

LINCOLN PLANNING BOARD

DECEMBER 17, 2008

APPROVED

The regular meeting of the Planning Board was held on Wednesday, December 17, 2008, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Vice Chairman Olean called the meeting to order at 7:02 p.m. The following members were present: Gerald Olean, John Hunt, Michael Reilly, Greg Mercurio, Jr. and Timothy Griffin. 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.

The following members were absent from this meeting: Wilfred Ordonez and Kenneth Bostic.

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

CONSENT AGENDA

Vice Chairman Olean reminded members that consent agenda has four zoning applications, one Administrative approval and staff reports. A consent agenda is normally voted on in total unless a

member motions to remove an item.

Motion made by member Griffin to move Staff Reports out of the consent agenda and be discussed at a later part of the meeting was seconded by member Mercurio. Motion was approved by all members present.

Motion was made by member Mercurio to accept the consent agenda as amended was seconded by member Reilly. Motion was approved by all members present.

MAJOR LAND DEVELOPMENT REVIEW

a. Highlands at Lincoln AP 31 Lots 38 & 40 Final Plan

Lincoln Development, LLC George Washington Hwy Discussion/Approval

Mr. Ranaldi stated that this application is before the Board for Final Plan approval. The Board previously chose to have this application come back before the Board for Final approval. The TRC and the Town Engineering Department have reviewed the plans and application. The applicant has submitted an acquired all necessary permits required and has met all conditions the Board has placed upon this application. The applicant has also submitted a final plan for recording of this development. The TRC recommends approval of this final plan.

Scott Lindgren, PARE Corporation, engineer representing the applicant spoke briefly before the Board. Mr. Lindgren thanked the Town, Town staff and this Board for their efforts and due diligence in bringing this project forward to final approval.

Motion was made by member Mercurio to grant Final Plan approval was seconded by member Hunt. Motion was approved by all members present.

Agenda Change - Motion was made by member Mercurio to amend the Planning Board agenda to have item 5c, Angell Road Subdivision, be the next item for consideration and was seconded by member Griffin. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

c. Angell Road Subdivision AP 44 Lots 3, 12 and 32 Preliminary Plan

Phase 2 & 3 Extension

Angell Road Development Co. Angell Road, Whipple Road

Mr. Ranaldi stated that this application is in front of the Board for a Preliminary Plan Extension. Mr. Ranaldi passed out a supplemental letter from Attorney Eric Brainsky dated December 15, 2008. The master plan application came in as one project but came back at

preliminary plan stage as three phases. The first phase was granted master plan, preliminary plan and final plan approval. Phases two and three were only granted master plan and preliminary plan approvals. Mr. Ranaldi had discussions with the applicant regarding time vesting. Both parties agree that extending this preliminary plan for one year would bring the deadline to December 19, 2009. Member Mercurio questioned as to whether granting an extension would affect any new or existing homes in the area. Mr. Ranaldi responded that no homes would be affected by this time extension of preliminary plan.

Motion was made by member Mercurio to approve the extension of preliminary plan by one year until December 19, 2009 was seconded by member Griffin. Motion was approved by all members present.

Agenda Change - Motion was made by member Mercurio to amend the Planning Board agenda to have item 8, Secretary's Report, be the next item for consideration and was seconded by member Reilly. Motion was approved by all members present.

SECRETARY'S REPORT

The Board was given one set of minutes to review. They are for November 19, 2008. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Motion made by member Reilly to dispense with the reading of the November 19, 2008 minutes was seconded by member Mercurio. Motion was approved by all members present.

Joelle Sylvia, for the Town Solicitor, had a correction to be made to the minutes. The correction is on page 5 of 5. Ms. Sylvia requested the language to be added that “the new law is only for applications taken after July of 2008”. The law is in regards to vesting periods for master and preliminary plans.

Motion made by member Mercurio to accept the minutes of November 19, 2008 as amended was seconded by member Hunt. Motion was approved by all members present.

Vice Chairman Olean allowed the Board to ask questions to Ms. Sylvia regarding the new law. Member Mercurio questioned whether it is her interpretation or is it specifically stated in the law that there is no grandfathering to existing projects before July 2008. Ms. Sylvia responded that the law does not state that it applies retroactively. Case law has shown that new laws that apply retroactively must specifically state that intention. Member Mercurio questioned whether the interpretation could go either way. Ms. Sylvia responded that she does not believe so. Ms. Sylvia also stated that the Board will have to consider changing thought processes of approvals as they will now have an automatic two year approval with an additional two years with no good cause standard. Member Mercurio

questioned if the additional two year vesting is also automatic. Ms. Sylvia responded that the applicant would have to apply in writing for the extension and appear before the Board. Ms. Sylvia stated that this is for both master and preliminary plan approvals.

MAJOR LAND DEVELOPMENT REVIEW

b. Marriott Residence Inn AP 31 Lot 12 Public Hearing – 7:15 pm

**MHI II, LLC 640 George Washington Hwy Preliminary Plan
Discussion/Approval**

Vice Chairman Olean called the Public Hearing 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 for a commercial land development project of a 9 acre lot. The project represents an extended stay hotel facility. The Board has until March 13, 2009 to make a decision. This applicant is currently before the Board for a public hearing at preliminary plan stage. This project has been discussed and reviewed several times with the TRC and this Board. The applicant has successfully met all of the challenges except one which is the review by the Area of Planning Concern. The applicant

did present plans to address concerns on traffic and the U-turn at Blackstone Valley Place. The applicant has also addressed the sanitary sewers, public water resolution with Lincoln Water Commission, drainage issues via underground discharges and has received zoning approvals. Based on these facts, the TRC recommends the applicant submit to the Town for an APC review in January and come back at the next meeting for a vote, barring any unforeseen circumstances.

John Shekarchi, attorney for the applicant, briefly spoke to the Board. Mr. Shekarchi stated that the applicant has received all approvals up to this point including zoning relief. The project engineer along with the traffic engineer is here this evening to testify on the status of this project.

Scott Lindgren, engineer for PARE Corporation representing the applicant, spoke to the Board. Mr. Lindgren stated that last time the Board met not much had changed in terms of the overall layout and site plan. Since that time the applicant has pursued two items of concern for this Board. The first item is the Lincoln Water Commission letter of approval for water service to this site. The other issue was discussions with Rhode Island Department of Transportation for off site improvements mainly on Rt. 116 and Blackstone Valley Place. The applicant has received the letter of approval from the Lincoln Water Commission. Bryant Associates has met with officials with RIDOT and have received verbal approvals of

off site improvements. The applicant is proceeding with the formal application for a Physical Alteration Permit from RIDOT for these improvements and the utility connections.

Michael Desmond, Bryant Associates, traffic engineer for the applicant spoke to the Board. Mr. Desmond stated that he had a meeting last week with RIDOT and showed them the plans for Rt. 116 and Blackstone Valley Place. We are proposing a three lane intersection on Blackstone Valley Place with a dedicated right turn lane with acceleration lane on Rt. 116. There would be some additional pavement required to meet with RIDOT standards. Final design plans are not yet complete because some additional surveying is required. RIDOT was comfortable with the proposal with one request. RIDOT requested that the three 10 foot lanes at Blackstone Valley Place be changed to three 11 foot lanes. Once the survey data is complete this change should be no problem. Otherwise, RIDOT was very satisfied with the proposal. Vice Chairman Olean questioned at whose expense these changes would be. Mr. Desmond replied that the changes would be made and paid for by the developer.

Vice Chairman Olean opened the meeting up to public comments at this time. There were no members of the public who came forward to speak. Motion was made by member Mercurio to close the public hearing at 7:26 pm was seconded by member Hunt. Motion was approved by all members present.

Vice Chairman questioned if a date was scheduled with the Area of Planning Concern for a review of this project. Mr. Ranaldi responded that a hearing has already been scheduled for January 14, 2009 at 3:30 pm. Attorney Shekarchi agreed that this date is set and his applicant should be back at next month's hearing for further approvals.

MAJOR SUBDIVISION REVIEW

a. Great Road Realty Subdivision AP 23 Lot 51 Public Hearing – 7:30 pm

Great Road Realty, LLC Great Road Preliminary Plan

Discussion/Approval

Vice Chairman Olean called the Public Hearing to order at 7:30 pm. Roll call of the abutters list was read by the recording secretary. There were two 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 before the Board for a preliminary plan public hearing. This application is under the 2005 subdivision regulations. The Board has until March 13, 2009 to make a decision. This application represents the splitting of one lot into four residential lots. This application was elevated to a major

subdivision due to a dimensional variance that is required on the existing house. The Zoning Board granted the dimensional relief. One concern the Town had is the sight line distance along Great Road. The engineer on this project proposed cutting away vegetation to achieve sight distance for a 35 mph posted speed limit. The engineer also showed a plan of vegetation and ledge removal to achieve sight distance for a 45 mph speed limit. The Town Officials met with the Town Police Chief, he felt that keeping the sight distance plan for the posted 35 mph and the associated reduction in sight distance would maintain a lower overall speed along that section of Great Road. The Town felt that if sight distance is increased people will go faster along that section of road. Based on this information and the reviews of the plans the TRC recommends preliminary plan approval with conditions. There are four conditions for this application. A permit from Narragansett Bay Commission for sewer discharge must be acquired. A pre-blast survey shall be completed prior to any blasting required. A physical alteration permit must be acquired from RIDOT. The applicant shall be required to clear the vegetation after preliminary plan approval and remove ledge as necessary for proper sight distance prior to receiving final plan approval.

John Shekarchi, attorney for the applicant made a brief presentation to the Board. The engineer on this project, Daniel Campbell of Level Design Group, was unable to attend tonight. Mr. Campbell has reviewed the conditions and submitted documentation required. It is

the applicant's opinion that they can meet all the conditions and will be happy to comply. The applicant is requesting to add some language to one of the conditions of the TRC. The applicant would like to add "with the consent of the property owners" to the condition of pre-blast surveys. The applicant would be responsible for acquiring the documentation of consent of the abutting property owners.

Vice Chairman Olean opened the meeting up to public comments at this time. There were no members of the public who came forward to speak. Motion was made by member Mercurio to close the public hearing at 7:40 pm was seconded by member Reilly. Motion was approved by all members present.

Motion was made by member Mercurio to accept the TRC recommendations of Preliminary Plan approval with conditions was seconded by member Reilly. Member Hunt questioned as to how the Board the Board would know whether the abutters were notified for the pre-blast survey. Member Mercurio amended his motion to include that the applicant will send certified mailings to owners of abutting structures to complete the pre-blast survey. The amendment was seconded by member Reilly. The amended motion was approved by all members present.

b. Michael Trenteseaux Subdivision AP 22 Lot 11 Public Hearing – 7:45 pm

Michael Trenteseaux Great Road Preliminary Plan

Discussion/Approval

Vice Chairman Olean called the Public Hearing to order at 7:47 pm. Roll call of the abutters list was read by the recording secretary. There were two 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. It represents the subdivision of one lot into two single family residential lots. This application was elevated to a major subdivision due to the existing house needed zoning relief for dimensional setbacks. The applicant has received the zoning relief necessary. The Board has until March 11, 2009 to make a decision. The new lot meets all the regulations and there are no wetlands. Therefore, the TRC recommends approval with conditions. There are four recommended conditions. The applicant must obtain a permit from Narragansett Bay Commission for sewer discharge. The existing water connection for the existing house shall be relocated from the old water main to the new water main being installed by the Lincoln Water Commission. The water service for the new lot will be connected to the new water main. The applicant shall obtain a Physical Alteration Permit from RIDOT for the proposed driveway. The applicant shall install granite bounds for all existing and new property line corners.

John Shekarchi, attorney for the applicant, made a brief presentation to the Board. Mr. Shekarchi stated that the applicant had previously received master plan approval. The applicant has received the appropriate zoning approval from Superior Court and confirmed at the last zoning hearing. The applicant has reviewed the conditions and will be happy to comply with these conditions.

Vice Chairman Olean opened the meeting up to public comments at this time. There were no members of the public who came forward to speak. Motion was made by member Mercurio to close the public hearing at 7:56 pm was seconded by member Reilly. Motion was approved by all members present.

Motion was made by member Mercurio to approve the TRC recommendations for preliminary plan approval with conditions and grant final approval authority to the Administrative Officer was seconded by member Hunt. Motion was approved by all members present.

CORRESPONDENCE/MISCELLANEOUS

a. Staff Reports

Mr. Ranaldi stated the he passed out to the Board a copy of the new law, section 45, dealing with decisions of the Planning Board. It

states that all written decisions of the Planning Board shall be recorded in the land evidence records within 35 days after the Board decision. Mr. Ranaldi has been working with the Town Solicitor to come up with a template. The template will be generalized but would add specifics for each application. The findings of fact for each decision will need to be included with each decision. After each decision Mr. Ranaldi would fill out the template for that application along with details and the motion and second. The templates would come back to the Planning Board at the next meeting under correspondence for a signature by the Chairman. The decision would be recorded the next day after that meeting. Vice Chairman Olean questioned what decisions need to be recorded. Mr. Ranaldi responded that all decisions are to be recorded. The decisions would reference all reports, plans and submissions that were presented at each meeting.

Motion was made by member Griffin to adjourn which was seconded by member Mercurio at 7:59 pm. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux