

LINCOLN PLANNING BOARD

OCTOBER 22, 2008

APPROVED

The regular meeting of the Planning Board was held on Wednesday, October 22, 2008, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Vice Chairman Olean called the meeting to order at 7:03 p.m. The following members were present: Gerald Olean, Kenneth Bostic, John Hunt, and Wilfred Ordonez. 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.

Member Greg Mercurio, Jr. arrived tardy at 7:15 pm.

The following members were absent from this meeting: Michael Reilly and Timothy Griffin (new member).

Vice Chairman Olean advised that four members were present; have quorum.

CONSENT AGENDA

Vice Chairman Olean reminded members that consent agenda has eight zoning applications 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 Bostic to accept the consent agenda as presented was seconded by member Hunt. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

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

Mr. Ranaldi stated that this application is under the 2005 Subdivision Regulations and is phase 2 of this project. The applicant received preliminary plan approval on November 15, 2006 and received one extension. This application represents the subdivision of one lot into 8 single family lots having access off East Lantern Road. The applicant received an extension on October 22, 2007. The applicant is before the Board seeking another preliminary plan extension. The applicant has been diligently working on the necessary documentation with the Lincoln Water Commission, homeowners association and sewer maintenance schedule. The applicant is seeking a one year extension. The TRC has reviewed their application and recommend approval. This would extend preliminary plan approval until November 15, 2009.

Eric Brainsky, attorney for the applicant spoke to the Board. Mr. Brainsky stated that his client is seeking a one year extension. Mr. Brainsky has been working with the Town Solicitor to finalize the homeowner association bylaws and the sewer maintenance agreement. Mr. Brainsky feels the one year extension should be enough time to finalize these documents and move to final plan. Member Bostic questioned if this was the first extension for this project. Mr. Brainsky replied that it was the second.

Motion made by member Bostic to accept the TRC recommendations and approve a one year extension of preliminary plan until November 15, 2009 was seconded by member Hunt. Motion was approved by all members present.

Motion was made by member Bostic to amend the Planning Board agenda to have item 4c, Stone Way Subdivision, be the next item for consideration and was seconded by member Ordonez. Motion was approved by all members present.

c. Stone Way Subdivision AP 23 Lot 91 Master Plan

Crescent Properties, Inc. Dexter Rock Road Discussion/Approval

Mr. Ranaldi stated that this application is for a very difficult project. The plans with the Boards' TRC package represent an addition of land that made all the waivers go away. Unfortunately, that piece of land is no longer available to the applicant. The applicant called Mr.

Ranaldi today and submitted a letter for an extension of the master plan period until December 17, 2008 which is the Planning Boards December meeting date. The applicant feels that they have some issues to work out with this plan before they come back to the Board. This letter would extend the Boards' decision making time also. The letter dated October 22, 2008 will be entered into the record as an exhibit.

Motion was made by member Hunt to accept applicant's request for a master plan time extension until December 17, 2008 was seconded by member Ordonez. Motion was approved by all members present.

Motion was made by member Ordonez to amend the Planning Board agenda to have item 7, Secretary's Report, be the next item for consideration and was seconded by member Bostic. Motion was approved by all members present.

SECRETARY'S REPORT

The Board was given one set of minutes to review. They are for September 24, 2008. The Town Planner Al Ranaldi stated that he has reviewed these minutes and submitted minor grammatical corrections.

Motion made by member Hunt to dispense with the reading of the September 24, 2008 minutes was seconded by member Bostic.

Motion was approved by all members present.

Motion made by member Bostic to accept the minutes of September 24, 2008 as presented was seconded by member Hunt. Motion was approved by all members present.

At 7:15 pm, member Greg Mercurio, Jr. arrived to join the meeting with the Board.

MAJOR SUBDIVISION REVIEW

b. Great Road Realty Subdivision AP 23 Lot 51 Public Informational–7:15 pm

Great Road Realty, LLC Great Road Master Plan

Discussion/Approval

Vice Chairman Olean called the Public Informational Meeting to order at 7:17 pm. Roll call of the abutters list was read by the recording secretary. There were several responses to the reading of the abutters list. Vice Chairman Olean called for any other abutters in the audience whose name was not read be recognized. No responses were given.

Mr. Ranaldi stated that this application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into 4 residential lots. This application was elevated to a major subdivision

due to the need of a zoning variance on the existing house located on lot one.

The proposed lots will have access off Great Road which is a State road and public water and sewer is available. The subject property is located within two zoning districts, the front is in RS-20 and the rear is in RA-40. This application received a certificate of completeness on September 16, 2008 and the Board has until January 14, 2009 to make a decision on the master plan. The TRC and the Engineering Division reviewed this application and had a few concerns. The most prominent concern is the sight distance along Great Road. The site plan shows four frontage lots and from field inspections there is ledge along the sight line on two of the lots. Removal of some ledge along the road will increase sight distance for these two lots. If the applicant chooses to remove the ledge then the TRC recommends a pre-blast survey be performed to protect existing residents and properties. The TRC would also recommend that the ledge be removed prior to final plan approval. The site plan shows dry wells for each lot to mitigate drainage concerns. The wetlands were delineated but are in the back of the property and do not appear to have an impact on the development. The applicant is scheduled to be heard by the Zoning Board at their November meeting. Barring any unforeseen conditions at this hearing, the TRC recommends approval with conditions of the master plan. The TRC has 6 conditions which it has listed in the TRC report in which the majority would be implemented at the final plan stage. The conditions are as follows: (1) Show buildable lot area for each lot on the plan. (2) Applicant must clear vegetation and possibly ledge for sight distance

prior to final plan. (3) The applicant must conduct pre-blast surveys of adjacent properties' structures. (4) Applicant must obtain a Physical Alteration Permit from RIDOT. (5) The Lincoln Water Commission must give final approval before preliminary plan approval. (6) The applicant must obtain an indirect discharge permit from NBC.

John Shekarchi, attorney for the applicant made a brief presentation to the Board. Mr. Shekarchi stated that his applicant is seeking master plan approval at tonight's' hearing. If master plan approval is granted tonight the applicant will appear before the Zoning Board at the November hearing. The applicant has read the TRC report and is willing to accept the conditions. The applicant will present expert testimony tonight to answer questions in the TRC report and to meet the burdens to acquire master plan approval.

Edward Pimentel, Land Use Planner gave a report to the Board. Mr. Pimentel was accepted by the Board as a land use expert per Mr. Shekarchi's request. Mr. Pimentel passed out his report to the Board which was accepted and put on record as Exhibit #1. This project is split zoned where the front is RS-20 and the rear is RA-40. Mr. Pimentel did an analysis of the properties along Great Road from Dexter Rock Road to Great Meadows Road. The average lot size in the analysis area is 1.62 acres. This project average lot size is 1.25 acres. Of the lots analyzed 64% were equal or smaller than the lots the applicant is proposing. The applicant chose the larger lot size to

accommodate the split zone and needing to meet the requirements of the RA-40 zone. The proposed homes will all be situated in the RS-20 portion of the lots. All the proposed homes will meet the RS-20 zoning criteria except for the existing home which has a side setback issue. The variance we will ask for is for a rear yard setback because of the change of angle in the property line even though it will be on the side of the house. The request for the variance is for an existing setback issue which was not caused by the applicant. The applicant was very careful in designing this project to conform to the RA-40 zone. This design makes this project in character with the surrounding area. This project maintains the overall density and character of the surrounding neighborhoods which conforms to the comprehensive plan. This project conforms to the Town zoning ordinance except for the existing house which predates zoning. The lots being created are standard rectangular shaped lots which is required in the subdivision regulations. All lots will have physical access to Great Road. There is nothing that would prohibit these lots from being developed for residential purposes per the Town land use regulations. Mr. Pimentel stated that he believes this project meets the burdens to receive a dimensional variance on the existing home.

Daniel Campbell, Level Design Group, engineer for the applicant made a presentation to the Board. Mr. Campbell stated that sight distance is a concern due to the ledge along the edge of Great Road. The driveways shown on plan are in the worst case scenario, as far as sight distance. This was done to facilitate placing driveways

anywhere on a lot once developed. The question remains whether the ledge is impeding on the sight distance. Mr. Campbell believes that this can be measured in the near future as the vegetation will be cleared naturally for the winter season. There is a small drainage area in between the two building that will have to be mitigated in some fashion. The roof drains will be mitigated through residential drywells. There will be no net runoff from the properties in accordance with the regulations. If some ledge is required to be removed for sight distance there will be no negative impacts to the surrounding area. Vice Chairman Olean asked Mr. Campbell to further explain the no runoff statement to the Board. Mr. Campbell replied that this development will not increase the amount of water entering Great Road or neighboring properties as currently exists. Member Bostic expressed concerns on the line of sight issue as far as waiting for winter to do the review. Mr. Campbell replied that the TRC is requiring vegetation to be removed, which will be done, but the question of removal of ledge can be determined in a few weeks without starting to remove vegetation.

Vice Chairman Olean called for anyone wishing to speak on this application come forward.

Robert Lawton of 1035 Great Road spoke to the Board. Mr. Lawton asked for an explanation of the line of sight. Mr. Campbell explained that the line of sight is the view from a typical car approximately 3 ½ feet up from the ground 15 feet back from the edge of the travel lane.

Due to the speed limit of the roadway the line of sight has to be at least 250 feet. Mr. Lawton expressed a concern about the removal of ledge as it would affect his property and any possible damage to it. Attorney Shekarchi replied that one of the conditions on the TRC is that a pre-blast survey be done prior to any ledge removal. Mr. Shekarchi went on to explain the normal procedures and requirements for blasting with State approval.

Bob Shannahan of 1013 Great Road spoke to the Board. Mr. Shannahan stated that he is the southern abutter to this property. Mr. Shannahan had a concern on the drainage in regards to a stream that runs in the rear of his property from this property. There have been issues in the past with this stream flooding and Mr. Shannahan believes that drywells will not solve that issue. He suggested a retention pond.

Jason Taylor of 1004 Great Road spoke to the Board. Mr. Taylor stated that Great Road has some major concerns with traffic flow. The speed limit is seldom enforced. Mr. Taylor also expressed concerns for icing on the road in the winter since there are no street drains. There is insufficient street lighting in that area. The roadway is lined with ledge here and other areas so adding more volume to the road is not a good idea. Mr. Taylor submitted a letter to the Town Planner expressing his concerns on this project earlier today. This letter will be made part of the record.

Bob Jackson of 1022 Great Road spoke to the Board. Mr. Jackson followed up on Mr. Taylor's' concerns about the traffic. This corner is very dangerous and he's concerned with somebody pulling out of these new driveways. Mr. Jackson feels that adding three more houses to that neighborhood will deter from the character of the area.

Ramona Jackson of 1026 Great Road spoke to the Board. Ms. Jackson expressed concerns about street water that currently goes in their driveways. Ms. Jackson believes that removing ledge and adding houses could worsen that problem. Ms. Jackson expressed concerns about having to blast ledge. Traffic is also a major concern.

Motion made by member Mercurio to close the public informational meeting was seconded by member Bostic at 7:53 pm. Motion was approved by all members present.

Vice Chairman reminded Attorney Shekarchi of the concerns expressed by the public at tonight's meeting. Mr. Shekarchi stated that the applicant will work with the Town Engineer to review these concerns. Member Hunt questioned whether the stream brought up tonight by the public is shown on the plans. It was determined that the stream is approximately at the same place the zone change line is. Vice Chairman Olean asked Mr. Ranaldi to explain the procedural process to the public that this application still has to go through. Mr.

Ranaldi provided that explanation. Member Hunt expressed that he has concerns with the drainage on this project and would like to see more information on that. Member Ordonez asked what the speed is when determining line of sight. Mr. Campbell replied that the report is done with the posted speed limit. Mr. Campbell could redo the report with higher speeds but that will not significantly increase the distance of line of sight.

Motion made by member Bostic to accept the TRC recommendations for master plan approval with conditions was seconded by member Mercurio. Motion was approved by all members present.

Motion was made by member Hunt to adjourn which was seconded by member Bostic at 8:00 pm. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux