

LINCOLN PLANNING BOARD

SEPTEMBER 23, 2009

APPROVED

The regular meeting of the Planning Board was held on Wednesday, September 23, 2009, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Olean called the meeting to order at 7:01 p.m. The following members were present: Gerald Olean, Timothy Griffin, Michael Reilly, Kenneth Bostic, John Hunt and Wilfred Ordonez. Also in attendance were Town Planner Albert Ranaldi, and Joelle C. Sylvia for the Town Solicitor. Russell Hervieux kept the minutes.

The following member was absent from this meeting: Greg Mercurio Jr.

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

CONSENT AGENDA

Chairman Olean reminded members that the consent agenda has four zoning applications, three recorded decisions 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 Griffin to accept the consent agenda as presented was seconded by member Bostic. Motion was approved by all members present.

Agenda Change - Motion was made by member Reilly to amend the Planning Board agenda to have item 5, Major Subdivision Review, be the next items for consideration and was seconded by member Hunt. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

a. Sables Road Subdivision- Phase 2 AP 44 Lots 33 Preliminary Plan Leslie W. Sables Lantern & East Lantern Rd. Extension

Mr. Ranaldi stated that this request is for a preliminary plan extension which represents the subdivision of one lot into eight single family residential lots with access from East Lantern Road. This is the applicant's third extension of this preliminary plan. Each extension request was submitted in a timely fashion. The request lists the poor condition of the real estate market and finalizing paperwork as the conditions for an extension. The TRC recommends approval of this extension which would bring preliminary plan approval until November 15, 2010. Member Reilly questioned why the letter from Attorney Michael Kelly lists the approval date until November 17, 2010.

Eric Brainsky, attorney for the applicant, made a brief presentation to the Board. Mr. Brainsky is from the office of Attorney Michael Kelly and replied to member Reilly's question. Mr. Brainsky stated that his letter does in fact state November 17, 2010 but has no issues with making the approval date November 15, 2010 as stated by the Town Planner.

Motion made by member Bostic to grant a one year extension of preliminary plan to November 15, 2010 was seconded by member Griffin. Motion was approved by all members present.

**b. Kirkbrae Ledges Subdivision–Phase 11 AP 32 Lot 45 Master
Plan Extension**

Kirkbrae Ledges, LLC Lancers Lane & Hemlock Road

Mr. Ranaldi stated that this request is for a master plan extension which represents the subdivision of one lot into eleven single family residential lots. This request is the third request for master plan extension. Each extension request was submitted in a timely fashion.

The request lists that the applicant is still working on an agreement with RIDEM. The applicant is requesting an extension of one year until October 26, 2010. The TRC recommends approval of this request.

Eric Brainsky, attorney for the applicant, made a brief presentation to

the Board. Mr. Brainsky agreed with Mr. Ranaldi's report and would be happy to answer any questions. Mr. Brainsky stated that his client has been in negotiations with RIDEM for a long period of time and believes they are close to an agreement.

Motion made by member Hunt to grant a one year extension of the master plan until October 26, 2010 was seconded by member Griffin. Motion was approved by all members present.

Agenda Change - Motion was made by member Griffin to amend the Planning Board agenda to have item 6, Minor Subdivision Review, be the next items for consideration and was seconded by member Bostic. Motion was approved by all members present.

MINOR SUBDIVISION REVIEW

a. Paddock Drive Subdivision AP 42 Lot 228 Preliminary Plan

Enrico & Tracy DiGregorio Paddock Drive Discussion/Approval

Mr. Ranaldi stated that this is an application for a minor subdivision under the 2005 subdivision regulations regarding one lot split into two residential lots. This property was originally approved as two lots and the owner merged the two lots under an administrative subdivision. The owner has since changed their minds and would like to separate the property back into two lots. The owner had plans had made some minor changes to the property after the two lots were

merged. The change was to elongate the detention basin which was originally on one lot. This subdivision would put this basin on two lots. It is not a policy to place a detention basin on one lot, this Board historically has done so. All of the basin structures are on one lot but there is a small piece of the basin which would be on this new lot. Mr. Ranaldi contacted the former Town Engineer and she felt that since the owner went through RIDEM to get this basin approved and it is working very well she felt that in this situation the basin should remain in the existing configuration. The TRC felt that this layout does work even with the basin crossing the proposed lot line. The TRC recommends approval with the condition that granite bounds be installed at the subdivision corners. If this Board approves, the applicant has 90 days to record the final plan.

Enrico DiGregorio, owner of the property made comments to the Board. Mr. DiGregorio stated that his engineer was supposed to attend this meeting but was not here yet. Mr. DiGregorio offered to answer any questions that the Board has. Chairman Olean questioned whether he had reviewed and understood the TRC report. Mr. DiGregorio replied that he had gone over the report and will comply with the conditions and time frame.

Motion made by member Bostic to approve this preliminary plan with conditions as recommended by the TRC was seconded by member Reilly. Motion was approved by all members present.

Agenda Change - Motion was made by member Hunt to amend the Planning Board agenda to have item 8, Zoning Ordinance Amendment, be the next items for consideration and was seconded by member Reilly. Motion was approved by all members present.

ZONING ORDINANCE AMENDMENT

- a. An ordinance in amendment to 260-7 and 260-14 Recommendation to Town Council
of the Zoning Ordinance for the Town of Lincoln**

Mr. Ranaldi stated this amendment has no recommendation from the TRC because it was received in the Planner's office after the TRC meeting was held. Consequently, the TRC was not able to review or discuss this amendment. Mr. Ranaldi offered to share his opinion on this amendment. This amendment is to block or deny the development of a wind turbine. This amendment views wind turbines similar to telecommunications towers and puts a lot of restrictions on them. Mr. Ranaldi felt that this ordinance is a little short sighted. The technology is constantly evolving. Currently, wind turbines don't work in this area because of the lack of sufficient wind. However there may be something in the future that would prove to be beneficial to the residents of Lincoln. Mr. Ranaldi felt that a Special Use Permit would be a better solution than just not allowing wind turbines. Therefore, Mr. Ranaldi would recommend a negative recommendation be sent to the Town Council on this ordinance.

Chairman Olean questioned the reasoning for a negative recommendation. Mr. Ranaldi replied because our Comprehensive Plan promotes innovative regulation and the Town has always worked to enforce high quality development. There should be room in our codes for future technology that could benefit our citizens. Some discussions took place on this subject.

Motion was made by member Hunt to move a negative recommendation to the Town Council on an ordinance in amendment of 260-7 and 260-14 of the Zoning Ordinance based on findings of fact at this meeting and the recommendation of the Town Planner was seconded by member Griffin. Motion was approved by all members present.

**b. An ordinance in amendment to Article VI,
260-34C Recommendation to Town Council
of the Zoning Ordinance for the Town of Lincoln**

Mr. Ranaldi stated this amendment has no recommendation from the TRC because it was received in the Planner's office after the TRC meeting was held. Consequently, the TRC was not able to review or discuss this amendment. Mr. Ranaldi offered to share his opinion on this amendment. This ordinance was drafted to allow signs on Little League fencing. Mr. Ranaldi stated he had no direct opinion on this ordinance. This ordinance was drafted more as a housekeeping measure.

Motion was made by member Bostic to move a positive recommendation to the Town Council on an ordinance in amendment of Article VI, 260-34C of the Zoning Ordinance based on findings of fact at this meeting and the recommendation of the Town Planner was seconded by member Reilly. Member Hunt questioned what this ordinance actually does. Ms. Sylvia replied that this ordinance would now make it legal for the Little League to promote businesses on the fencing at the fields during the season. It would be up to the Little League to monitor these signs. Our code up to this point has been silent on this issue. Motion was approved by all members present.

MAJOR LAND DEVELOPMENT REVIEW

a. Century Associates, Proposed Building AP 31 Lot 44 Public Hearing – 7:15 PM

Century Associates, LLC 1992 Old Louisquisset Preliminary Plan

Pike Discussion/Approval

Chairman Olean called the Public Hearing to order at 7:24 pm. Roll call of the abutters list was read by the recording secretary. There was one response 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 is at preliminary plan under the 2005 subdivision regulations for a major land development. The proposed project is a 15,000 square foot office building with associated parking. The applicant received all the zoning relief on August 4, 2009 that it required. This application received a certificate of completeness on August 18, 2009 and the Board has until December 16, 2009 to make a decision. The TRC and the Engineering Department reviewed this plan. We would require the Fire and Rescue departments to submit a letter of approval of the site layout. A note is placed on the plans denoting that there are no wells within 200 feet of this property. A Narragansett Bay Commission permit would be required as a condition of preliminary plan approval. The applicant has already received RIDEM approval however the Town would request a copy of the stamped RIDEM plan. Another of the conditions the TRC would require is to have an independent engineer supervise the installation of the underground drainage system and submit a report of approval to the Town at final plan. A Physical Alteration Permit from RIDOT must be acquired. Therefore the TRC recommends approval with six conditions, five of which are on the TRC report and the submittal of a stamped RIDEM plan. Barring any unforeseen issues brought out at the Public Hearing the TRC recommends approval with conditions.

Michael Elliot, representing Century Associates, gave a brief presentation to the Board. Mr. Elliot stated that he is hoping to continue moving this project forward. The applicant would like to get

framing and closed in before the winter weather sets in. Mr. Elliot believes that most of the TRC requests have been taken care of and the few remaining will be taken care of shortly. The Physical Alteration Permit is in process.

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

Motion was made by member Bostic to close the public hearing at 7:29 pm was seconded by member Reilly. Motion was approved by all members present.

Motion was made by member Hunt to approve the preliminary plan with (6) conditions per the TRC recommendations were seconded by member Griffin. Motion was approved by all members present.

b. RJB Properties – Bldg #3 AP 31 Lot 12 Public Informational
RJB Properties 640 George Washington Hwy. Meeting – 7:30 PM
Master Plan
Discussion/Approval

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 is for a land development project at master plan level. This application is under the 2005 subdivision regulations. This application proposes a new two story 30,000 square foot office building with associated parking. This applicant also proposed a Marriott Residence Inn for this lot which this Board has already approved. The TRC reviewed this application and had a few concerns. The project would need a Physical Alteration Permit from RIDOT. The applicant would also need some easements to be drawn for National Grid for electric and gas lines that cross the proposed road. The Town Solicitor's office would need to review those easements. A letter from the Albion Fire Department regarding the site plan review would be required. The major concern of the TRC was traffic. The applicant has submitted their proposed traffic mitigation plan with your packets. The Town was concerned with Rt. 116 at the intersection of Blackstone Valley Place. The applicant has proposed to stripe a turning lane and an additional pavement on the west side of Rt. 116 for merging. This would have to be approved by RIDOT. The TRC would require these off sites improvements to be concurrent with the construction on this lot whichever building comes first. The TRC knows there are sewers available for this project but would like a letter stating that fact in the file. This applicant would need a permit from Narragansett Bay Commission by preliminary plan stage. The cemetery on this property has parking on two sides and is unclear whether there would

be construction nearby. State law requires no excavation within twenty-five feet of the cemetery. This issue would need clarification at preliminary plan stage. This application has approval for public water service. Drainage will be handled on site with a series of detention basins. The former Town Engineer reviewed this plan and felt it was acceptable. The TRC recommends approval of this master plan with (5) conditions as listed in the TRC report barring any issues brought forth by the public. Condition number 1 is required now and all other conditions are required by preliminary plan stage. Chairman Olean questioned whether we need to seek input from the Rescue service. Mr. Ranaldi stated that the fire department does both reviews.

Scott Lindgren, engineer for the applicant made a presentation to the Board. Mr. Lindgren stated that this project is for a 30,000 square foot two story office building located on Assessor's Plat 31 Lot 12 at 640 George Washington Highway. There is an existing office building currently on the property. This new building is to be located to the rear of this existing building. Parking is being reconfigured to allow for the existing and new office buildings. There are 229 parking spaces being provided for these buildings. All public utilities are available to this project. The applicant will be seeking all the appropriate approvals during these next stages of design. The formulated storm water management design will be submitted at the next stage. Traffic mitigation design and permits will be sought with RIDOT. Discussions took place on traffic improvements when this

applicant was before this Board for the proposed Marriot Hotel. Those same improvements are part of this submission for this office project. The traffic study provided to the Board takes into account the traffic for this project along with the traffic for the hotel if it existed today. The traffic improvements would have to be installed no matter which project is built first. The applicant would like to proceed toward the preliminary design stage. The applicant does not have any problems with the conditions in the TRC report.

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

Motion was made by member Reilly to close the public informational meeting at 7:55 pm was seconded by member Griffin. Motion was approved by all members present.

Motion was made by member Reilly to approve master plan with conditions as recommended by the TRC was seconded by member Hunt. Chairman Olean reiterated the point that the road improvements take place whichever project is started first. The applicant agreed. Motion was approved by all members present.

c. MacColl Field YMCA AP 25 Lots 58,68,69,71 Master Plan

The YMCA of Pawtucket, Inc. Breakneck Hill Road Discussion/Approval

Mr. Ranaldi stated that this application is for a 40,000 square foot YMCA recreational building with associated parking. This project will be serviced by public water and a private force main sewer line. The applicant received a certificate of completeness on July 15, 2009 and the Board has until November 12, 2009 to make a decision. It would be advantageous to the Board if the applicant saw fit to give a time extension for a decision. The TRC has reviewed this application and has a few comments. The applicant would need to upgrade their water service per the recommendations of the Lincoln Water Commission. The applicant has agreed to install the off site improvements to the sanitary sewer, namely the West Butterfly pump station. The applicant would need NBC and RIDOT approvals to perform these off site improvements. The applicant has designed several mitigation structures for drainage. The most concerning part of this application is traffic. The applicant has brought their traffic engineer to this meeting as well as to the TRC meeting to explain how to handle traffic issues. There are traffic problems on this roadway as noted by RIDOT and they are complicated. It will take a significant amount of time for RIDOT to mitigate traffic problems in this area. The applicant has designed an internal traffic plan to alleviate some of the traffic concerns which the traffic engineer will speak to. The applicant feels this internal traffic plan will help for safe vehicle movements as part of this facility. The TRC is looking for a letter from RIDOT saying that they feel this is a good plan for the YMCA. The TRC felt comfortable with the circulation plan. The TRC recommends that the applicant proceed to a Public Informational

Meeting next month.

Bob Cioffi, executive director of the YMCA in Lincoln gave a brief presentation. Mr. Cioffi asked that Anna Novo who is their traffic engineer give a report on their traffic plan this evening. Mr. Cioffi also introduced Kevin McBride to the Board.

Anna Novo, traffic engineer for the applicant made a presentation. Ms. Novo stated that during the summer months when the camp is open the YMCA will maintain this lower road closed. This road will have a gate installed at the top and bottom. During the school year these gates will be maintained open during the peak hours of the day which is 7 -9 am and 4 – 6 pm. These gates can be closed during the other hours as there is much less traffic at those times. The summer camp drop offs and pick ups will occur in the front parking lot with no need for this road to be open. The school buses will enter the main entrance and circulate around a one way circle for drop off to school and daycare facilities then exit out the main entrance. The existing main entrance will be modified to allow for a left turn lane out onto Breakneck Hill Road and widen opening for more room for buses to move through the intersection. The lower road will be opened during peak hours of the school year to allow for approximately 40% of YMCA traffic to exit from this lower road. This would help with traffic issues while RIDOT is trying to figure out how to mitigate traffic issues on Breakneck Hill Road. The YMCA will be responsible for the control of these gates and supplying information to their patrons on

traffic flow issues. There will also be sidewalks provided on the site for safety. Member Reilly questioned as to who would decide when a “special event” requires a police detail for traffic control. Ms. Novo explained that an event with 200 members or more during high traffic hours would require a detail officer. Mr. Cioffi stated that he would be willing to work with the Town and Police to define when those detail officers would be required. Ms. Novo stated that she is also recommending some tree trimming and sign relocation to allow for greater sight distances. Mr. Cioffi stated that he had no objections to extending the time for this Board to make a decision on master plan. Mr. Cioffi also explained that he understands that the off site sewer improvements must be completed prior to construction of their facility.

Motion made by member Griffin to move this application to a Public Informational meeting next month was seconded by member Hunt. Motion was approved by all members present.

COMPREHENSIVE PERMIT

a. Almeida Multi-Family AP 5 Lot 26 Master Plan

Joseph Almeida, Jr. 1683-1685 Lonsdale Ave. Discussion/Approval

Mr. Ranaldi stated that this application is reviewed under the 2005 subdivision regulations, the ordinance for filing a Comprehensive Permit and the Affordable Housing Plan. This application received a

certificate of completeness on September 15, 2009 and the Board has until January 13, 2010 to make a decision. This application calls for the razing of the existing four units building and constructing a six unit residential building with two units designated as affordable. Each unit will have a garage and one outdoor parking space. There will also be three visitor parking spaces to the rear of the complex. The complex will be serviced by public water and sewer. The access to the complex is through an existing easement on the neighboring property which has been in use for years. This complex is in a RG-7 zone and meets the requirements for a six unit building. However, the setbacks would cause the building to be set back from the road unlike all the existing buildings. The Town Planner recommended that the applicant bring this building forward to match the style of the other buildings along this road to fit into this community. This setup greatly improves the parking situation as it will be to the rear of the structure. The applicant is requesting four waivers. The waivers are a front yard setback, side yard setback, lot coverage and a density waiver. The TRC reviewed this application and has some comments. The applicant would need a Physical Alteration Permit from RIDOT, a written approval from the Lonsdale Fire District, letters of availability of public utilities and a NBC permit. The drainage system as proposed is an underground infiltration system. The Town would need to review the design at a later date. A review of compatibility between the market rate units and affordable units will need to be done. The TRC recommends that this application move to a Public Informational meeting in October.

John Shekarchi, attorney for the applicant made a brief presentation to the Board. Mr. Shekarchi stated that Mr. Ranaldi explained the project very well. The applicant was originally going to go to Zoning for a Special Use Permit for six units. The applicant filed a comprehensive permit based on Mr. Ranaldi's recommendation. The applicant does have a letter of eligibility from Rhode Island Housing for this project.

Ed Pimentel, Land Use expert for the applicant made a presentation to the Board. Mr. Pimentel stated that the current property is approved with a four unit dwelling. The neighborhood in general is an older neighborhood with approximately 90% of the structure built previous to 1920. There has been very limited amount of new construction in this area. This is a very dense neighborhood with 211 separate units within a one block radius. Most of the structures are multi-family. Mr. Pimentel referenced the report that he supplied to the Board. The applicant has only increased the coverage by 6% even with two additional units by cleaning up the property of accessory buildings. This is a good comprehensive permit application because it does not add any additional market rate units but adds two affordable units. There is clearly a need for affordable family housing and this project will provide some. The units in this building will be very similar so the affordable units will be easily integrated. Mr. Pimentel referenced the section of his report that shows that this project meets the prerequisite findings for a

comprehensive permit. This project is consistent with the comprehensive plan and the zoning ordinance.

Daniel Campbell, engineer for the applicant made a presentation to the Board. Mr. Campbell stated that initially he designed for a five unit market rate project that met all the setbacks. After discussions with the Town, the plan was modified to add a sixth unit and make it more conducive to the neighborhood. This adjustment allowed the applicant to file for a comprehensive permit. The building will be architecturally designed to fit into the neighborhood. Mr. Campbell believes there is plenty of capacity of all utilities for this project. There will be two separate drainage systems, one for roof drainage and one for parking lot drainage. Existing sidewalks and curb cuts will be maintained. There is a 30 foot wide easement for vehicular traffic which is paved and will service this project. Member Bostic inquired as to whether the building could be shortened to avoid a couple of waivers. Mr. Campbell replied that they could not shrink the building and still meet building codes for the units.

Chairman Olean questioned the Town Planner about getting an opinion from the Zoning Board on this application. Mr. Ranaldi explained that it is not required to get an advisory opinion from the Zoning Board. Chairman Olean believes we have followed this procedure in the past. Ms. Sylvia explained that the process for Zoning is different and would require the applicant to appear. This process could add significant time to this applicant. Mr. Ranaldi

believes that the Zoning Board could only give an opinion on any zoning relief required. Mr. Shekarchi agreed to appear at the Zoning Board for any testimony required for an advisory opinion.

Motion was made by member Hunt to move this application to a Public Informational meeting and send this application to the Zoning Board for an advisory opinion was seconded by member Ordonez. Motion was approved by all members present.

SECRETARY'S REPORT

The Board was given two sets of minutes to review. They are for July 22, 2009 and August 26, 2009. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Motion made by member Reilly to dispense with the reading of the July 22, 2009 minutes was seconded by member Griffin. Motion was approved by all members present.

Motion was made by member Griffin to accept the minutes of July 22, 2009 as presented was seconded by member Reilly. Motion was approved by all members present.

Motion made by member Griffin to dispense with the reading of the August 26, 2009 minutes was seconded by member Reilly. Motion was approved by all members present.

Motion was made by member Griffin to accept the minutes of August 26, 2009 as presented were seconded by member Reilly. Motion was approved by all members present.

Motion was made by member Bostic to adjourn which was seconded by member Griffin at 8:39 pm. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux