

# **LINCOLN PLANNING BOARD**

**MARCH 25, 2009**

**APPROVED**

**The regular meeting of the Planning Board was held on Wednesday, March 25, 2009, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.**

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

**The following member was absent from this meeting: Michael Reilly.**

**Chairman Olean advised that six members were present; have quorum.**

## **CONSENT AGENDA**

**Chairman Olean reminded members that the consent agenda has seven 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 Mercurio to accept the consent agenda as presented was seconded by member Hunt. Motion was approved by all members present.**

## **COMPREHENSIVE PERMIT**

### **a. The Residences at Stone Creek AP 20 Lot 15 Land Development Break Hill Development, Inc. Breakneck Hill Rd. Preliminary Plan Discussion/Approval**

**Mr. Ranaldi stated that this application is before the Board for preliminary plan review. The Board has until May 20, 2009 to make a decision. The applicant had to have their wetlands re-delineated which were requested by RIDEM. The applicant found that there was some enlargement of existing wetlands. The applicant had to do some redesign because of the new wetland area. The applicant is still in the process of doing the redesign and has not presented it to the Board as of yet. The TRC recommends that the applicant give the Board an extension of the preliminary plan time so there is enough time to review the new plan. The TRC wanted the applicant to come in front of the Board to discuss the concept of the size differential between the market rate units and the affordable units. This issue came up at the public hearing last month and needs further discussion. The applicant would like an opportunity tonight to discuss the difference of square footage between the units.**

**John DiBona, attorney for the applicant, made a brief presentation to the Board. Mr. DiBona stated that the applicant will have a revised plan ready in a couple weeks. The applicant requests to continue this application to the April meeting. The applicant would agree to a time extension for the Board to make a decision if it is necessary. There has been an increase in the size of the wetlands after the redeilination which has caused a reduction in the number of units. The applicant expects that the final number of units will be 62 down from 70. This is not confirmed yet as the plan is still being redesigned. The issue that the Board and the TRC has raised is the difference in the size of the units of market rate versus affordable. Under RIGL section 45-53-4, the section that requires this Board to make certain findings of fact. The law states that the affordable units are to be integrated throughout the development, compatible in scale and architectural size to the market rate units within the project. This Board has indicated that this applicant has integrated the affordable units within this project. The statute does not state that the units have to be the same size. This would be an interpretation of what “scale” means. This applicant does not believe that the units have to be the same size. In fact this Board made a finding of fact at master plan that the finding in regards to scale had been satisfied. The applicant had several meetings with Rhode Island Housing and they determined that this plan was feasible. They also found that this project qualified for a letter eligibility. The State Board of Housing Appeals has never found that the units have to be the same size. It is**

up to this Board to make the decision that this applicant's project has met that finding under RIGL. Mr. DiBona believes that the law means that the buildings must be similar in architectural scale and style such that they can't be distinguished from the outside. Mr. DiBona also believes that this application has met that part of the law and the Board can state that this finding of fact has been satisfied.

Joelle Sylvia made some comments to the Board. Ms. Sylvia stated that as Mr. DiBona stated the interpretation of "compatible in scale and architectural style" is up to this Board on this application. This part of the law has not been challenged or determined by the State courts. Ms. Sylvia made it clear that Rhode Island Housing does not approve projects or features of projects they only approve whether the project is eligible under their program. It is up to this Board to approve the project and the features within it. Ms. Sylvia believes that the public hearing will need to be reopened after the new plan is submitted. The public has the right to comment on the most recent plan. Mr. DiBona stated that he meant that Rhode Island Housing's approval of the concept of this plan not an approval of the plan itself.

Member Mercurio questioned whether a 900 square foot affordable unit and a 1600 square foot unit are compatible in scale. Mr. DiBona believes that if the General Assembly meant that the units should be the same size, they would have stated it in the law. Member Hunt questioned what the definition of architectural scale means. He believes it means size. Mr. DiBona stated that from the outside you

would not know that the units are a different size in the current plan. Member Ordonez stated he believes the Board is looking for similar size not necessarily the same size. Member Mercurio agreed and stated he believes that 900 versus 1600 are too dissimilar. Member Mercurio questioned whether the finances have been calculated for the affordable units and whether they have to be recalculated for the reduction in the amount of units. Chairman Olean stated the applicant would supply that type of information once the new design has been submitted. Ms. Sylvia commented that a substantial change in the plan would have to take place to kick this to a new application. Ms. Sylvia does not believe that will be the case with this application. Chairman Olean stated that he believes the Board is looking for less of a difference in size between the affordable and the market rate units. More discussions took place between the Board members in regards to the size issue. Mr. Ranaldi commented on the benefits the Town would receive with this development and should put some weight on those benefits. Ms. Sylvia stated that the Board can not give a waiver to that standard of the law. This Board must have a finding of fact that the units are compatible in scale and architectural style. Member Ordonez was concerned about a precedent this Board would be setting if they approve this project as presented.

Mr. DiBona asked if he could get some guidance from the Board as to an acceptable size difference since the applicant is currently under redesign. Chairman Olean stated the Board wants to see less of a difference in size than the current 900 square feet versus 1600 square

feet. There must be a compromise on this issue. Several members agreed with this statement. Mr. DiBona stated that he believes he understands what the Board is looking for. Mr. DiBona spoke with his client and believes that the affordable units could be elevated to 1200 square feet. The Board members felt this would be a more palatable ratio between the affordable and market rate units. Chairman Olean expressed a concern that the Board will need more time to make a decision. Mr. DiBona stated that if necessary his client would grant more time at next month's meeting.

## **MAJOR SUBDIVISION REVIEW**

### **a. Truesdale/Archambault Subdivision AP 23 Lots 202, 199 & 2 Public Informational**

**Robert & Marcia Truesdale Great Road Meeting – 7:15 PM**

**Master Plan**

**Discussion/Approval**

John Shekarchi, attorney for the applicant asked to speak before the Board. Mr. Shekarchi stated that after meeting with the Town staff his client would like to ask for a one month continuance of this application. Chairman Olean inquired whether Mr. Shekarchi would object to holding the public informational meeting tonight as scheduled. Mr. Shekarchi agreed.

Chairman Olean called the Public Informational Meeting to order at

7:32 pm. Roll call of the abutters list was read by the recording secretary. There were no responses to the reading of the abutters list. Chairman Olean called for any other abutters in the audience whose name was not read to be recognized. No responses were given.

Mr. Ranaldi stated that this application represents an administrative subdivision between three lots. This application was elevated to a major subdivision because of the need of two zoning variances. A Zoning meeting is scheduled for next Tuesday regarding this application. The TRC feels that one of the lot line movements to accommodate an encroachment of a driveway is something that does not create zoning variances. This lot line movement is acceptable to the TRC. However, the other side of the property where an attempt is to give the applicant some more land in exchange for the first lot line movement cause zoning variances to be required. The TRC did not agree with that lot line movement. This issue will be discussed at next Tuesday's Zoning meeting. The public informational meeting was already scheduled so the applicant is here tonight. The Board has until June 19, 2009 to make a decision on the master plan.

John Shekarchi, attorney for the applicant made a brief statement to the Board. Mr. Shekarchi stated that he is aware of what the TRC concerns are. Mr. Shekarchi will work with the Town to eliminate the second lot line movement and just do the first to take care of the driveway encroachment. Any zoning issues on the other properties

would be handled separately without the subdivision.

Chairman Olean opened up the meeting to comments from the public.  
No members of the public came forward.

Motion was made by member Mercurio to close the public informational meeting at 7:38 pm was seconded by member Hunt. Motion was approved by all members present. This application will be scheduled to be heard on next month's agenda.

**b. Stone Way Subdivision AP 23 Lot 91 Master Plan  
Crescent Properties, Inc. Dexter Rock Road Discussion/Approval**

John Shekarchi, attorney for the applicant made a brief presentation to the Board. Mr. Shekarchi stated that he has had discussions with Mr. Ranaldi and would like to ask for a continuance tonight. His client would like the time to review the TRC recommendations and come up with a plan that is very specific for this Board to review. This application is already scheduled to be heard at the April TRC meeting.

This application will be continued to next month's agenda.

## **RECOMMENDATION TO TOWN COUNCIL**

**a. 2009 Community Development Block Grant Application  
(CDBG) Discussion/Approval**

**Mr. Ranaldi explained that this application is not on the consent agenda because the Board has to find that the application is consistent with the goals and objectives of the comprehensive plan. This application is very similar to other applications from years past. The Housing Rehabilitation is for grants to people with housing deficiencies. The River Road Sidewalks is to repair safety hazards along River Road. The Family Literacy Center is to supplement and pay rent and utilities. Spurwink is a non-profit agency looking for funding to connect their facility to the sewer system. Boys & Girls Club of Cumberland-Lincoln is looking for some funding for programs they provide to the community. Lincoln Housing Authority is applying for funding for repairs to their facilities. Manville Project, Summer Street Sidewalk Replacement, is for replacement of sidewalks. Finally, the Blackstone Valley Advocacy Center is applying for funding for their programs. Mr. Ranaldi further stated that in his opinion as Town Planner these applicants/projects are consistent with the goals and objectives of the comprehensive plan.**

**Motion was made by member Griffin to approve the CDBG application as presented was seconded by member Mercurio. Member Ordonez asked the Town Planner how the process works for these grants and who makes the determination on the amounts. Member Ordonez also asked if any projects requested funding and did not make it in the application. Mr. Ranaldi stated that there was not any projects that asked for funding that were not included in this**

**application. Mr. Ranaldi explained that the Town advertises for these grant applications. The amounts are determined by the applicants' request for funding. The applicants must be non-profit community service agencies. Mr. Ranaldi commented that this application is a request from the State for funding. The State will decide which parts of the application to fund. The motion was approved by all members present.**

## **SECRETARY'S REPORT**

**The Board was given one set of minutes to review. They are for February 25, 2009. The Town Planner Al Ranaldi stated that he has reviewed these minutes.**

**Motion made by member Griffin to dispense with the reading of the February 25, 2009 minutes was seconded by member Hunt. Motion was approved by all members present.**

**Motion made by member Griffin to approve the minutes of February 25, 2009 as presented was seconded by member Mercurio. Motion was approved by all members present.**

**Chairman Olean reminded members of the Board that the annual ethics paperwork is due into the State by April 15, 2009. All members need to fill out their paperwork and send it in.**

**Motion was made by member Bostic to adjourn which was seconded by member Mercurio at 7:49 pm. Motion was approved by all members present.**

**Respectfully submitted,**

**Russell Hervieux**