

LINCOLN PLANNING BOARD

SEPTEMBER 28, 2016

APPROVED

The regular meeting of the Planning Board was held September 28, 2016. This meeting was at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Bostic called the meeting to order at 7:00 p.m. The following members were present Ken Bostic, William Murphy, Jeff Almond, Jeffrey DelGrande, John Hunt, Mike Reilly (at 7:20pm).

Also in attendance were Town Planner Al Ranaldi and Town Engineer Leslie Quish and Town Solicitor Anthony DeSisto. Elizabeth Gagnon kept the minutes. The following member was absent from the meeting: Gerald Olean. Quorum met.

CONSENT AGENDA

Member reminded members that the consent agenda is normally voted on in total unless a member motions to remove an item.

Member Almond makes a motion to remove Item 5 b. Discussion on Road Abandonment Process/Procedure from the Consent Agenda, second by Member Hunt.

Motion was approved by all members present.

Comprehensive Permit

a. Mixed Use Development	AP 43 Lot 34 and 123	Public
Information Meeting -7:00pm		
-1672 Realty Associates, LLC	Old Louisquisset Pike	Master
Plan Discussion/Approval		

Town Planner Ranaldi: This application is under a Comprehensive Permit. It will be very short. One of the things that we have to take into consideration is that we are at a deadline. The thought we had it extended to next month. The Attorney feels that wasn't the case and we would have to discuss that in the course of this meeting.

Chairman Bostic: Was he here last month? Town Planner Ranaldi: No. Chairman Bostic: The Associate definitely agreed to another month. Attorney Landry: I respectfully disagree. Town Planner Ranaldi: I checked the record and it sounded like there was an extension.

William Landry: Attorney for the applicant with Bish and Cavanugh, 30 Exchange Terrace, Providence and I represent the Applicant 1672 Realty Associates on this application for a Comprehensive Permit. The Owners of the property are Oliver Perry and his wife Joann Perry. They are co-applicants as Owners. We are dealing here with two pieces of property at the corner of Old Louisquisset and Twin River

Road. The site plan shows the entire site. Most of you are familiar with this but there are members of the public that are not. Lot 34 is right here on the corner of Old Louisquisset Pike and Twin River Road. The Casino is down here and the Fire Station is here, the intersection is here. This is Lot 34. Ninety Percent of everything shown here is in the R20. There is a very small piece of the property that zoned R40. But none of the proposed redevelopment of the site..

Chairman Bostic: Mr. Landry could you turn that maybe a little more towards the public? We have a copy so I think they would be more interested in seeing it. Attorney Landry: You are all familiar with this overgrown lot. There is a couple of deteriorating residential structures on it. One right about here and another one right about here. That is the parcel we are talking about. The proposal is to construct a six residential single family units in a single building that will barely be visible from anywhere, certainly from Twin River Road. This big space in the middle is Oliver Perry's house. The property we are talking about wraps around Oliver Perry's house on Twin River Road. There will be six residential two bedroom units in a single building here with a dedicated parking area and a dedicated access out to Old Louisquisset Pike. And then a 3,000 square foot Dunkin Donuts building on the corner that will have two entrances; one from Twin River Road and one back from Old Louisquisset Pike and a traffic queue back occurs roughly in this configuration. The six residential units will be deed restricted for at least ninety-nine (99) years to households of low or moderate income. It is not low income

housing unfortunately private developers are usually constrained from providing truly low income housing. But it is Moderate Income Housing for working people making somewhere from \$50, to \$70,000.00. It is a nice two bedroom condominium units. They are not for everybody. They are probably not for someone with a family that is looking for a conventional yard. But we do think that they comport nicely with aspirations in your Housing Production Plan part of your Comprehensive Plan. It advocates a diversity of housing choices in the Town Lincoln. So the proposal is for a mixture of uses on the site of residential and commercial. The residential building is about 8500 square feet footprint. It is a two story building. And as I indicated the restaurant is about 3,000 square feet. We first filed our Application in late 2015 which is just about a year ago. In August of 2015 we received a required letter of eligibility from Rhode Island Housing with this mixed use configuration eligibility for Application to Comprehensive Permit under the Low or Moderate Income Housing Act. We then proceeded to a Pre-Application Review with the Board in 2015. And in January of 2016 we filed an Application for a Comprehensive Permit with all the required submittal materials. The Application was certified as complete shortly after that and for the last seven or months or so we have I think eight or nine combined meetings with either the Planning Staff, the Technical Review Committee and or this Board as this project design has evolved. The design is not substantially different than what it was when we first filed the Application. We are still talking about six (6) residential units and 3,000 square foot Dunkin Donuts. But we think we have made the

proposal better in response to your suggestions and comments along the way and there were a couple of major issues that we had to tackle. One of them, the first one, the most significant one in the first couple of months in the project involved a garage structure that is in the rear portion of the redevelopment parcel. Right now that structure is part of a lot that is shaped somewhat like this and that garage structure is used to accommodate construction vehicles and equipment. It is a non conforming use of that property use in a residential zone. And the suggestion that was made was if we split off part of that lot through our proposed development we will be leaving the back lot with just a commercial non conforming garage use without any principal use to go along with it because there is no dwelling on the residential dwelling lot. That was of some concern. We took the position at the time that we are not changing anything on the lot with respect to that non conforming use and we are not going to make it bigger but it going to stay there. And the Town, the Board and the TRC continue to have reservations about that use and we have since stipulated that as part of our development proposal that non conforming situation will be eradicated there will be no further use of that building for commercial purposes. It will revert to a garage and within a reasonable time after the project is approved a dwelling will be constructed as a principal use on the balance of this parcel. That is what it is zoned for; a regular single family development. So that is the evolution of this issue involving the commercial use on the site. The next biggest issue that we dealt with early on is that the original version of the site plan had both the Dunkin Donuts and the

Residential building connected as part of a single building. Concerns were raised about traffic cueing going past both a residential use and Dunkin Donuts use. And that perhaps the mixture of that not being ideal from traffic safety or circulation point of view. I doubt that there will be many children if any living in this development given the type of housing it is. It is housing made for single people or people without children but it is possible that children or a child could be in one of these six units. So there was some concern about children and cars coming up to Dunkin Donuts all happening in a pretty tight space. So what we did was to go back to our Seller and negotiate for the acquisition of some land in this area so that we could take the six residential units and parcel them off, separate them from the Dunkin Donuts. Put them in their own corner of the lot tucked back and out of the circulation pattern for the Dunkin Donuts and having their own parking and their own access so they don't have an arguable conflict between the two mixed uses on the site. That was the most recent change that we made over the past summer. The third thing that came up and disappeared almost as quickly as it came up was a proposal that we had floated about having another retail space next to the Dunkin Donuts in view of the fact we acquired more land and we are now placing the residential building off to the West. And that was not well received and we withdrew the idea almost as quickly as we had made it. Today we are still talking about the same 3,000 square foot type of Dunkin Donuts we were talking about in January plus the six residential condominium units further apart from one another in a configuration that permits greater circulation. I think it

is worth mentioning that the 100% of the units are Affordable units. I know this Board knows a lot about Affordable Housing. You have had a number of developments in the Town during eight or nine months we have been here. We have been behind. One that is much bigger than this one that involved Affordable Housing so that we know you are familiar with the concept. But in that project they were proposing the minimally required 25% Affordable Units. We are providing 100% of these units are affordable. And they don't just appear by themselves. There is no subsidy money to create these affordable units. They are all created from an internal subsidy mostly from the commercial building that is being created. So you have a commercial building that generates the subsidy to allow the six affordable units to be built, created and sold by the developer at a loss as to those units but not at a loss all together because there is a commercial building that is subsidizing the creation of the affordable units. It is not an unusual situation mixed use Affordable Housing but it is not a typical one either. It is certainly not unusual. We think that the site lends itself to it. We have good road access. We have two State Highways wrapping around the property. There are other commercial influences in the area. We not far the Casino and that is obviously a major source of commercial activity in many different ways. We had a commercial use on our property that we are eliminating. There is a garden center two lots over on Old Louisquisset Pike from where we are. It is a high visibility site on two busy highways that we think to be a suitable site for what we are proposing to do. The Affordable Housing Plan on page 25 specifically

advocates diversity of housing types and choices. These Affordable Housing type developments are never what exactly what is next to it. Particularly a nice community like Lincoln has grown up on more traditional type residential developed suburban residential development patterns. Everyone has their own lot and all the lots a certain size and they all look roughly the same. Affordable Housing usually doesn't match those neighborhoods because the land costs associated with creating a unit really made it difficult if not impossible to create an affordable unit. So you have a more dense development and there has to be a subsidy associated with that that is either in the form of a lot more units that provide the subsidy money and even higher density. Or in this case a small commercial building that doesn't need a density bonus but that requires a different type of waiver from residential use to a fixed use. And that is what we are proposing here. The Town's Affordable Housing Plan is at 6.6% of the 10% goal of the Low or Moderate Housing Act. The Town currently has 598 low or moderate income units. In order to achieve the 10% another 500 or more are required particularly in view in the case of new developments. When the Affordable Housing Plan was enacted I think it was 2004 the housing plan stated as goal and an objective expectation that by 2015 there would be 925 low or moderate units in Town and by 2020 it would be 1107. In actuality the Town is still stuck at 598. I honestly don't think that reflects any particular type malice on anybody's part or aversion against low or moderate housing. But what I do think it indicates is that these types of advances in affordable housing don't happen on their own and

they usually involve something that the Town is not completely use to or it may not look exactly like what is around it or what's next to it. We are here tonight in the context of a Master Plan Application. It is only the first public step in the approval process. As you know it is conceptual. The project is not fully engineered it will go off to the Rhode Island Department of Transportation, D.E.M., and Narragansett Bay Commission. This is a project that has water and sewer. The project has to be fully engineered. And once that is done we will return to the Board for the Preliminary Plan Stage of Review that requires another round of public hearings and so forth and then the final approval stage. We are really only at the conceptual Master Plan Stage at this point. So unless any has any questions of me right now what I am going to propose to do is have our three project professionals testify briefly. I will ask them a few questions but they are mostly be on their own to provide direct testimony to you. We intend to be very brief and very concise. It is not a complicated project and I know you all heard a lot about before. We have David Potter, Civil Engineer, from Pare Engineering, Amy Archer, Traffic Engineer, from Pare Corporation and Joe Lombardo who is Professional Planner. They are our three witnesses.

David Potter: My name is David Potter and I am a Civil Engineer with Pare Corporation. Attorney Landry: Mr. Potter how long have you been with Pare Corporation? David Potter: Fourteen years. Attorney Landry: And you are a Registered Civil Engineer? David Potter: I am. Attorney Landry: For how long? David Potter: For seven years.

Attorney Landry: And what are your duties and responsibilities at Pare Engineering? David Potter: My duty is to oversee site design projects, permit projects of this nature around Rhode Island and Massachusetts. Attorney Landry: And your offices are located in here in Lincoln? David Landry: That is correct. Attorney Landry: What was your particular role in connection with the civil engineering for this project? David Potter: I was the Project Engineer at the time that began the project a little over a year ago. I worked with a few of the staff members to develop the plan that you have before you. Attorney Landry: Now I am going to ask first off does the project design as reflected in the current site plan meet the normal expectations for a Master Plan Design? David Landry: It does. Attorney Landry: Once the Master Plan Stage is completed what State approvals is going to pursue? David Potter: Following the Master Plan Approval the project will undergo more engineering for DEM and for the DOT. Attorney Landry: And in the event that one of those State agencies requires changes to the project design will those changes be made and reflected in the Preliminary Plan? David Potter: That is correct. Attorney Landry: That will be at least several months perhaps down the road? David Potter: There will be time to prepare the plan and then for the agencies to review. Attorney Landry: I would like to ask you if you would without further by me to take the Board the site plan and explain the key Civil Engineering aspects of the site plan. David Potter: Bill mentioned the general layout of facility. You have the restaurant on the south end of the property to the left. Old Louisquisset Pike is here and Twin River Road is here. We have

adequate off street parking for all the uses around the restaurant. We have associated wooded area. The restaurant is here and a dumpster here with appropriate screening here around the dumpster.

Member DelGrande: What kind of restaurant is that? **David Potter:** It is a Dunkin Donuts restaurant with a drive thru. The drive thru lane is here. We have enough space from the mini board to this internal section for ten cars which is the minimum required by DOT.

Member Reilly: On the stacking of the cars is that the maximum? And is there a difference based on the retail as far as stacking? **David Potter:** There is no distinction between different restaurants whether it be a fast food restaurant or a coffee shop. There is additional space on site.

Member DelGrande: So twelve cars could show up and cause a traffic jam. **David Potter:** We will be talking about traffic in a little bit. There is a residential building in the northwest corner of the parcel and an associated parking here. There will be twelve spaces for the residents and 3 spaces for visitors. At the northwest corner there is a walking path for the residents to access the dumpster and not have to cross any vehicle ways or go into any part of the commercial development. Even the dumpster stays off the residential property.

Member DelGrande: Do you have a traffic report that you can submit that shows how many cars per hour that would stack up in the drive thru and that parking lot and deliveries in that time frame so we know

what we will be up against? Attorney Landry: Yes we do. We have the Traffic Engineer here to testify and we have submitted a great big traffic report several months ago and a supplemental.

Chairman Bostic: The apartment building is not going to be visible from the street? David Potter: The apartment building will be visible from Old Louisquisset Pike. Chairman Bostic: Ok Mr. Landry said it is not going to be visible. Why would you see it from Twin River? It is on the Pike.

Attorney Landry: It is tucked in the back of Mr. Perry's house. David Potter: There will be screening around the property; around the northern and western borders of the property. Attorney Landry: Mr. Potter is there anything there about the proposal that in your professional opinion presents any significant negative environmental impacts? David Potter: No. Attorney Landry: Will there be any significant negative impacts of this proposal in your professional opinion on the health and safety of current or future residents? David Potter: No. Attorney Landry: And let me ask you does that apply to safe circulation of pedestrian and vehicular traffic? David Landry: It does yes. We do not foresee a negative impact. We provided a vehicular circulation system separates the residential parking and residents movements from the vehicular movements to maximum potential. We also provide walks. Attorney Landry: What type of attention has been given to lighting this site in a way that doesn't produce adverse impact? David Potter: Lighting has been provided

to Lincoln standards. We submitted in our original application a lighting package that depicted the location of overhead site lighting. Some lighting on the building Led lights designed to not spill any light off the property onto the neighboring residents. Chairman Bostic: How could it meet the Town of Lincoln standards? We wouldn't allow this kind of lighting on a residential piece of property. David Potter: It is a commercial parking area. In the Master Plan level we are depicting some areas of storm water management systems to provide water quality treatment and storage. The systems will be more detailed at the next submission. Attorney Landry: Will there be any significant negative impacts on current or future resident's provision of emergency services, sewage disposal, or availability of potable water? David Potter: No. Attorney Landry: How about preservation of any natural or historical or cultural features. David Potter: As mentioned storm water runoff will be managed on site. Attorney Landry: And will the development have adequate and permanent access to a public street? David Potter: Yes. The Dunkin Donuts will have two. Attorney Landry: The question I was asking is whether anything about the proposal will result in result in any physical constrains to the development the proposal somehow infeasible? David Potter: We don't see any physical constrains that will make the proposal infeasible. Attorney Landry: I have no further questions of Mr. Potter.

Member DelGrande: Do you see any issues with DOT? David Potter: We don't see any issues with DOT. The curb cuts we looked at are

part of our Traffic Plan. With the orientation that we are showing here we don't.

Attorney Landry: I would like to call Amy Archer from Pare Corporation please. Could you state your full name for the record please? Amy Archer: My name is Amy Archer from Pare Corporation at 8 Blackstone Valley Place. Attorney Landry: Could you describe your professional background in Traffic Engineering please. Amy Archer: I have 11 years of experience in that area and in the last 4 years have been a licensed in Massachusetts and Rhode Island in Traffic Engineering and Roadway Design. Attorney Landry: And have you been consistently involved professionally in that activity from Pare Engineering over the past several years? Amy Archer: Yes I have. Also design of signals and mitigation. Attorney Landry: For what types of clients at Pare Engineering have you provided those types of services? Amy Archer: I have provided these services for the public and private clients working along with DOT and private development.

Attorney Landry: What was your particular role in connection with the Traffic Engineering and design aspects of this particular proposal? Amy Archer: I performed the analysis associated with this project and prepared the report and recommendation. Attorney Landry: I am just going to ask you what went into the report that you developed and what the conclusions were in that report. I do understand that it was submitted to the Town perhaps seven months

ago.

Amy Archer: I original report was submitted in January. And then there was a follow up letter submitted in July based on upon the revised (inaudible). The report entails the impact the property may have for the mixed uses including traffic level of service ranking from A to F. We also looked at safety in the area looking at reports from the Police Department for the last three years. And we looked at site distance approaching and departing the driveway that were on the plan. The findings of that report should shows that the level of service that currently exists on the road that is adjacent. The site distance from the proposed driveway is adequate for cars to see each other coming from and pulling out of those driveways. The Police reports from the three year study did not show any trends that may be mitigated. Almost all of the incidents where at the intersection of Old Louisquisset and Twin River Road and were primarily angle and rear end. As far as circulation I will address some of the questions that have come up so far. I would like to point out that they are showing ten car lengths from the order window. There is an additional two in front of that between the order window and the pickup window so we have accommodation for 12 from circulation on the south entrance and circulation on the east end. That is without interfering with the internal intersection. There is also room for two more before you get into Old Louisquisset. So there is accommodation on site without spilling off of 14 vehicles which is 40% more than the DOT's requirements. I believe they don't specify

between different types of fast food chains such as a McDonalds or Dunkin Donuts. If you take the coffee level might have slightly more trip generation per hour than a McDonald's would typically have.

Member Reilly: My concern with that is that the peak in the morning. When I go by Dunkin Donuts, Honey Dew or whatever I see Honey Dew over here on Front Street and I see 146 they are in the breakdown lane. That is my concern. I know what the State says and that is what your guidelines are by but I am looking at reality. I know on Rt. 1 in Attleboro they had at Dunkin Donuts it since moved same thing in the breakdown lane. Amy Archer: I know queue in Lincoln place don't have that same care queue the one across from the Mall. Member Reilly: No. The one that is on 146 that is right on the Lincoln, Smithfield line. Amy Archer: Ok

Chairman Bostic: it goes through the parking lot and wraps around the whole building. They still have issues with it. Amy Archer: I am projecting up to three hundred trips in the a.m. peak. So that breaks down to approximately five cars per minute. We also have a lot of onsite parking. So I know some of the others that don't have as much parking so more people go to the window. Also the Applicant has a few other Dunkin Donuts within the State that we looked their patronage to compare. We believe that between parking and the window there is enough to accommodate the amount of traffic into the site. Chairman Bostic: Did you receive a copy of the letter from our Police Chief? Amy Archer: I have heard about it but I haven't

seen it. Chairman Bostic: Well this is one of the reasons why you may consider extending another month so that you can address some of things properly. Even if you had a copy of the letter he refers to the Sunoco on Rt. 116 and did you research the situation on the Sunoco Station on Rt 116? Amy Archer: We have actually participated in our (inaudible) at that location where the off ramp comes toward 116. There are a few elements that exist at the driveway that I think define a big part of the difference between what indicates the concern there and what the concern is here. Additionally the radius of that curve allows for a very high speed coming off the highway entering 116. So people approaching the Sunoco Gas Station can be going a pretty decent speed. So people will be going at a lower speed. The speed, the angle and the lack of a left turn is a much safer situation. Member Reilly: So what is going to stop someone from taking a left hand turn out of the property on Twin River? Amy Archer: We have angled the island coming out it will angle them to the right. And there will be a sign No Left Turn. Member Reilly: Ok. So if I want to take a left hand turn the Chief of Police is not going to come down and I can choose to obey it or I choose to take a left hand turn. Correct? Amy Archer: It will be a standard regulation sign is it is an enforceable sign. Member DelGrande: How about coming from the opposite direction? Amy Archer: The left turning is allowed. And that person has to stop in the middle of the road and they are looking at the traffic coming at them. Member DelGrande: So you are saying that there is not a safe distance for them to take a left coming out? Is that correct? Amy

Archer: There technically is. **Attorney Landry:** Just so people understand the physical constraints of taking a left turn coming out.

Member DelGrande: Going back to the safety concern it is still the same concern taking a left across two actually three lanes there. We are addressing the safety on one side of the road and not the other.

Amy Archer: Well they are coming across two lanes. It is actually two lanes that are tapering down to one. They are talking a maximum of two lanes coming out. If you were trying to make the left out you are making a minimum of two lanes but if you make a left out and you want to take a right to head southbound you talking up to five lanes.

Member DelGrande: I understand what you are saying. You are adding up all those three. **Chairman Bostic;** but if you had a green light and you are coming off of 146 going across the intersection you almost have the same situation where the cars are going to be going at a quicker speed. I think you need to review this letter. Take it in and review it a little better and maybe include it in your traffic report rather than just trying to blow it off with a quick ten cent review.

Attorney Landry: When did this issue or concern of the Sunoco Station first come up? **Amy Archer:** It came up it appears to me a couple of months ago.

Chairman Bostic: This is the first I have seen of the Police Chief's letter. **Amy Archer:** The Police Chief's letter is not like it reiterates that concern that was brought up previously. We have been aware of the issue.

Chairman Bostic: I don't recall that. I think you need to take a little better look at this.

Attorney Landry: I was involved in this thing months ago this issue

came up months with the Sunoco we had our engineers look at the dramatic differences between our proposal and the Sunoco Station. That Sunoco Station you can fill up you tank, you can pull right out and take a left turn over two lanes of traffic. I have looked at those situations analyzed them. We had discussions with Leslie at TRC meetings about trying to block a left hand turn out of the site creating this curve where you had to basically drive over a curb or go with the curb and then take a backwards turn against a no left turn sign on a state highway. So good luck if you want to try to do that. Chairman Bostic: Mr. Landry you haven't been here since this was like a totally different project. Attorney Landry: Mr. Chairman I have been here every month at least once for the last eight months. Chairman Bostic: At this meeting? Attorney Landry: We have not been allowed to go before this Board for months at a time while we sort out technical issues in that room. With all due respect I have hundreds of hours on this project managing issues that have come up in particular this one. My Engineer and I have devoted a tremendous amount of time to this. We have tried to get this Public Hearing. Chairman Bostic: I am not trying to get you feathers ruffled all I am saying is that you haven't been since it was kind of totally different kind of project. The buildings were attached. Over the summer you sent another Attorney which is fine but I don't see how you could remember that you addressed these type of things and the letter that I have in front of me when you were here and this was a different project. That is all I am saying. It is dated September 22. Attorney Landry; that is three days ago. Chairman Bostic: You don't have a

copy of it? **Attorney Landry:** We got a copy of it tonight. But it doesn't say anything different than we have already worked out. It says the Chief has concerns about the Sunoco Station on 116 and my Traffic Engineer from Pare Engineering has just described the very dramatic differences between that situation and our situation. I don't know how we could address it any differently or any better. It's also described emphatic physical barriers to a left turn out the site that don't exist at the Sunoco Station that are part of the design. And I am going to ask her when you are finished your questions of her whether this design is a typical design or if she has any concerns from a traffic safety point of view about this configuration and also what happens who is going to review whether this traffic situation is adequate or not.

Solicitor DeSisto: Excuse me before we get off this at this time off get over this topic you might want to give Ms. Quish, her name was mentioned, she was at the meetings. She is the Town Engineer and I think she is ready to just speak to this specific issue. **Town Engineer Quish:** Leslie Quish, Town Engineer. I went back and forth with Amy Archer a couple of times about traffic concerns. I was concerned about the speed of vehicles coming around the corner from Old Louisquissett Pike on to Twin River Road. You can't take that turn at more than 20 miles an hour. Our concern when someone is coming out of the driveway on to Twin River Road. **Chairman Bostic:** Back up just a little bit. More specifically what turn can't you take more than 20 miles an hour. **Town Engineer Quish:** Coming the round the

corner from Old Louisquisset Pike on to Twin River Road. We were concerned about the speed of vehicles taking the turn on Twin River Road not seeing the cars coming out of the driveway. Chairman Bostic: But this is regarding crossing Twin River Road and it included coming from 146 if you ran into a green light you could be coming at a pretty good amount of speed and go through the intersection and that happens quite often. Town Engineer Quish: Yes. Chairman Bostic: I just want to make sure we are addressing the same thing and I don't think we are. Town Engineer Quish: Ok. My concern was left hand and right hand turn out of the driveway on to Twin River Road as well as left hand turn into the site from Twin River Road. As a result our conversation she did eliminate the left hand turn exit out. We are still concerned about the left hand turn into site from Twin River Road. It was something that the TRC felt is still a concern.

Member Hunt: I think the Chief on this letter about the Sunoco he is very concerned that the Sunoco is very similar to the one you are going to be doing. Attorney Landry: The Traffic Engineer has already testified about the dramatic differences between that situation and this situation. Member Hunt: I have lived in Town or 50 years. There is a lot of traffic that comes in from the area coming up Louisquisset Pike going North from out of Pawtucket and Central Falls and when you get at the light you are sometimes trying to make a break for it. So that particular area and the traffic in that area is a big concern to the Board. And we have been waiting for this document from the

Police Department and I don't know if you have seen it but you should read it because I think it is what we are trying to talk about. Attorney Landry: It doesn't tell us anything. I read it in 10 seconds. We have been dealing with the differences between this Sunoco Station. Member DelGrande: Our Town Engineer just stated that she had a concern from Twin River Road on to the site.

Amy Archer: So I would like to testify that the site distance that I am talking about is (inaudible) . We went out there and we captured speeds over a twenty minute period and documented all those and we come up with an 85th percentile speed. So the faster the cars are coming the more site distance you require. So basically we wait for a green. We capture all of the speeds of the cars coming through and we figure what the 85th percentile is. So we didn't just look at speeds we looked at all the speeds that will be coming in that driveway. There is enough site distance for someone to see someone coming at them and gauge their gap into the site.

Member DelGrande: Again addressing the Town Engineers concern and also I have concern. Left hand turn into Dunkin Donuts from Twin River Road the persons is going to wait for a green light, he is going to have to wait for a red light. So a person has to wait for a green light and hold up the traffic on his side before that lane is clear for him to so. So not only will it impose a traffic jam there also our Engineer has a concern. Amy Archer: So in addition to looking at the level of traffic at the main intersection of Old Louisquisset and Twin

River Road that is enough gap based on the volumes for them to make turns in. I have the report with me if you would like me quote the level. Member DelGrande: I think that is something that you would have to resolve with the Engineer. There are some concerns. Amy Archer: I believe the fact that there is adequate site distance for the movement and for the volumes.

Chairman Bostic: I think the idea is for you to take into consideration and take a good look at what he has put together here and address it along with the Engineers concerns. And actually there is a difference when a Professional says yes I think this will happen or I think that will happen and when you actually lay it out and put it in writing and put it in front of the TRC and put your name on it and then you can say yes I looked at this and this is what I think versus oh well we just looked it over; just like you have been doing with Leslie for months. I mean it is nice that you want to review the things look good about the turning and the entrances and the exits of the project. We want you to look at the problems and see how you are going to solve them and put that in writing.

Solicitor DeSisto: If I may the report is the report. And we are really at the end of the process here. You have the report that you have. But one thing I think that is important because this is the Public Information and I don't know if I missed this but I think what needs to be said is the level of service for the road as it is now and explain what the level of service means. Because there are people from the

public and that is one of the concerns. So if that is ok if you wouldn't mind just saying what the level of service is now and what that means. And how it will change later on. Chairman Bostic: Well Tony 99% of the time I agree with you this project shifted gears half way through so we are not really at the end of this project we have been looking only since July or August. We haven't been looking at it since you applied which was even some question maybe you should reapply because it is not the same thing that we were looking at from the from the beginning. Solicitor DeSisto: They want a vote tonight. So I think you have a report and it is important to take a look at it. You have questions but here we are. I think it is important for the public to hear this. Chairman Bostic: Just try to keep your questions or comments till we open the Public Hearing because we have a stenographer here and she can't keep good track of what she is typing with everybody talking. We are going to open the public comment and the you can come up to the microphone and you can state your name and say whatever you would like. Thank you.

Amy Archer: I will state that the kinds of data that were analyzed they overlap the big commuter peaks which are 7-9 in the morning and 4-6 in the afternoon. The current level of service along Old Louisquisset and Twin River Road at the intersection is operating at level of service B. Level of service is a measure of how long a person has to wait to make a movement. It is a range from A to F. A to B are considered to be operating well. E is starting to deteriorate. If you think about it similar to a school release. Member DelGrande: What

time of year? Amy Archer: When the analysis was done? I know the report was submitted in January. Member Reilly: So if it was done in January that meant that CCRI wasn't in operation. Amy Archer: I started last year but it was submitted in January. We did start last year back in November 2015. As I mentioned during that a.m. peak the intersection as a whole is at level of service was B or C. So those are all favorable levels of service. The intersection as a whole goes from B to C. C still being a favorable level of service. And the worst movement is the southbound. And that is with the additional level of traffic coming out of the development. From Twin River Road that eastbound left has a level of service A in the a.m. In the p.m. peak which from the 4-6 p.m. time frame the intersection operates a level of service B. It remains level of service B. There is one movement the northbound movement is currently at a B and remained a B with less than a second of additional of the light. And movement along Twin River Road on the eastbound is still operating at a level of service B. There were a couple of things from the TRC that we responded to. Attorney Landry: Your analysis in the past year or so in your professional opinion to a reasonable degree of certainty as to whether the proposal will cause any adverse traffic congestion issue or safety issue in the area. Amy Archer: Based on the analysis we performed over the last year in my professional opinion it would not cause adverse traffic conditions or safety issues. Attorney Landry: Who else is going to be weighing in after this stage on the proposed as it as it affects traffic volume and safety as it relates to ingress and egress? Amy Archer: It eventually becomes (inaudible) that the Old

Louisquisset and Twin River Rd are under State jurisdiction. The full traffic study, the plan to do development them and additional documents will go to EAP. They will weigh in on it.

Attorney Landry: Will they get the same Traffic Report that you provided to the Town back in January? Amy Archer: That is correct. They receive the full report. Attorney Landry: If they have any further recommendations or want a different type of pork chop curve to do the left hand turn, different type of signage or different type of anything do I assume correctly they will let you know that and will be reflective in the physical alterations permit and report back to this Board when we get to the Preliminary Plan Stage of the approval process? Amy Archer: That is correct. Attorney Landry: That is all I have for this witness. Thank you. Member Reilly: It is hard to see from here. The drawing has Dunkin Donuts and it also has an additional 2600 of retail. Attorney Landry: That is an old drawing. That is when we were proposing for a couple of weeks. Member Reilly: But that your display here does not show that 2600. Attorney Landry: That has not been part of or proposal for the last several months. Member Reilly: I am just going by what is in the package. Amy, your traffic analysis did it include the additional retail at one point or no. Amy Archer: We did not end up doing a retail. It represents the generation of the 3000 sq ft Dunkin Donuts and the residential units. Attorney Landry: One more witness Mr. Chair., Mr. Lombardo. Mr. Lombardo would you state your full name and your professional background please.

Joseph Lombardo: Yes for the record my name is Joseph Lombardo. L O M B A R D O. I am a Professional Land Use Planner certified in American Institute of Certified Planners. Background, Town Planner in the Towns of Westerly and Hopkinton and also in Groton, Connecticut in the past. **Attorney Landry:** How long have you been a Planner? **Lombardo:** A long time 1987. **Attorney Landry:** And you also provided expert professional assistance to developments in municipalities over the years since you have had been a Planner? **Lombardo:** Yes I have and since I finished working in municipalities in 2000 I provided these types of service to private homes. **Attorney Landry:** Have you evaluated from a Planning perspective the proposal that is before the Board tonight? **Lombardo:** Yes I have. **Attorney Landry:** First of all I would like for you to address how the proposal meets or addresses at all the Town of Lincoln's affordable housing needs as reflected in the Affordable Housing Plan. **Lombardo:** We spent some time talking about the commercial component but obviously there is a residential component on this project and it is under the approval process. Just briefly we did touch on some of this but one of the reasons we are here this evening is that this is an Affordable Housing Project. And when we look at these again the Board is aware of most of these issues in the situations we have to look at but the for the public's benefit we look at your Affordable Housing Plan. And we try to determine a) if there is a need, b) what the types of needs are and c) how this project addressed those. So that you as a Board sitting

(inaudible) this project can address those. The first thing we always look at is the percentage towards the goal of 10%, approximately 6.6% so we know that until the Town reaches 10% when these projects come in under this comprehensive program. We need to look at them under the light of that. The Town has not made the progress. It is difficult to make progress when you rely solely on the private sector to generate these units. In this instance you have a project that is going to generate six of the units will be in the category of low or moderate income and will qualify. From the project pro form that 80% median income this units will come in at \$158,509. That is from the Certificate and approval letter from Rhode Island Housing. I think it is important fact that you need to understand. As this project evolved I listened intently to the process. I was not part of this process or until more recently. But I could see that there have addressed a couple of the main issues. They have a mixed use project, the traffic and parking for the residential portion and the development have been separated. It has its own in and out. The important thing to understand is the Town. The next thing as we have looked at the actual need here is where you really have to look at the numbers to understand what the Town is getting and why it addresses the need. In the Affordable Housing Plan it also relates the types of units and the types of populations that need affordable housing and that is important. Before we get to that I think we need so that public understands comprehensive permits. The Town of Lincoln has a number of zoning districts, RA40, RS20, RS12, RL9. The only place that allows it is RS7 zone and you have to zoning for a

Special Use Permit. When you have an Affordable Housing Plan that's looking for production there is many places in your community where you can actually have it and that is where the Comprehensive Permit becomes important. This developer is presenting you at 158 plus the subsidy. It will sell at 158. So the zoning is an important characteristic of the community and it is in most communities. Hopkinton it is 2 acres and in Richmond it is 3 acres. So to try to get density's that work on those lots. That is why it is important for this Comprehensive Permit process to be in place. Let me just focus on the actual numbers here. Your Affordable Housing Plan identifies custom needs in several categories rental units for families, home ownership for families and housing for the elderly. All of those are 130 140 150 units for the production. This project is six units with 4 with home ownership for families. Ask the question what is a family. By definition it could be 1, 2, it could be 3. In my experience these will be 1, 2 person occupied these condominiums. The other aspect of the Plan talks about creating a diversity of housing types low income residents, employees and special need population. Why do I highlight that? One of the things that struck me in your community when I drove by the site yet again so it is fresh in my mind, you have two major employers right by the site, the Casino and (inaudible). It would be a wonderful location for people who work at those locations to be able to live in that close proximity. They could walk or take a bicycle. My point is when you look at an application for affordable housing by the law when you look at these goals and talk creating this diversity and providing these other types of housing rather than

single family homes it is really important to understand that it is really helping these folk who can afford \$158,000 who are employees of not just these two locations but anywhere in Town. And the fact that you are targeting home ownership in this project in my opinion makes this project it meets the needs number one for Affordable Housing and to the specific needs of home ownership from families.

Attorney Landry: And in that respect you have an opinion to a reasonable degree of certainty in your profession as to whether the proposal is consistent with all the needs as identified in the communities Affordable Housing Project? Lombardo: It is very much consistent with that plan. I think I am going to take one more comment to the Board. It came up in a discussion with Mr. Landry earlier in the day. We seek a title on this project, mixed use project. And he explained to you where there are instances where you have small commercial components of affordable housing project and that I have seen around the state. Just to understand that from my experience as a Planner mixed use can mean a variety of different things. It could be retail with residences above. It could be commercial building and residential. So any kind of combination of those still classify as a mixed use. So the operative word is the use. So if it was a Dunkin Donuts and another restaurant and a gas station that is not a mixed use. They are all commercial. So when you introduce the residential in with the commercial now you a true mixed use. Attorney Landry: One more question. You are aware that one of the waivers of part of this Application is to be allowed to have mixed

use as you have described it on this particular property. Do you have an opinion to a reasonable degree of certainty as to whether that waiver is of such magnitude that this parcel as to outlay need for Affordable Housing? Lombardo: It think you have got what is classified as a small scale project, two small buildings really. I think I might have said this to this Board in the past I used to work for Bess Eaton Donuts Corp. in Westerly. So they are not big projects. It doesn't look to be a big scale project.

Member DelGrande: How do you think Dunkin Donuts in a residential area fits into the plan of the Town of Lincoln? Lombardo: I think this is unusual but not impossible. It fits in a sense that when these projects are put together the developer typically is figuring out what is called the internal subsidy. In this instance its income from the contribution from that commercial building that is allowing the density to work for the residential. Remember if you are coming in under the Affordable Housing Act Comprehensive Permit you are using the commercial to subsidize it. Member DelGrande: To me you are using that as an excuse to put the commercial in. That is the way I see it. Applause from the Public.

Member DelGrande: There have been a lot affordable acts but there have not been a lot the impact of how Dunkin Donuts is going to impact that busy intersection as it is. And Dunkin Donuts has had problems with traffic in the past. Lombardo: There is traffic and that has been addressed. Chairman Bostic: So I have a couple of quick

ones. The Affordable Housing Act, the 10% is a goal with no expiration date. Lombardo: They are 20 year plans. The Town put itself on record that it would produce enough units in the 20 yr horizon to meet it. Every time you add a single family home you have to catch up. the 10% is a moving number. So the point is that as you meet that number every a project comes in before you its six units but the opportunity in the Town to reach goal. You are the residents I am not. My town has the same 10% goal and I look at it I'm Planning Board Chairman of my Planning Board long before these things were in place but you look at it as an opportunity to help the citizens have a diversity of housing choices. They are affordable and as Mr. Landry pointed out they are only for moderate. So it is your neighbors, your friends, your kids. Member DelGrande: What Town do you live in? Lombardo: Hopkinton. Chairman Bostic: Since we are at the regulations. Is this area included in our Comprehensive Plan for this type of housing. Not the Affordable Housing type of Plan that we have inserted in it our Comprehensive Plan is this area included in that? Lombardo: In your plan it is showing as regular. Chairman Bostic: Right so the answer is no. And in our Affordable Housing Plan that we have that the State mandates is this one of the fourteen areas where they recommend for the affordable housing to go? Lombardo: It is not one of the specific ones. But the plan goes on to state that there are other sites that you would consider scattered around Town. Yes it is good for the community to identify sites but they are not for every site. The questions that Mr. Landry asked of all us is addressing those criteria you have to look at whether it is on the

list some things don't have lists. So your plan does say scattered type about the village areas of a compact area so this is one of them. Chairman Bostic: this isn't one of them.

Lombardo: This is one of the scattered sites that could be looked at as they come in. It is not one of the fourteen listed. Chairman Bostic:

Ok. Member DelGrande: Did you view any of the other areas? Did you look at any of them if there was any open land at those areas?

Lombardo: I wasn't asked to look at them no. This is the project before you.

Chairman Bostic: Abutters list. Let me just state this. If you are an abutter and you hear you name on the list let us know that you are here. And if you're here and you feel you are an abutter let us know also. Abutters list read by Elizabeth Gagnon, Secretary to the Board. (see attached list herewith).

Those abutters present: Robert A & Anita C. Jacobs

1677 Old Lousiquisset Pike

Elizabeth Cuddy

1679 Old Lousiquisset Pike

Georgios Foussekis

1675 Old Louisiquisset Pike

Chairman Bostic: At this time I will entertain a motion to open the

Public Hearing. Motion to open the Public Hearing by Member Reilly, second by Member Hunt. Motion was approved by all members present. Chairman Bostic: Is there anyone from the public that would like to speak? Please come up to the microphone one at a time and state you name and address if you would like for the record.

Julie Motta: My name is Julie Motta. I have obviously questions and concerns. I am very concerned for the children. At the top of East (inaudible) Drive there is a bus stop for children in our area. I didn't hear any consideration of how that might impact those children getting on and off the buses. When we hear from the developers that this is a concern for Affordable Housing I wonder how many other Dunkin Donuts that the Owner currently owns have mixed use for affordable housing or would this be the first one. So to echo what you said myself and my neighbors feel that the affordable housing is to get the Dunkin Donuts built. I wonder what impact the traffic from the Casino has on this project. There has been no mention of that. They way the traffic pattern was described if people choose to follow it they will take a right and have to go around the rotary and then have to come back up onto Twin River Road. There is already a tremendous amount of traffic on the rotary and in that intersection that goes to the Casino which provides a great deal of revenue for not only our Town but our State. We have not heard about schedules of deliveries when large tractor trailer trucks pull into an establishment that is noisy. If that happens early in the morning that probably going to disturb the neighbors. Likewise dumpster pickups from both the

affordable housing and the Dunkin Donuts establishment again a very noisy process. Other towns where there are businesses located close to residential areas have had to go to Boards such as yourself to ask for ordinances that affect times when people are sleeping. I guess the last thing I want to say is I find that the comments that are made about how these are Affordable Housing to be somewhat racist. We are told that these are probably one person or maybe even two people. What about a single Mom who has four children. She could move I there. But they are not considering families. They are considering adults to get this development built. Applauses.

Elizabeth Cuddy: My name is Elizabeth Cuddy. CUDDY. I live here. So anything that would happen on this map is directly going to impact me. I live directly across the street from Oliver Perry. Nothing has been brought up about the fact that the house that the Perry's live in right now is going to be demolished. So that beautiful big farm house on the Pike that I think has historical significance in this Town is going to be demolished. And I don't understand that not being brought up. I know we have a Historical Society here. I have somewhat knowledge of the history .Route 246 was the original road that went from Providence up to Worcester. So knock that down is a travesty as far as I am concerned. I didn't know if somebody has spoken to the Historical Society to see if there is any interest in even keeping that building. I hope that if you put some affordable housing in the Town it will be put there in order for families to come in and avail themselves of what Lincoln has to offer which is a very good

school system. Now I understand you have done a traffic study and that is wonderful. I have a traffic study done on my house every single day. (Applause) When the traffic comes down from CCRI and it is backed up on the Pike and I actually have to alter my driving pattern because when I come out of my driveway I make a left turn to go on to 146. When the traffic backs up which is does now if I try to pull out of my driveway I can't get down to that arrow so now I go round and go right to go down to Breakneck Hill Road because I know I can get on the highway easier. When people can't get in that turn lane they now drive down to oncoming to side to get into that lane to make that turn. When the light does change and the arrow comes you don't dare move until you make sure somebody who is in a hurry to get to the Casino is now flying off the highway and going straight through that red light. It happens all the time. There is a Dunkin Donuts at the gas station, there is a Dunkin Donuts in Twin River, there is a Dunkin Donuts on 146 and there are numerous Dunkin Donuts in North Providence. I have no objection to affordable housing. I have super objection to a Dunkin Donuts. Applauses.

Ione Gannites: My name is Ione Gannites, I live 1623 Old Lousquisset Pike. IONE GANNITES. This is four houses down from the intersection of Twin River Road and Louisquisset Pike. I have lived in this house that I built 40 years ago and I think I am well qualified to testify to the amount of the traffic and how it has grown and become a royal pain. I cannot back out of my driveway in fact I have had to extend my driveway and widen it in order to turn the car around so I

can put out frontwards. Otherwise I will sit in the drive way for 15 minutes waiting to back out. Getting into Lincoln Park is a hassle and getting out is the same thing. I believe they did there survey as far as the traffic in November and January. Perhaps it should have been done sometime between March and October because now you have the added traffic of people going to Lincoln Woods to jog, to walk, to ride bikes to go to the horse farm and ride horses. There is numerous car problems as far as getting in and out of that whole area. Any more business is going to make it ten times worse. Now I believe they said they counted 10 cars going through the drive through in the Dunkin Donuts proposal. Any Dunkin Donuts I have been in accommodates more than ten cars and there is still a problem at certain times of the day with traffic is blocked because are parked on the road waiting to get into the parking lot. Same thing happens with Honey Dew so it is not just Dunkin Donuts. Also I can see not purpose. What purpose or what advantage would it be to the community to have a Dunkin Donuts put on that corner. You have a Dunkin Donuts one block down at the gas station. You have a Dunkin Donuts down Twin River Road on Rt 7. You have a Dunkin Donuts, I believe it is four of them on Mineral Spring Avenue that covers every direction that you are travelling from. Not to mention the one in Cumberland that is near Front St. and Mendon Rd. I see no purpose nor advantage to the community or to anybody as far as the Dunkin Donuts is concerned. As far as low income housing or affordable housing , they keep changing the term, usually it is not the elderly. It has been my professional experience that affordable housing and low

income housing usually tends to accommodate single parents with two to three children. I can see no purpose or no advantage to this whole situation. I would be very disappointed if this is allowed to do through. Applauses.

Robert Jacobs: My name is Robert Jacobs. I live directly across from the proposed site on Louisquisset Pike. Before I start I have two documents I to present if I could. This first one is a petition that was signed by the neighbors that could not make the meeting tonight. The second document I have is cause for denial under the rule of law. We request that the Planning Board deny the Application with cause. And I have a copy for you also. I can get more copies for more members if you need them. I will also present that and add it to the record. I have been a resident of the

Town of Lincoln for 18 years in Limerock. I said I live across from the proposed site. You heard a lot about Dunkin Donuts, you heard a lot about the traffic I am not going to bring that up. I am going to talk about Twin River as it expanded from a Dog Track into a Casino. It did bring in more traffic to that area but also Twin River has a dense boarder or buffer zone and this is what keeps a lot of the noise and also the visual impact to the neighbors that live on Louisquisset Pike and Twin River. You don't hear the traffic from the Park you don't see the Park as much. You have traffic on Louisquisset and Twin River but with that buffer zone it has it a lot easier to live in that area. This proposed project for a Dunkin Donuts is not in the area for Dunkin Donuts. So have to look at a commercial property because this truly

is a commercial property. And you look at a buffer zone that is too small. The neighbors don't want to deal with noise, impact of traffic, the trash that we already deal with. I walk out every morning to get mail and I pick up trash every day. I am not saying that it is from the patrons of Twin River they can't control what happens when people leave their property but this is something that as residents that we deal with every day. This commercial property other than the trash it is going to bring in lighting to that area. I am right across the street so I have lights in my window all day long. This Dunkin Donuts if it will pass would push for 24 hours service. Also delivery trucks coming in the early morning hours, 3 or 4 o'clock so that is a big problem. In closing I just want to say that look at that area. It is too small for a Dunkin Donuts. You have heard people talking about the residential aspect of low income housing I am not against it but I am against the Dunkin Donuts. We have one at the corner of Breakneck Hill and Louisquisset. There is three or four inside the Casino and there is one on Douglas Pike. How many more to we need in the community. So in closing I just want to say consider this property is not good for a Dunkin Donuts. Thank you. Applauses.

Marc Cote: My name s Marc Cote. COTE. I live at on Louisquisset Pike. I am about six houses down right near the temporary State Police Barracks. My comments are more like I guess obvious questions. When you do a traffic study on something you are doing a traffic study based on the way it is now. A Dunkin Donuts is a destination. Once it is there people are going to be going to it not

just pulling in because they are passing by it. When I want a coffee now I go to Front Street. So it is going to increase traffic just because of its existence there. The other thing too on Saturday nights at the Event Center when those events get out at 9:30 at night you know there is a thousand cars coming out onto Twin River. What percentage of those are going to go into the Dunkin Donuts. It is going to be a cluster. You are not even going to be able to get through there on Saturday night when that Event Center gets out. This area has Twin River and that is way they looked at it. Applauses.

Nancy Perry: My name is Nancy Perry. I currently live at 10 Franklin Street in Lincoln however I used to own the property on the corner 1672 Louisquisset Pike. I want to mention that I listened about the study for the traffic I heard that covers the period of time frame when CCRI, Davis School are getting out. and also the air park which falls in that time frame before that 4-6 time frame. And that backs it all up all the way whether it's down the Pike or whether on Twin River Road.

I lived on the corner or on that property for most of my 68 years. I think I know something about it. The other thing I noticed was that somebody just mentioned nothing was ever mentioned about the fact that there are special events at the Track and that does back the traffic all the way to the Pike to the Traffic Circle and that does make that congestion there and that is not in those time frames that were covered either. My biggest thing is the entrances and exits. I travel to pick up my Father at his property on Twin River right from the Fire Station and I will intentionally avoid going down Louisquisset Pike

and get on to 146 and come across because I am terrified every single time I pull into my Father's driveway that I am going to get rear ended.

I put my directional on after I pass the corner so people have plenty of time notice. I have had people come along behind me right on my tail and they will go around me when I start to go in the driveway. And sometimes they pull out right in front of another car right beside me. I am really terrified of that and I am amazed I haven't had an accident. The same thing when I lived on the Pike and my entrance way there I would go down 146 and come up and turn left into the driveway so that I would not get rear ended going into the driveway because nobody want to stop there. The thought of putting an exit out of that property onto Twin River Road is insane in my opinion. I spend a lot of time there now. I haven't been living there permanently now for over five year but I lived there a lot longer than that. Putting an exit there is going to make it impossible to get in and out my Father's lot. And anyone who thinks that people will not turn left are nuts because I have seen people come through the intersection from the other side and do a U turn right in the intersection. Even before that intersection was done people came through there air born they don't do speed limit and there is no way the Police can sit there and monitor that traffic. It is a very dangerous idea to put any other exit or entrance on Twin River Road. Personally that lot on the corner there is a beautiful house lot and that is what should be there. Applauses.

Nadine Ricci: My name is Nadine Ricci, Angell Road, Lincoln, RICCI. Chairman and Members of the Board thank you for this opportunity to

speak. I have been a Limerock resident for over 40 years and I oppose this project for several reasons. The project is not consistent with Comprehensive Plan. The proposed use is not permitted within the residential zoning district. It is not consistent with the Town of Lincoln Affordable Housing Plan and the project is not consistent with the surroundings. It does not conform to or promote Limerock's rural character and opens the door for further commercial growth in Limerock in direct opposition to the Comprehensive Plan and zoning ordinances. For those that don't know about the Comprehensive Plan Limerock is named in it and I will just read a little bit about it. Limerock shall continue to a single residential sector of Lincoln. Efforts must be continually made to buffer the residential from standard or institutional and commercial uses. Further roadside commercial development should not be allowed. No increase in overall density above today's levels should be allowed. Current single family residential zoning should be maintained currently use patterns should be maintained with an emphasis on buffering CCRI and Lincoln Park both residential areas and limiting other commercial development along Old Lousiquisset Pike and on and on. Applauses.

The current proposal does not conform to current zoning. The initial plan was different from the current plan but that aside the lots in question are currently zoned residential as we all know. And the proposed uses are prohibited, mixed use, multi family, three or more units, restaurants with or without drive up, retail trades, storage retail. These uses are not allowed in current residential zoning ordinances.

We talked at length about Affordable Housing and I don't think there is any need to go there. Rural character. The project does not is not consistent nor does it serve to promote or protect the landscape and rural character of the surrounding area. There is no room for buffers. It is a very small area. It is very congested. Mrs. Cuddy so eloquently stated it was the Route to Worcester for horse and buggy and it really hasn't changed much since then. It is a little bit wider but not much. The neighbors are concerned for the lights of a commercial retail establishment, the increased traffic, storm water management and litter and loitering will adverse affect their value and peaceful enjoyment of their property. Family homes that in many cases represent a life time of investment. So time ago our Town Officials in all their wisdom had a long range vision for Lincoln and thereby crafted our Comprehensive Plan. It is strongly believed that introducing commercial development in Limerock by way of this proposal would forever alter its landscape and it is in direct opposition to our Comprehensive Plan. If allowed to proceed it will undoubtedly provide the gateway for similar proposals to the denigration of Limerock and mirroring what has happened in surrounding Towns making them more like cities. We trust our Town Officials to compare and test the proposed to the goals, objectives and policies of the Comprehensive Plan to hear the concerns of tonight of our residents and thereby protect the rural character of the Town of Lincoln. For these reasons and those mentioned earlier from concerned neighbors in the area of Old Louisquisset Pike and Twin River Road we must deny this proposal. Applauses.

George Foussekis: Mr. name is George Foussekis. FOUSSEKIS. I am the owner of the property directly across from the property for development. I will be going through every day. My main concern was school. I have two children they go right through the school system. My son is an Attorney and my daughter (inaudible) lives in Lincoln, Rhode Island. I am proud to be a Lincoln resident. I have been here myself for almost 50 years. I know I live right across the street but I can't cut my own throat. I won't go against my neighbors. I know there was a few problems since I moved here. I main intersection I expect it. I will suggest you get a report from the Police Department covering accident being in the intersection. I witness at least 60 in years I have been there right from my property. The noise we have to put up with increased traffic never mind the issue of the Fire Department which is right across the street. Racing motors from motorcycles. I have witnessed a couple dozen instances of jerks stopping in from of the house and urinating on my bushes. It takes me 15 to 20 minutes to get out of my driveway. Never mind how fast they going coming off the highway to get to Twin River. The Police Department will have to there 24-7 guarding the corner. Thank you. Applauses.

Kevin Cunningham: My name is Kevin Cunningham and I live at 23 Old Louisquisset Pike. CUNNINGHAM. I am a new resident to Lincoln. We moved into this house 11 months ago. It is our first home purchased and we are very excited to come to Lincoln because of the

schools. We lived in Providence before and moved to away from the apartment that was across the street from the Dunkin Donuts. So from my personal experience I can tell you that there is considerable traffic, there is a large amount of trash which bring rats. And there is tons of noise not just from the traffic and the patrons but from the loud speaker of the drive through window. We could not have out windows open at night because it. All I could hear was “large ice coffee”. And we moved here because it is a residential area. That is what it is zoned for. This Dunkin Donuts doesn’t fit within the landscape. And there is one less than a mile away. Another personal experience from my Mother-in-Law in Connecticut the Dunkin Donuts will lower the property values in the surrounding area. She has owned a house there for 50 years and Dunkin Donuts was built behind it and she cannot sell it now. It is worth not nearly as it was just a few years ago. I am not talking about the height of the housing market I am talking 2008-2009. It has dropped nearly \$50,000.00 because of Dunkin Donuts. It is the number one complaint of the perspective buyers. They love the house but hate the Dunkin Donuts. I don’t think it is going to strengthen the character of Lincoln or the neighborhood and it is an inappropriate location for a drive through restaurant like that. And to talk about accidents there is one at that intersection tonight at 6:30 everything was backed up. Thank you. Applauses.

Jawharjian: My name is (inaudible) Jawharjian, 380 Angell Road. I have been listening to the various presentations and comments made

before this Board. I have been a resident of Lincoln now for 14 year prior to that I lived in North Providence. The street that I lived on was a nice residential neighborhood. But what I saw was the fact that the Comprehensive Plan that did not exist in North Providence which included Mineral Spring Avenue. The fact it's massive commercial expansion on Mineral Spring Avenue totally destroyed the context and the nature of that area. My concern is that once this Pandora's Box is allowed to be opened with regards to the commercial establishment that is being coat tailed on the project is nothing but the fox in the hen house. It is going to deteriorate the value of the surrounding residential properties. It is going to increase the safety issues and the health issues. The Comprehensive Plan that the representatives of this Town has been established many years ago. If you look at the Affordable Housing Plan it requires 10%. It doesn't have to be this particular development be allowed to meet that percentage. The representatives that testified before are paid mouth pieces. Another issue is the traffic studies that were performed. I didn't hear the date I didn't hear the time and what was it a Monday, multiple days and what context. Reality is I drive through that area to go to work, to take my kids to various school activities, sports activities and I have had on multiple occasions without the presence of a Dunkin Donuts at that intersection or any commercial business been rear ended almost. I have had numerous occasions where I had to do defensive driving because it is ridiculous. That is a danger zone to begin with and it is not going to get any better. Thank you.

Andrew Gluxman: My name is Andrew Gluxman. **GLUXMANI.** I live three houses down. I have one question for you. What do you need to hear from us to deny this Application? **Chairman Bostic:** We just have the public comment. **Solicitor DeSisto:** What your personal observations are. That is key. **Gluxman:** And if you vote against this what course of action will the Attorney have after this process. **Solicitor DeSisto:** If the Application is denied the Applicant has a right to Appeal to the State Housing Appeals Board. **Gluxman:** Will this discussion be recorded as evidence against that also? **Solicitor DeSisto:** If it not approved here the stenographic record will be transmitted to the State Housing Appeals Board if it is denied. If there is an approval the Appeal goes to Superior Court. **Gluxman:** Where there those other bodies that consider what we have said tonight? **Solicitor DeSisto:** Yes. **Gluxman:** I don't think you need to be a Planner to know there is a reason that this area is not known for this kind of development. And it should be denied. Or to know that this is not compatible with this greedy developer's veiled attempt to provide help to low income families and whatever and that this more than a technical issue but poorly designed efforts to make a clearly significantly adverse impact. Also Traffic Survey, you mentioned it was 20 minutes judge speeds is quite frankly inadequate. This is a question of an out of town, out of neighborhood developer who hopes to make money at the expense of the many, many people who live in this neighborhood and who don't want this development and the Town is not required to approve this project just because an Attorney is frustrated with his own lack of preparation; or a Traffic

Consultant who should have known better than advising this developer to try to overcome the will of the people and existing zoning in this neighborhood. If they really wanted to help low income people they could buy a brown field or a distraught property in many, many different communities and Towns, in Lincoln or throughout Rhode Island. The Planner should be ashamed for agreeing to some (inaudible) for a few hundred dollars for this clearly troubled disjointed jumbled project. And in a neighborhood he is so unfamiliar with he had to drive through it recently just to get familiar with it. Please don't let the greed of one developer be a black mark of greasy hair that cover your eyes and prevent you from seeing the truth that this out of town developer is focused on nothing more than making money. If they truly wanted to help the community they could donate funds for all the Attorneys, to local schools, to buy pack backs, pencils, clothes, supplies or books.(Applause) We have lived in the shadow of Twin River Casino without incident and now this developer who does not live in this neighborhood hopes that in the shadow we are blind to the darkest greedy intentions but nothing more in my opinion. We already have a donut shop as people mentioned less than a half mile away, a convenience store, a gas station. So please remember this is no more than one single developer wanting to overcome the will of all of these people, and the Comprehensive Plan that is already in place and all of these voices are against this project. Many voices, many are against a single voice. We vote and all of us vote against this project. Thank you. Applauses.

Jim Allen: My name is Jim Allen. I own the property at 2 Eastwick Drive right across from Lincoln (inaudible). There are two aspects that I am really concerned about. I have two young kids and on the days that I work from home I have to put the kids on the bus. I can tell you from experience of having the last 13 years we have been there that the traffic along that route when the bus comes over and my kids have to cross that road which has no sidewalks. The red light goes on and you expect traffic to stop on both ends and cars go zipping by cause they are trying to make to CCRI or they are trying to get to the Dunkin Donuts at 116 it is terrifying. And if you are going to put a Dunkin Donuts on that corner at Oliver Perry's house I mean I just know by going by any Dunkin Donuts down by Rt 7 or going down the road in Cumberland they have to wrap around and come out on the road. I know from as far as commuting I will take a left into Eastwick Drive on just a regular commute and I have people pass me on the right and almost clipping the fence at Lincoln Gardens. If we have a Dunkin Donuts in there that is potentially going to create problems in that intersection at 246 and Twin River. If you are coming North and those two lanes on the lights there are two arrows that turn green but the light to go straight will be a different light. People will tend to blow that off and if you are going to create a pattern where people are going to have to back up on that road it is just going to exponentially create a problem. In the morning when people are going to get there coffee or their bacon egg and cheese and then my kids are getting on the bus that could be a huge issue. And it is a concern as a parent and I know I am not the only one

because I talk to all the parents along that road. And we all have similar concerns. I still don't understand how it is going to fit with the Comprehensive Plan. I have safety issues. The issue is how does it fit in the Comprehensive Plan having another Dunkin Donuts on one end of Old Louisquisset and have another one at the Seasons which the Police Chief has already stated is causing safety issues. If you are going to put another one at the other end the traffic going back and forth with the kids for CCRI, the traffic coming out of Twin River and the two Dunkin Donuts it going to be like a shooting gallery along there especially for kids trying to get on the bus. Between those two how this use fits in the Comprehensive Plan on the basis and the safety basis I just hope you will consider before you enter your votes. Thank you. Applauses.

Chairman Bostic: Ok is there is no one else from the public that would like to speak, oh one more. Ione Gannites: I just want to say something about this 20 year Comprehensive Plan. So does this mean that after they take care of their six units and the Dunkin Donuts within the next 20 years then the next year they can add another six units, a restaurant, another business and each year keep adding units and units and units until we end up with a low income project? Is that a possibility?

Chairman Bostic: Hopefully not. Ione Gannites: Thank you. Applauses.

Meghan Gove: My name is Meghan Gove and I live on Louisquisset Pike and I am new. I have been living there for almost a year now and I am very concerned obviously with the added traffic impact. I live past the Lincoln Gardens and I see the traffic backed up past my house. I am often waiting to get out into the traffic. Also the health factor for fast food in close distance to a neighborhood school. It is an inappropriate location close to homes for a fast food restaurant. I think it will adversely affect the property values of the neighborhood and it will be a nascence and potential hazard to vehicles and pedestrian safety. Also the major theme of the Town of Lincoln is balance. I think adding the Dunkin Donuts building will throw the balance off on Louisquisset Pike and especially I don't find consistent with the Affordable Housing Plan. I(inaudible) housing needs for the elderly and for families especially in a dangerous intersection. Thank you. Applauses.

Chairman Bostic: Anyone else from the public? Ok. We also received a letter from our House District 44 Gregg Costantino and I also received a letter from a Michael Spiedel in objection to this project. But if there is no further comment we will entertain a motion to close the Public Hearing.

Member Hunt: I make a motion to close the Public Hearing, second
Member Reilly. Motion was approved by all members present.

Chairman Bostic: Obviously there was a lot of negative comments from the public which I wouldn't call negative the comments from the

public that were in objection to this project. Is there anyone from the Board that would, Tony?

Solicitor DeSisto: I am going to make a suggestion. Because the Public Hearing is closed and because the Applicant has indicated that they would like to see the decision tonight because we are bumping up on the deadline why don't we give Mr. Landry a brief opportunity to respond to some of the comments. Then I will have some comments and then you can go on with your deliberations. **Chairman Bostic:** Ok. Is there any chance that you would like to extend it another month or do you still on the vote tonight kick?

Attorney Landry: I don't think it is anything more or anything to add or change. We are at the Master Plan Stage. Just note that in all likely hood this is at Master Plan at Preliminary. Some of these details like trash pickup and hours of operation will be discussed. My client is up to closing at 11pm so this speculative stuff going on all night isn't necessary. If he controls the deliveries and delivery times that somebody mentioned being managed as part of the Preliminary Plan the Final Plan. In terms of Special Events at Twin River that is an issue we dealt with at the TRC level. Our Traffic Engineer we can get her up here again but those peak hours are different and the peak hours for the restaurant. This restaurant is likely to close at 11. They have Dunkin Donuts at the exits to Twin River people are not stopping get a coffee here they will get them on the way out of the theatre. They don't allow you bring one into the Twin River. **Chairman**

Bostic: Then why do we need one? **Attorney Landry:** The traffic impacts at the peak hours that are from our expert. That is all I have. Thank you. **Chairman Bostic:** Ok. Thank you.

Solicitor DeSisto: This is at the Master Plan Phase and just to give the Board a little guidance in the decision making in your process today and also to address the concerns of one of the residents that spoke; in order to approve an Application of this nature the factors are set forth in 45-53-4 Sub Section 84 5 in the Rhode Island General laws. And that would takes positive finds of fact that the Application is consistent with local needs and that as the State and Local needs for Affordable Housing outweighs the variances that are needed for this Application. We actually have several of them. And finally that there would be no significant negative impacts on the environment or health and safety of the neighborhood adversely. If the vote is denying the Application we need to make a findings of fact that the Application is not consistent with Local needs including the needs in the Comprehensive Plan. And the second one is (inaudible) and that concerns for the environment, health and safety of current residents have not been adequately addressed. One of the things I think that the Board to take a look at and one of the questions issues that we need to address here is the fact it is at Master Plan, the fact that you have an Affordable Housing Application here but that Affordable Housing Application is predicated on having a Dunkin Donuts on the site. They are not connected any more but they are close. But that is one of the things I think you need to focus on here because at least

two of the requests for variances or waivers center on the fact that you have this particular commercial use that is attached to this Application, mainly mixed use. You are going to have residential and a commercial use here. That is the first one. But the second one is you are going to have a restaurant under Section 260-9 of the Zoning Ordinance that has a drive through window on it. And I think that is one of the things that you have to focus on as you begin your deliberations on this particular Application. Because the Pro Forma which Mr. Landry averted to is a roadmap for what is needed for the Affordable Housing. In this instance and know you have taken a look at it is basically a payment from the commercial developer of the Dunkin Donuts to make the Affordable Housing. One of the things that I think that you need to know as a Board for any Application particularly this Application is what the income from that Dunkin Donuts is going to be. And the reason I say that is this. One of the findings of fact that you are going to have to make is whether or not a Dunkin Donuts is needed for Affordable Housing on this site and you need to make finding of fact on that. Unfortunately there is no information in the Pro Forma that would indicate to you that this particular proposal a Dunkin Donuts is necessary for Affordable Housing on this site. Unfortunately that is the case. I just wanted to bring that to your attention. I know that you have addressed the concerns for a health and safety, particularly the traffic which I do think are appropriate at this stage of the game. But those are some of the factors I think that you need to look at whatever you do you need to make findings of fact. And I want to caution you on one thing.

What Mr. Landry has done tonight is he has had these Professions come in and give their opinions. There is a case, the Salve Regina case, versus the Newport Zoning Board. In that older case the Supreme Case held that because there was expert testimony that could counteract testimony that had been given by neighbors in that Salve Regina College. There is a second case, Restivo versus Lynch, and following on that each day hearing (inaudible) In those cases one of the statements of a holdings that the Supreme Court gave in those cases was that if the Board is to rely on personal observations you have to state what those personal observations are based upon. In other words is there is too much traffic there you have to say how do you know that. Do you travel on the road? Have you observed that? And I only say that because sometimes it easy at these meetings to say look there is a lot of traffic there. You need to articulate how you know that there is traffic there. Now some of the members of the audience that spoke, some of the residents, they did do that. They said to you well I have traveled there every day. I take my kids to activities. My children are at the bus stop I'm there all the time. I live across the street. I have had these difficulties I have lived here for 60 years I know these things. That is the kind of thing that you need to do if you are going to rely upon. I always say that because if there is an appeal who knows. You need to make sure that the record for the reviewing authority is clear. If you have any questions be happy to answer them.

Member DelGrande: Expert opinion, how do you define that? Some

people have lived there for 40 years. Solicitor DeSisto: Certainly you can rely upon what the residents had to say and I will say that that they were actually pretty careful in what they had to say. It seemed to me that most of these folks said how long they lived here. This is where I live. This is what I have seen. This is how we are seeing it. If you are going to rely on your own and actually you have said I have been over there I have seen this. I feel like they have said you want to say it now so that we have a clear record for whatever happens.

Chairman Bostic: Ok. I have driven that road everyday for pretty much for the last 30 years and the traffic is progressively gotten horrendous. I was born and live most of my life on Angell Road. I am on Old Jenckes Hill Road now. I have got family on the other end of the Pike so I virtually drive and our business is on the other end of the Pike so I drive it every day. Solicitor Desisto: On the Restivo case, so long as you articulate what your observations are you can rely on that and that can counter whatever expert comes in with testimony that you have heard. Chairman Bostic I don't think so.

Member Hunt: Traffic one of the big things. I travel down that road probably five or six times a day. I live right around the corner off Briarwood. So I am down that road every day. What I found out what I have to do at certain times of the day we drive up the back way, take the back roads to get over to Old Louisquisset Pike and then take the curve down by Limerock. However over here this is a total nightmare.

I mean for the people that are living here coming to that corner

between Louisquisset Pike and Twin River Road is a crap shoot. You come up to the light and like on lady said they have a light there and you are trying to get through and the other arrow goes green you see two green lights. I have almost been rear ended 100 times over there. there are things that happen for example, I don't know if you had this in your record. Many times the traffic backs up on 146. There are taking a short cut or trying to make a short cut and all they are doing is creating another road block. And making it tougher for the rest of us to get home. School buses I have seen many a time especially that one up near the corner I have seen cars go through there. It is almost unbelievable. I don't think there is enough information in the Traffic Study. I would really have to know more; 3:30 up and down Breakneck Hill, 2:00 if you want to get off my exit that takes me to Breakneck Hill I have to get off the one before at Lincoln Woods to try to make that short cut. There is a problem there, a big problem there. And I don't know what is going to be resolved by putting in a Dunkin Donut. People don't think of anything but going for their coffee and backing out onto the road. I know the thing that Board is going to look at when we go to the State expert witnesses and I think looking at the people that showed up here tonight most of them live in this area and the experience they have had give them more ability to tell you what the traffic is over there. I don't feel comfortable it would bother me if I voted to say yes knowing that I consider that to be a hazard. That is my opinion. Applauses.

Member DelGrande: I pretty much agree with John I am not happy

with the traffic. I know Leslie has some concerns with it. I stand with her on that. I have some concerns I have over 34 years of experience driving that particular route and over 10 serving on that Fire Department. I know how bad that area can get and I know people can drive. I think that the major impact that this will have on the surrounding area is too great.

Member Almond: I think the qualifications have been thoroughly discussed. Leslie continued concerns. The Police Chief 's continued concerns regarding the traffic is certainly hanging in there. What has been spoken of partially by some of the people in attendance here was buffering. We put Twin Rive through quite a bit of torture to try to make sure that it's not disturbing the character of the area. I don't see how this sort of plan have near enough room to add adequately buffer to make that blend into the surrounding area. I think that is a significant concern that has been on the desk. Applauses.

Member Murphy: I have lived extra long in town so I travel this road all the time. I taught at Davies for over 30 years. Traveling back and forth on both of those roads dropping off the athletes and things like that. I just seen it get worse and worse and worse especially when all the schools are opened CCRI, Davies. Now you have the Track. The congestion is overwhelming now. It is residential area. I know people that live over in that area and you have young kids and that is a concern of mine. The young kids that are in that area trying to get on buses; that was a good example. It is a residential area. I think

that is the wrong place to put a Dunkin Donuts. I think there is a better use for that affordable or residential in that area if that is what they want to do to meet that commitment of Affordable Housing. I just feel that is the wrong place for that type of development.

Chairman Bostic: Basically I also have concerns about like one of the resident said about creating a second destination in that immediate area. It is definitely going to cause additional congestion and I just don't think it is a good idea but that is just my opinion.

Member Reilly: I have a couple of comments as well. I believe that a commercial development piece of this development is opposite of our Comprehensive Plan. I do agree that if this was a development with Affordable Housing I would probably look at that favorably but a combination of a commercial development along with Affordable Housing I just don't see it fitting within the neighborhood. It is not consistent. I do agree with Leslie and a number of people on the Board here the safety issue with traffic especially the left turn and the left turn out at Twin River is a major concern. We have concerns from the Police Department as well. I think it needs to be emphasized a little more about Twin River taking a look at CCRI and Davies when that bus schedule is. People testified here they live on the street and they can't even back out of their own driveways today without a Dunkin Donuts so what are is it doing to do once a Dunkin Donuts and a residential go in . It is only going to add to the intensity of the area which seems like it's been bad now is this going to make it

worse? I just don't feel that it fits within the neighborhood at all with this commercial piece.

Applauses.

Solicitor DeSisto: Mr. Reilly makes some good comments but he did touch upon the conformity of the Comprehensive Plan. I know you have the TRC report but perhaps AI could just touch on that for a moment or two while you go over the deliberations.

Town Planner Ranaldi: I try to be brief. When I looked at this I actually choose to go back to 1961 the first official zoning map of the Town and other than two areas it is the same exact zoning as we have today. When I started looking at the Comprehensive Plans over the years the one that is that it mentions keeping Limerock rural and set a zoning. Then in 1972 the Comprehensive Plan said keep Limerock rural it you put in sewers because it could start to cause more development. In the 1980's the Town put in sewers and water. 1992 our Comp Plan came in and that is when the language starts to get strong about overdeveloping Limerock. In that particular and I don't know the exact date but the zoning was changed from RS20 which is a generous density but as it is not as RS40. It actually went from RS20 down to RA40 to insure that the rural aspect of Limerock was preserved. The other change was on Twin River and as we got into the 1990's and 2000's they started strengthening the focus on Twin River to make blend in with the community and that when we talked about the buffering and so forth. But it only mentioned in the 1990's and the 2000's that our plot plan is to stay strong to our zoning and I

believe that from 1961 the Town has stayed the course with the zoning that was outlined. They actually improved it to strengthen keeping Limerock a rural area of large lot zoning. It speaks volumes when I read this and spoke volumes to me in the increasing concern in all the Comprehensive Plans it really desires for a and has worked tremendously over the decades to keep this urban. One short story I have been hear here since 2001. I walked into the Town Council hearing about the concentric rings around Twin River. This is packed with standing room only. Fast forward to when they went to develop Twin River again this place is packed. We talked about the buffer. Everybody said alright we will see how the buffer works out. They put in the buffer and fast forward to last year. Twin River comes in front of the Board, this Board actually and says we want to build a hotel. You would think the residents are going to go crazy a hotel. There was five people here. The reason why there was five people here was because that buffer was so effective in shielding Twin River from the residential component that nobody had a concern. They knew that there was going to be shielded, it knew it was not going to be part of a residential nature of it and we had five people here.

Member Almond: We typically end up with a recommendation from TRC on these and we were under the assumption we were going to have another month. I would like to know your opinion on this going forward how does this fit with the Comprehensive Plan. **Town Planner Ranaldi:** My opinion is it is not consistent with the Comprehensive Plan. We talked about the Affordable Housing Plan. I

wrote the Affordable Housing Plan when I talked about mixed use it was focused on compact areas , the village areas of Town. Limerock although we do call it a village, it is not an official village where mill buildings are. That is where we feel that a mixed use and a variety of housing options could exist down in Saylesville Mill Yard area. We have Affordable Housing that did four units in there. That was where the intent of the Comprehensive Plan to do different type of housing. That is what that intent was focused towards not in single family residential houses. Applauses.

Member Hunt: When you look at that particular project over there that site you will find that to be compatible to what is over there right now. I think that is a big part of why it should not go there. I have been in this Town for over 50 years and you look at the surrounding Towns and they are a mish mash the way they are developed. This particular Town right here and because it is a little bit younger than some of the Towns it is growing a little bit slower than some of them. Industrial in one area and residential are in one area, apartments are in one area. You could not handle a Town any better. It has to be one of the premier Town's and that is why people want to come here. That is why I came here. Most of us come for the schools and that is a big thing but I think when something like this comes in and it is against the character of what we are trying to do in this Town then you cannot let it come in.

Chairman Bostic: Ok anybody else? No. Solicitor DeSisto: What every the motion is once the motion I do want to just reiterate what

the standards in 45-53-4 Sub Section a 4. Chairman Bostic: Ok if there are not further. Member DelGrande: I have a question. If I want to make a motion to deny this how would you (inaudible). Solicitor DeSisto: Well if the motion is to deny that should be the first part of it. I move to deny the Master Plan Application and under Section 45-53-4 Sub Section a4 7. The first finding of fact that we need to make is that on the Application is not consistent with local needs including the needs in the Comprehensive Plan. That is the first find of fact and there is some others you need to make too. Member DelGrande: I would like to put that motion forward. Solicitor DeSisto: Somebody has to make a finding of fact. Chairman Bostic: We find that is not consistent with local needs the Comprehensive Plan, the Affordable Housing Plan. It doesn't address the health and safety issues.

Solicitor Desisto: We are going to get to that later. This is just our local needs. When you say it is not consistent with local needs you have to say why. As AI stated the Comprehensive Plan says that needs in this area are to keep its residential character. This is just a straight Affordable Housing Application it was just residential you would have to make a different determination. I think what you need to do is to say whether or not the attached Dunkin Donuts is consistent with the local needs that are identified in the Comprehensive Plan. Chairman Bostic: Ok we are going to take a 5 minute recess. Motion been made by Member Reilly, second, Member DelGrande.

Motion approved by all members present.

Chairman Bostic: I call the Planning Board back into session. And we are entertaining a motion.

Member Almond: I make a motion to deny the Application. I felt this project is not consistent with the surrounding area as stated in the TRC Report. The project surrounding area has historically been characterized as rural single family residential neighborhoods with the exception of Twin River Casino and CCRI. The 1961 Zoning Ordinance and subsequent Zoning Ordinances and Comprehensive Plans the Town established a clear vision for this area and still is today. Introduction of a new commercial use in this primarily residential area would negate the hard work the Town has invested in this area for over 50 years. The TRC and I feel that this proposed project is circumventing the existing residential zoning of the area while utilizing the Affordable Housing Laws in order to develop a commercial facility.

Member DelGrande: Can I add to that motion. This area of Limerock is to be kept residential and in place for over 50. Based on personal observation I believe that this project would present a safety concern and health concerns to the surrounding residents. It is basically a commercial development. It doesn't conform with the local needs.

Solicitor Desisto: You are fine there but just to round out the motion can you state some traffic because that was really a good part of what you heard tonight. **Chairman Bostic:** They didn't address the traffic 100% and they didn't address the Police Chief's concerns for traffic.

Member Reilly: I will add a point on the traffic. What we wanted was centered all towards was people from the Board that lived in the area for a number of years that experienced driving within the area where traffic is an issue today. Also take into consideration the public, that people that actually live there have a problem with backing out of their driveways at certain times during the day. That is a problem today. Increasing the intensity with adding a Dunkin Donuts in the area and the Affordable Units it going to make things worse. The traffic is going to be worse based on expert testimony from people on the Board as well as the neighbors.

Member Almond: I will incorporate all of those statements into a motion. **Chairman Bostic:** Second by John Hunt. Motion was approved by all members present.

Chairman Bostic: Next on the agenda is Item 5 Staff Reports. I don't think there is any. **Member Reilly:** I make a motion to adjourn. **Second by Member Hunt.** Motion was approved by all members present. Meeting adjourned at 10:10 pm

Respectfully submitted,

Elizabeth A. Gagnon, Secretary to the Planning Board

TECHNICAL REVIEW COMMITTEE REPORT

Dear Honorable Members,

On Tuesday, September 20, 2016 at 3:00 PM, the Technical Review Committee met to review the agenda items for the September 28, 2016 meeting of the Planning Board. In attendance were Al Ranaldi, Russell Hervieux, Peggy Weigner, Michael Gamage, Leslie Quish, and Michael Reilly. Below are the Committee's recommendations.

Comprehensive Permit

a. Mixed Use Development AP 43 Lot 34 and 123 Public Informational Meeting – 7:00 PM

- 1672 Realty Associates, LLC Old Louisquisset Pike Master Plan Discussion / Approval

This application is under the 2015 Subdivision Regulations and represents the reconfiguration of two existing residential lots. The most recent plan submission presents the reconfiguration of lot 34 and lot 123. Lot 34 is proposed to be enlarged from 41,823 square feet (0.96 AC) to 79,350 square feet (1.82 AC) and redeveloped into a 6

unit residential condominium complex and associated parking, and a 3,000 square foot retail building with associated parking and stormwater management areas. The reconfigured lot 123 will be reduced in size from 123,942 square feet (2.84 AC) to 86,415 square feet (1.98 AC). The existing garage will remain on the parcel. This lot will be developed as a single family residence with the existing garage as an accessory residential use. All of the 6 residential units will qualify as affordable by Rhode Island Housing.

The subject lots are located in split zoned residential zoning districts of RA-40 and RS-20. The applicant is seeking approval under the Town's comprehensive permit process as specified in the Code of Ordinances, Chapter 147: HOUSING, Article II Comprehensive Permits for Low and Moderate Income Housing. The proposed development will allocate 100% of the total number of residential units (6 units) as low to moderate income units. The proposed housing will be marketed as owner-occupied condominium units with a sales price based on 80% of area median income. This application is in front of the Planning Board for a Public Informational Meeting at the Master Plan review stage.

On February 16, 2016, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the master

plan review must be made by May 15, 2016, or within such further time as may be consented to by the applicant. In a letter dated June 17, 2016, the applicant agreed to extend the master plan review period out three months. Therefore, the master plan review period is extended to the end of September.

The master plan submission included the following:

- Mixed Use Development, AP 43 Lots 34 & 123, 1672 Old Louisquisset Pike, Lincoln RI, Sheets 1- 9, plan set prepared by Pare Corporation and dated January 22, 2016, revised March 9, 2016, revised June 22, 2016, revised July 25, 2016.**
- Master Plan Report for Mixed-Use Development, Assessor's Plat 43, Lots 34 & 123, Old Louisquisset Pike, Lincoln RI, prepared by Pare Corporation, dated January 2016.**
- Application for Comprehensive Permit (AP 43, Lots 34 & 123), prepared by William R. Landry, Blish & Cavanagh, LLP and dated January 25, 2016 and amended July 25, 2016.**
- Five (5) assorted photo simulated rendering of the proposed development, entitled; Dunkin' Donuts, Louisquisset Pike & Twin River Road, Lincoln, Rhode Island, dated October 7, 2014.**
- Memorandum dated March 7, 2016 to the Lincoln Planning Board c/o Albert V. Ranaldi, Jr., from Amy Archer PE of Pare Corporation, regarding Old Louisquisset Mixed Use – Crash Analysis.**
- Responses to Comments for Comprehensive Permit for Mixed Use Development in Technical Review Committee Report dated February 19, 2016.**

- Letter dated July 25, 2016 regarding Mixed-Use Development – Old Louisquisset, Traffic Engineering Assessment, Lincoln, Rhode Island.
- Responses to Comments for Mixed Use Development AP43 Lots 34 & 123, 1672 Old Louisquisset Pike, Lincoln, RI dated July 18, 2016.

Site Layout

The proposed development represents the reconfiguration of two existing residential lots. Reconfigured lot 34 is proposed to be developed into a 6 unit residential condominium complex and associated parking and a 3,000 square foot restaurant with drive-thru window and associated parking and stormwater management areas as shown on the plan set. The residential portion of this project as well as the commercial portion will each have their own dedicated access driveways from Old Louisquisset Pike. The commercial portion will have another access point from Twin River Road. While still on the same lot, the residential complex is separated from the commercial complex by a fence. The new single family residence will have access from Twin River Road.

The reconfigured lot 123 will be reduced in size from 123,942 square feet (2.84 AC) to 86,415 square feet (1.98 AC). The existing garage will remain on the parcel. However, according to the applicant's testimony at the Technical Review Committee meeting and stated in the amended application, the existing use of the garage will be discontinued and the lot will be developed as a new single family residence with accessory structure (the existing garage).

The applicant is requesting the following waivers:

- 1. A waiver from §260-9C which prohibits multifamily dwellings with three or more units in RA and RS Zones.**
- 2. A waiver from §260-9N which prohibits mixed uses in RA and RS Zones and also prohibits more than one main building on any one lot. The proposed development has two main buildings.**
- 3. A waiver from §260-13 which prohibits restaurants and restaurants with a drive up window in RA and RS Zones.**

The applicant is seeking approval under the Town's Comprehensive Permit process as specified in the Code of Ordinances, Chapter 147: HOUSING, Article II Comprehensive Permits for Low and Moderate Income Housing. The proposed development will allocate 100% of the total number of housing units (6 units) as low to moderate income units. The requested waivers are outlined above.

The following concerns regarding the site layout were noted by the Technical Review Committee:

- 1. Safety concerns remain for the site driveway on Twin River Road. Left turns into the site from Twin River Road are still proposed. Can the island prohibiting left turns out of the site onto Twin River Road be more exaggerated? The Chief of Police has expressed his concerns on this access driveway and will issue his concerns in a letter to the Planning Board.**
- 2. The most recent plan set did not show a conceptual stormwater management system for the condominium's parking area. However, the plan shows sufficient area that could accommodate a system.**

- 3. Approval from the Narragansett Bay Commission is required at Preliminary Plan Stage.**
- 4. A Physical Alteration Permit is required from the Rhode Island Department of Transportation at Preliminary Plan Stage. This must include approval of the Traffic Impact Analysis**
- 5. The storm water management system must be designed in accordance with the current edition of the Rhode Island Stormwater Design and Installations Manual.**
- 6. RIPDES approval from RIDEM is required.**

Zoning

The proposed project is located at the intersection of Old Louisquisset Pike and Twin River Road and made up of AP43 Lot 123, and AP43 Lot 34. The portion of the property that fronts Old Louisquisset Pike is in the RS-20 (Residential Single Family - 20,000 square feet) zoning district. The rear portion of this project that fronts Twin River Road is in the RA-40 (Residential Agricultural – 40,000 square feet) zoning district. A single family house and accessory structure currently exist on Lot 123 and a single family house on Lot 34.

The zoning within the project's area primarily consists of RS-20 to the east of Old Louisquisset Pike and RA-40 west of Old Louisquisset Pike. However, the parcel of land located just south of the proposed project is zoned CR-2 (Commercial Residential). This parcel of land is the location of Twin River Casino.

According to State Law (R.I.G.L. Chapter 45-53) and the above noted Town ordinance, a Comprehensive Permit may be utilized within a host community if that community does not meet the State mandated requirement of a minimum of 10% of a community's housing stock qualifying as affordable housing. Rhode Island Housing administers this regulation. According to quarterly figures produced by RI Housing, the Town of Lincoln has 6.44% of its housing stock qualifying as affordable. While a Comprehensive Permit could be utilized to permit and develop the 6 unit affordable condominium complex, the Technical Review Committee questioned how separate commercial uses could be included within this development.

Comprehensive Permit Requirements

In general, there are two main requirements that an applicant must meet in order to utilize a Comprehensive Permit process. The first requirement is a letter of eligibility from Rhode Island Housing. The sole purpose of a letter of eligibility from RI Housing is to establish that a project, as proposed, meets the eligibility requirements of the housing program under which eligibility has been sought, including any applicable municipal subsidy, such as a density bonus. A letter of eligibility for the proposed project was issued by RI Housing on August 26, 2015.

A project proforma was reviewed by Rhode Island Housing to determine if the project appears to be feasible on the basis of projected overall development costs. A project proforma is also utilized to determine if the market rate units subsidize the affordable

units, which justifies the density bonus sought by the developer. The submitted amended pro-forma illustrates how the sale of the 6 units plus a projected private finance subsidy from 1674 Realty Associates, LLC from the Dunkin Donuts/Commercial Component of this mixed-use project makes the development of the affordable units feasible based on projected overall development costs. However, the proforma does not present the development cost of the commercial aspect of this project, the anticipated overall return on investment or the project's annual gross revenue needed to generate the proposed subsidy. The proforma made no indication as to how the construction and subsequent sale of the proposed residential unit contributes to the overall project.

The next requirement of a comprehensive permit is for the Planning Board to make a positive determination that the project is consistent with the surrounding area. This determination must be made in light of the Town's mandate to meet the State requirement of affordable housing according to (R.I.G.L. Chapter 45-53). The applicant submitted a statement addressing how this project is consistent with the Comprehensive Plan and Affordable Housing Plan. The applicant's statement discusses how the Town's affordable housing plan identified locations of affordable housing via rehabilitation, adaptive re-use, and new construction, and emphasizes that "new construction of affordable housing will be encouraged where appropriate, in mixed income neighborhoods at scattered locations", as well as the compact "village concept that features mixed use development where appropriate", and "creating a diversity of housing

types” as a core goal (Application for Comprehensive Permit (AP 43, Lots 34 & 123), prepared by William R. Landry, Blish & Cavanagh, LLP and dated January 25, 2016 and amended July 25, 2016).

The Technical Review Committee reviewed the submitted statement and analyzed the existing zoning districts surrounding the development in order to make a recommendation as to the project’s consistency to the surrounding areas. The TRC feels that this project is not consistent with the surrounding area. The project’s surrounding area has been historically categorized as rural single family residential neighborhoods with the exception of Twin River Casino. The neighborhoods are divided by local connector roadways.

The proposed project is located in the Lime Rock section of Lincoln. Historically, this area of town has always been characterized as rural agricultural farm lands containing tree lined streets, farmland, and undeveloped open spaces. The Town’s first official zoning ordinance which was adopted in 1961, recognized this characteristic and assigned low density zoning districts to this area. The zoning districts assigned to the Lime Rock were RA-40 and RS-20 and still exist to this day.

The 1974 Comprehensive Plan forecasted that the Lime Rock area would begin to experience pressures to increase density due to the recently developed route 295 and 146 highways. According to the 1974 Comprehensive Plan, “The village of Lime Rock contains the majority of developable land in Lincoln and as such, it will see the most changes from growth in the coming decades. Lime Rock shall

continue to be a single-family residential sector of Lincoln. Of importance is the maintenance of tree-lined country roads, varying setbacks of single-family homes, views of farmland and easy access to public open spaces.”

The overall goal of the low density residential development via the existing zoning districts was carried over in the 1994 Comprehensive Plan. This plan took the simple goal and expanded upon it with specific policy statements and action strategies. This plan recognized the land use conflicts associated with pre-existing grandfather uses in the Lime Rock area. The plan stated, “Large lot single family residential neighborhoods will continue to share the planning area with the institutional use of the Community College of Rhode Island and with the commercial/recreation use of the Lincoln Downs Greyhound track. These uses or uses similar to them will always be a part of the area and, consequently, efforts must continually be made to buffer the residential neighborhoods from expanded or changed institutional and commercial uses. The key to the quality of life in West Lime Rock and Twin River will continue to be tree-lined country roads, varying setbacks of single family homes, occasional views of farmland and easy access to public open spaces (1994 Comprehensive Plan, page 94 – Action strategies).

The plan recommended a number of action strategies. One such action strategy was to lower the zoning density in some areas of Lime Rock to ensure that future residential development will be compatible with the already built density levels. This action strategy was later implemented when the Town Council rezoned the southern section of

Lime Rock from RS-20 to RA-40. This zoning district still exists today.

Another strategy was the introduction of an overlay zone called Area of Planning Concern. This overlay zone would contain additional site specific policies that decision makers would consider to ensure that the proposed change in zoning or proposed development projects fits with the town's chosen land use policies. The overlay zoning ordinance was enacted in the late 1990's. The Lincoln Downs Greyhound Track parcel was identified as an area of planning concern (1994 Comprehensive Plan, page 24 – Action strategies)

The 2003 Comprehensive Plan continued to recognize future challenges that the Lime Rock area will have. The plan noted, "Lincoln is located in an area that, under typical development circumstances, would very likely see increasing urbanization as time passes... If the town of Lincoln's overall zoning districts were not as solidly in place as they are now, there would be a great potential for increasing density in many areas. Holding those zoning districts will be a major challenge for the future (2003 Comprehensive Plan Update, LU-8 Land Use Element).

This plan began to address the grandfathered use that exists on Twin River Casino parcel. This plan noted that the, "Reuse of this site in some form may be possible and the town should consider the best long-term potential use. Buffering of the surrounding land uses should be of primary consideration. Any significant traffic impacts caused by an enlargement, expansion, or reuse of Lincoln Park should be properly mitigated (2003 Comprehensive Plan Update,

LU-11 Land Use Element). The plan presented a policy statement for the land use in Lime Rock that stated, “Natural areas should be enhanced. The existing large lot single family development pattern should be expanded to include residential development options that allow for the grouping of single family homes and the protection of remaining open spaces. No increase in overall density above today’s levels should be allowed. In addition, current land use patterns should be maintained with an emphasis on buffering CCRI and Lincoln Park from residential areas and limiting further commercial development on the Old Louisquisset Turnpike (2003 Comprehensive Plan Update, LU-28 Land Use Element). Since the 2003, the pre-existing Lincoln Downs Greyhound Track was redeveloped into the Twin River Casino. This parcel was developed with an extensive natural buffer that properly mitigates this particular use which is located within a rural single family residential area.

As stated above, the TRC feels that this project is not consistent with the surrounding area. The project’s surrounding area has been historically categorized as rural single family residential neighborhoods with the exception of Twin River Casino and CCRI. In the 1961 zoning ordinance and subsequent zoning ordinances and comprehensive plans, the Town established a clear vision for this area which still exists today. The introduction of a new commercial use in this primarily residential area would negate the hard work the town has invested in this area for over 50 years. The TRC feels that the proposed project is circumventing the existing residential zoning of the area by utilizing the affordable housing laws in order to

develop a commercial facility.

Utilities

Public utilities are available within Old Louisquisset Pike and Twin River Road. Access to these utilities would be reviewed at the preliminary plan review stage.

Wetlands/Stormwater Runoff

Any stormwater management system must be designed and installed in accordance with the State of Rhode Island Storm Water Design and Installation Manual prepared by the Rhode Island Department of Environmental Management (RIDEM) dated December 2010 and amended March 2015. Stormwater mitigation will be addressed at the Preliminary Plan stage of review. Approval from the Narragansett Bay Commission is required at Preliminary Plan Stage. A RIPDES approval from RIDEM is required at Preliminary Plan Stage.

Traffic

The proposed project is located at the corner of two well traveled roadways. A traffic analysis was submitted as part of this review stage. The new plan set proposes to add an additional access driveway from Old Louisquisset Pike. An updated traffic analysis reflecting the additional access point was submitted. The updated traffic analysis also evaluated the traffic impacts during an event at the Twin River Casino as a result of past TRC comments. A Physical Alternation Permit from the Rhode Island Department of

Transportation is required during the Preliminary Plan stage. This must include approval of the Traffic Impact Analysis

The updated traffic analysis concluded that the level of service and delay impacts at the intersections adjacent to the proposed development is expected to be minimal. The analysis continues to state that, “the approaches at the intersection of Old Louisquisset Pike and Twin River Road are expected to be minimal”. The analysis also notes that the site driveways are expected to operate at high levels of service. However, the traffic analysis noted a high percentage of speeding in the area and suggested that this may improve with increased enforcement in the area.

While the traffic analysis made the conclusion that the level of service and delay impacts at the intersections adjacent to the proposed development are expected to be minimal, the approaches at the intersection of Old Louisquisset Pike and Twin River Road are expected to be minimal, and that the site driveways are expected to operate at high levels of service, the Technical Review Committee continues to have serious reservations on the impact that this type of commercial development will have on the existing intersection. The TRC reiterated their concerns on the site driveway on Twin River Road. Left turns into the site from Twin River Road are still proposed. The Chief of Police has expressed his concerns on this access driveway and will issue his concerns in a letter to the Planning Board.

Based on the project’s submission, the Technical Review Committee

finds that the applicant has addressed the requirements for a Master Plan review stage and recommends. The application is in front of the board for a public informational hearing. The TRC recommends that the board listen to the public and come back in October to deliberate the project. that the proposed development advance to the Public Informational Hearing stage of review at the September meeting.

Zoning Applications (*) – No Applications were submitted for the month of October

Correspondence/Miscellaneous (*)

a. Staff Reports

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

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Administrative Officer to the Planning Board