal. The Town's plan also speak of projects off main roadways for ease of access which this project does. Mr. Lombardo spoke of specific items in the affordable housing plan that the Board should consider. Action item 2.3 encourages new construction of affordable housing even in the RS-20 zone. Action item 2.4 encourages the construction of affordable housing that meets the needs of residents. Therefore, this project is on target and is in compliance with Town plans. Member Mercurio questioned whether this study took into account any unsold or undeveloped but approved units. Mr. Lombardo replied that the only numbers he has are the numbers documented by RIHMFC. Units not yet accepted by Rhode Island Housing would not be on that list. Member Bostic questioned our affordable housing plan has specific sites listed for affordable housing. Mr. Lombardo replied the plan does call out for some specific areas. This project site was not specifically listed as a site in the Town plan. This project is in a target zoning district but not this specific parcel of land.

Al Ranaldi spoke to the Board about the Town Affordable Housing Production Plan. Rhode Island Housing made the Town identify locations that could accommodate our goal number of affordable units. The Town looked for undeveloped or under developed sites that could accommodate higher density. These sites were entered into this chart in the affordable housing plan. These sites were just a

snapshot of possible sites. These sites were not pre-approved by the State and this does not preclude other sites not on the list from being used for affordable housing.

Joseph Lombardo continued with his report to the Board. Mr. Lombardo also conducted a fiscal impact study in regards to this proposed project. The report was previously delivered to the Board. The net positive income to the community from this development is \$229,000.00. The report is generated with a per capita multiplier generated by Town budget numbers and census data. The number of people to occupy this development is then estimated. Since this is an age restricted development, there should be virtually no school age children from this development. Mr. Lombardo is projecting that 147 people will live in this development. Municipal expenses come to \$113,000.00 covering all aspects of municipal services. Market rate units should be tax valued at \$246,000.00 and affordable units at \$130,000.00. Based on those assessments the Town should realize \$342,000 tax revenue from this development. Member Mercurio questioned what the total capital investment the developer will make on this project for the benefit of the Town. Mr. Lombardo was unable to answer this question and stated that further witnesses may shed some light on this question.

Nicholas Pampiano, Thalmann Engineering, made a presentation to the Board. Mr. Pampiano responded to member Mercurio earlier question of capital investment cost. The developer has not put a

dollar amount on the improvements as of this time. The engineers are still working on plans and designs. The sewer pump station upgrade designs are not completed yet. Member Mercurio asked if Mr. Pampiano knew when that information would be available. Mr. Pampiano responded that within the next month or two those numbers should be available. Member Mercurio stated he would like to see that information by the next meeting to assist him in making a decision on this project. Chairman Mancini stated that this project is still at the master plan level which is conceptual and that type of information is required at the preliminary plan level.

Mr. Pampiano briefly went over some of the TRC comments. The developer has received preliminary approval from the Lincoln Water Commission on June 5, 2008. The developer is working with the Town consultant on the sewer design upgrades for the east butterfly pump station. Design work is also continuing with the low pressure force main that will service this project and the YMCA. This force main will tie into an existing gravity line in Breakneck Hill Road and flow to the east butterfly pump station. Storm water management designs are still in the works. The concerns of the Town Engineer regarding the two culverts under Breakneck Hill Road have been taken into account and will be calculated into our design. This concludes the answers to the TRC comments. Mr. Pampiano wanted to address a list of waivers from planning regulations that will be requested. The developer is proposing a 24' wide roadway which is 6' narrower than the regulations. We believe this roadway will be

more than adequate for this type of development. The developer is also requesting a waiver of granite curbs and proposing Cape Cod berms. Visitor parking spaces have been added to the plan per comments from the Board at last months' meeting. The developer is considering a stone type walkway around the development as opposed to sidewalks. The developer feels there is no need for pedestrian traffic to go to Breakneck Hill Road so internal walking trails would be safer. The developer is requesting a waiver of the radius of the loop to 70'. The fire department has approved this request. Member Mercurio questioned the reasoning for not supplying sidewalks. Mr. Pampiano stated that the developer is looking for more natural type walkways that tie into paths from Lincoln Woods as opposed to walking along the sides of streets. Member Olean reminded Mr. Pampiano that the intent of sidewalks is for public safety.

Chairman Mancini opened up the meeting to the public requesting any interested parties come forward to speak on this application. Before moving on Ms. Sylvia made a clarification on the waiver requests. The applicant is not asking for a Use Variance but would be requesting a density waiver. Though this may seem confusing, the law is particular in what the applicant can ask for and what the Board can grant. Chairman Mancini thanked Ms. Sylvia for clarifying this point.

Ronald Stewart of 310 Twin River Road spoke to the Board. Mr.

Stewart is the President of the Lincoln Taxpayers Association. Mr. Stewart's main concerns are environmental and safety. Breakneck Hill Road is a narrow, curvy, busy and dangerous road. His concern is that introducing a development of age 55 and over on such a busy road is unsafe. As a geriatric physician, Mr. Stewart states that older people tend to get lost and confused easily. He thinks it is a bad idea to have these kind of people on a busy road and also backing up to a large wooded state park. Mr. Stewart is also concerned that developing this land will reduce areas for wildlife to live.

John Mancini, Esquire, spoke representing other developers. Mr. Mancini has clients who are concerned about the process and procedures for this project. The Town should evaluate its' procedures for receiving comprehensive permits as it may affect future applications. The Town should take into consideration the totality of its' zoning ordinance. The Town considered a single family subdivision of this lot approximately one year ago which was more appropriate for this zone. This earlier project's time frame was going to expire and the applicant was to make an application for an extension. At the same time, the Town was considering this site for a possible senior center. Both these projects did not come to fruition. This proved however that this lot was zoned for light density of as many as 20 house lots. Under today's zoning even a single family development would be required to have an affordable element built in.

The applicant needs to address exactly how they are going to meet the guidelines for affordable units not just through a letter of

eligibility. Mr. Mancini believes this application must go before the Town Council as it does not comport with the comprehensive plan. The Town Council did not include this site for high density affordable housing when it did the comprehensive and affordable housing plan. The density of this plan is far higher than what this zone allows. The Board must also consider whether the affordable units in this project will also be age restricted and whether Rhode Island Housing will count those units. Mr. Mancini reiterated that this project must go before Town Council since it did not fall under their list of affordable project sites. Chairman Mancini stated that the Board makes decisions on the applications and whether they comply with the comprehensive plan. Chairman Mancini further stated that this Board does not go to the Town Council and ask their opinion whether a plan conforms with the comprehensive plan. Attorney Mancini replied that the applicant needs to go before the Town Council since this site was not designated in the affordable housing plan. Attorney Mancini referenced a court case for the Town of Cumberland that ultimately stated that the Planning Board can not approve projects of high density that are not designated in the affordable housing plan.

Karen Martin of 29 Breakneck Hill Road spoke to the Board about some concerns. The first concern is traffic. Over the past seventeen years that Ms. Martin has lived there the traffic congestion has increased significantly. It currently takes from 5 to 10 minutes to enter Breakneck Hill Road from her driveway in the morning. Her second concern is drainage. Her neighbors' lot has significant

flooding problems currently. Ms. Martin property is near the wetlands and she is concerned that they will flood thus affecting her property. Ms. Martin is concerned that the detention basin is up against neighbors' property line when there are other areas to place it. The third concern is whether this project will expand in the future. Chairman Mancini feels there is no room for further expansion as the remaining land is wetlands. Ms. Martin last concern is the view. She has had a view of the woods for seventeen years. She would like to see some kind of buffer between her property and the project. Ms. Martin was not opposed to the previous application for 13 -14 single family homes. She was concerned about this project and having 70 new neighbors.

Ida McDermott of 37 Breakneck Hill Road spoke to the Board about some of her concerns. She is concerned about the storm water management because of current flooding issues is on her lot. This project is close to her stone walls and does not want them demolished. Chairman Mancini notified Ms. McDermott that this development can not impose any new water onto her property. Nicholas Pampiano explained how the developer is proposing to handle the storm water. He explained that the basin will not hold water for more than 36 hours. All vegetation in the wetland jurisdictional area will not be touched. Ms. McDermott stated her last concern is the heavy traffic on Breakneck Hill Road.

Motion was made by member Mercurio to close public comment at

this public informational meeting was seconded by member Olean. Motion was approved unanimously at 8:58 pm.

Motion was made by member Olean to continue this application until the July meeting was seconded by member Bostic. Some discussion took place regarding the Boards' concerns with this project to the developer. The developer should consider a better integration of the affordable units. The other concern is health and safety especially of items brought up at tonight's' public meeting namely the traffic and sidewalks. Motion to continue was approved unanimously.

Chairman Mancini and various Board members had discussions about the time frame running on this project. Concerns were that the September deadline could not be met and get all the advisory opinions needed. The developer agreed to extend the time frame until October, if needed, for the Board to make a decision. The deadline to make the September Zoning Board hearing is August 5, 2008.

MAJOR SUBDIVISION REVIEW

- a. Robertson Subdivision AP 23 Lot 4 Public Informational
Robert & Jean Robertson Great Road Meeting – 7:30 pm
Master Plan Discussion/Approval**

Chairman Mancini called the public informational meeting to order at

9:17 pm. Chairman Mancini called to have the secretary read the abutter's list for a roll call. The secretary completed the roll call. Chairman Mancini explained the format of how the public informational meeting will proceed. There were two responses to the roll call.

Mr. Ranaldi stated that this application is under the 2005 subdivision regulations. This application represents the subdivision of one lot into three residential lots. This project is classified as a major subdivision because a dimensional zoning variance is required for an existing house on the property. This application is scheduled to be heard by the Zoning Board on July 8, 2008. Part of tonight's consent agenda was the recommendation for approval of their zoning variance. The Board has 120 days from the certificate of completeness which was issued on May 20, 2008. The Board has until September 17, 2008 to make a decision. The TRC and the Town Engineering Division reviewed the submitted plans and have the following concerns. There are wetlands on the back end of the property and would require a letter from RIDEM. The TRC recommends that all utilities be hooked up to public facilities. The site plan needs to reflect improvements in sight distance along Great Road. This area of Great Road is heavily wooded and there are some ledge outcroppings. This was brought to the attention of the applicant at the last meeting. The applicant had an engineer review the sight distance issue and determined there is some ledge that needs to be lowered or removed and trim existing vegetation. These

items should greatly increase sight distance. The TRC would like these items to be shown on the plans to be part of the record. Based on the fact that this is a master plan application, the TRC feels that the applicant can easily address these concerns. The TRC does recommend that this application receive master plan approval barring any unforeseen issues arising at this public informational meeting. This applicant needs master plan approval in order to be heard by the Zoning Board.

Stephen Long, professional land surveyor of MLC Surveying spoke to the Board representing the applicant. Mr. Long stated that Mr. Daniel Campbell is here to testify about the sight distance study that he performed. Member Olean questioned the location of driveways on the plan. The driveways will remain where shown on the plan. The ledge and vegetation removal will take care of the sight distance issue.

Daniel Campbell, engineer for Level Design reported on the traffic study in which he submitted. The report gives a couple of options. The driveway of lot 1 could be relocated 91 feet north or remove more ledge. The intent of the plan is to grade the site as we have shown it on the plan thus not requiring the driveway to be relocated. Mr. Ranaldi stated that a condition would need to be placed on the subdivision such that the grading of lot 1 is completed before a building permit is issued for lot 2. Member Reilly asked if the vegetation is cut back for sight distance, what prevents it from

growing back. Mr. Campbell stated it is in the best interest of the owners of lot 1 and lot 2 to maintain the vegetation to be able to see when exiting their driveways. Ms. Sylvia stated that the Town could request a sight distance easement to enable the Town to maintain the vegetation if necessary. Member Olean had concerns about information being on two different drawings. Could they be combined onto one drawing? Mr. Long replied that because two different companies provided the information it is difficult to have one drawing. Mr. Long stated he would work on resolving this issue by next meeting.

Chairman Mancini opened up the meeting to the public requesting any interested parties to come forward to speak on this application.

Kathy Furtado of 1007 Great Road spoke in opposition to this subdivision. Ms. Furtado had concerns about the quality of Great Road. She is opposed to putting three houses where there is now one. She believes this will take away the historic character of Great Road. Ms. Furtado is also concerned about the drainage into the road. There are no street drains and that water ends up on people's property. She was concerned about her lot flooding. Chairman Mancini stated that this subdivision would not make the existing conditions any worse. Mr. Campbell stated that this subdivision plan calls for drywells for the roof drainage. The drywells will be toward the rear of these lots. Ms. Furtado questioned whether blasting would be necessary. Mr. Campbell responded that if blasting is

necessary the developer will follow all required conditions the State Fire Marshall has on completing the blasts. Ms. Furtado is also concerned that these houses won't sell. Chairman Mancini stated that this is the developers' problem. We don't believe this developer would invest in building houses they can not sell.

Motion was made by member Mercurio to close public comment at this public informational meeting was seconded by member Reilly. Motion was approved unanimously at 9:38 pm.

Motion made by member Olean to accept the TRC recommendation to approve master plan was seconded by member Bostic. Motion was approved unanimously.

Motion was made by member Olean to adjourn which was seconded by member Reilly at 9:40 pm. Motion was approved unanimously.

Respectfully submitted,

Russell Hervieux