

LINCOLN PLANNING BOARD

APPROVED

JULY 26, 2017

The regular meeting of the Lincoln Planning Board was held July 26, 2017 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, Jeff Almond, Jeffrey DelGrande, John Hunt, and Mike Reilly.

The following members were absent with excuse from the meeting: William Murphy and Gerald Olean. Also in attendance were Town Planner Al Ranaldi, Town Engineer Leslie Quish and Assistant Town Solicitor Peter Skwirz. Al Ranaldi kept the minutes. Quorum met.

CONSENT AGENDA

Chairman Bostic reminded members that the consent agenda is normally voted on in total unless a member motions to remove an item. Motion was made by Member Almond to accept the consent agenda as presented, second by Member Reilly. Motion approved by all members present.

Major Land Development Review

a. Lincoln Mall Retail Expansion AP41 Lot 007 Preliminary Plan Discussion /

- Highlands Property Management, LLC 622 George Washington Hwy Approval

Town Planner Ranaldi - This application is under the 2016 Subdivision Regulations and represents the expansion of the Lincoln Mall complex with an addition of a 9,825 square foot building with associated parking and stormwater management systems. This retail building will be located in the southeastern corner of the property between the existing bank and fast food restaurant. The subject property is zoned BL-0.5 (Business Limited).

On June 20, 2017, 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 preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by October 18, 2017, or within such further time as may be consented to by the applicant.

Town Planner Ranaldi - Last month there was a public hearing on the project and a number of safety concerns were brought out by a resident. I was instructed to meet with the Police Chief to discuss if he has identified any traffic concerns in the area of the mall. The Chief ran the number of accidents over an eighteen month period of most of the major intersection along Rt. 116. The average number of accidents at these intersections was 6 over the study period. The

Chief concluded that these volumes of accidents did not raise any red flags for him. He also noted that there were 32 accidents within the mall property but did not pull each report to determine what type of accidents they were. However he did note that more than likely they were fender benders. He did not recall any major accidents within the mall property. The Chief issued a letter stating that he did not have any major concerns over the number of accidents at the two entrances/intersections of the mall.

The town met with the applicant who presented a PowerPoint presentation of before and after pictures of the landscape. Since the last meeting, they instructed their landscaping company to trim the brushes lower. The TRC reviewed the Chief's letter as well as the pictures submitted by the applicant. The TRC re-stated that they did not see any warranted traffic safety concerns now or in the future with this new expansion. The TRC re-issued their recommendation that the application has successfully met the requirements of the Preliminary Plan review stage, that they are satisfied with the conclusions of the traffic safety review and recommends Preliminary Plan Approval.

Richard Bourbonnais: Hi I'm Richard Bourbonnais from Garofalo and Associates and I have nothing additional to add. We did research traffic data from the RIDOT and that section of the roadway experiences 14,200 trips per day or 5.1 million trips per year and the accident rate is extremely low for that rate a travel.

Chairman Bostic asked about the signage at the intersection coming out of the mall. Member Reilly said that he spent about an hour at the

lower intersection watching the interaction of the traffic. He said that traffic backs up to the top of the hill. People waiting in line then form two lanes and the two lanes turn left. If for any reason, can you have some signage stating that the right hand lane is to turn right or go straight? This would help people coming out from Wake Robin. Mr. Bourbonnais stated that he will look what they can do as it relates to directional signage. Mr. Reilly asked Mr. Bourbonnais if he would consider having the State look over possible solutions at this intersection – the intersection of Wake Robin for the left hand turn – dedicated right hand turn. Can there be a delay so people coming out of Wake Robin can get out. Mr. Reilly stated that he does not think that the proposed addition will add to the existing traffic conditions. They already exist.

Chairman Bostic; Member DelGrande do you have anything to add? No. Are you all set? Yes. OK, we addressed the police department's letter and the Cushman Wakefield's letter and the other letter with the picture in it. If the board is all set. Member Reilly made motion to approve the Preliminary Plan Approval with the Final Plan to the Administrative Officer. Chairman Bostic asked if this has to be in two motions. Attorney Skwirz stated that there should be two motions. Member Reilly made motion to approve the preliminary plan, second by Member John Hunt. All members present voted in favor of approving the preliminary plan 5-0. Member Reilly made another motion to delegate the final plan approval to the administrative officer, seconded by Member Jeff DelGrande. All members present voted in favor of approving the preliminary plan 5-0.

Minor Subdivision Review

a. 34 South Eagle Nest Road AP 40 Lot 96 Preliminary Plan Discussion /

- Dana Martinelli South Eagle Nest Road Approval

Chairman Bostic: Next on the agenda is item number 5, minor subdivision review, 34 South Eagle Nest Road.

Town Planner Ranaldi: This application is under the 2016 Subdivision Regulations and represents the subdivision of one lot into three single family residential house lots. The existing lot #96 has acquired additional land from the State of Rhode Island. There is an existing house on this lot which will remain. The applicant is not requesting any subdivision waivers or zoning variances. This project is classified as a minor subdivision. The project is at the preliminary plan review stage.

On July 18, 2017, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within sixty-five (65) days of certification of completeness or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by September 21, 2017, or within such further time as may be consented to by the applicant.

Town Planner Ranaldi: The applicant purchased State owned property that would be added to his original lot to make a 2.38 acre lot. Based on the zoning of the newly acquired land, the applicant would get two additional residential lots at the RS-20 zone. The two new lots conform to the existing zoning. Public utilities are in the roadway. To access the public sewer, since they are at a low spot in the roadway, the two new lots would both have to have force mains. This proposal has been reviewed by the Town Engineer and the infrastructure would have to be on private property. Notations are needed on the final plans stating that the Town will not be responsible for these private utilities. Easements will be needed. Public water is available to the lots. There is a public water line that goes through one of the lots that services other parts of the town. There is no recorded easement for this public water line. No easement due to it was on public property. The TRC asks that a 20 foot wide formal easement be granted to the town.

Stormwater management will be required for the new houses. The design and type of stormwater management system depends on the size and location of the new houses as well as the location and size of the driveways. A detailed review and approval of each house placement, driveway location and stormwater management system will be addressed at the building permit review stage.

Based on the project's submission, the Technical Review Committee feels that the application successfully addresses the requirements set out in the Town's Land Development and Subdivision

Regulations. Therefore, the Technical review Committee recommends Approval with Conditions of this minor subdivision.

The conditions of approval are as follows:

- 1. A utility easement must be established along the three lots to accommodate the private force main.**
- 2. A note shall be placed on the final record plan and in the deeds of all three lots that a private sewer system exists and will not be maintained by the Town.**
- 3. A formal 20' wide water easement as proposed on the submitted plans shall be established over this water line.**
- 4. Final approval from the Lincoln Water Commission is required for, but not limited to the new lots, the 20' wide water easement and sewer crossing.**

Town Engineer Quish: I want to add one more condition of approval. The Town would like certification from a certified professional engineer that the private force main is installed in accordance with the design plans.

Member DelGrande: So Leslie, is this another condition you would like to add into this? Town Engineer Quish; Yes.

Member Reilly asked if there are grinder pumps for the two new lots or third lot? Quish: Grinder pumps for the two new proposed lots. The original house has gravity flow to the sewer main.

Chairman Bostic asked if there are emergency generators on the

plans. Quish: there are no generators indicated on the plans and we did not ask for them as a condition of approval. In the Leslie Way development, we asked for generators. Chairman Bostic asked if there is any reason why we did not ask for them in this subdivision. Similar situation to Leslie Way subdivision.

Member Reilly asked if the applicant would have any issues with adding generators?

Attorney Shekarchi for the applicant stated that they have no objection to adding the requirement that each house has a generator. We are more than happy to do that. He and the applicant have reviewed the TRC report and the conditions and we have no problem with them. Attorney Shekarchi asked if the Board would have any problem with delegating the final plan approval to the Administrative Officer once they have developed and reviewed all the necessary documentation and easements.

Attorney Shekarchi: Due to the fact that there is a low spot on the property and it sometimes fills with water, we asked a wetlands biologist to take a look at it to see if it is a wetland. We asked Mr. Rabideau to take a look at the property. I don't know if it is necessary. I have his letter to add to the file. I also want to put into the record that the applicant is willing to add private deed restrictions to each of the new lots, similar to the deed restrictions on the other properties in the neighborhood. To keep the value up in the

neighborhood. They are straight forward.

Mr. Rabideau: My name is Scott Rabideau and I am from Natural Resources Services, Inc. I did the original wetlands delineation for this subdivision. I am very familiar with this property. The subject area was originally declared an Area Subject to Stormwater Runoff. John asked me to review the area as it is today. I reviewed the soil and plants in the area and I have determined that there is just runoff collecting in this area. I visited the site on several occasions.

Chairman Bostic: OK. Any questions? OK the applicant agreed to the four conditions of approval plus the added condition of having a generator in each house so if the board does not have any additional questions.

Town Planner Ranaldi: Mr. Chairman, there are additional conditions that came out of this meeting such as, certification from the licensed professional engineer that the utilities have been installed according to the plans, deed restrictions as the ones similar as in the rest of the neighborhood.

Chairman Bostic: The applicant agrees to the four original conditions plus the three added conditions. I would entertain a motion on the project.

Attorney Skwirz: There should be two motions. One motion to

accept the TRC findings of fact including the four original conditions of approval plus the three conditions that were just discussed.

Member Delgrande: That is the motion I would like to make. Second by Jeff Almond. Motion passed 5-0.

Member Reilly: I will make the second motion to delegate the final plan approval to the Administrative Officer. Second by member Hunt. The motion passed 5-0.

Secretary's Report

Chairman Bostic: There is a draft copy of the minutes for the meeting held on March 22, 2017. Member Reilly made motion to dispense with the reading of the minutes for the meeting held on March 22. Second member Hunt. Motion Passed 5-0.

Member Almond: I make a motion to accept the meeting minutes as presented. Second by member Reilly. Motion passed 5-0.

Member Reilly made motion to adjourn the meeting. Second by member Almond. Motion passed 5-0.

Meeting adjourned 7:26 PM.

Respectfully submitted,

Albert V. Ranaldi, Jr.

Administrative Officer to the Planning Board

July's Technical Review Committee report:

On Tuesday, July 18, 2017 at 3:00 PM, the Technical Review Committee met to review the agenda items for the July 26, 2017 meeting of the Planning Board. In attendance were Al Ranaldi, Peggy Weigner, Leslie Quish, Russell Hervieux, Michael Gagnon, and Michael Gamage. Below are the Committee's recommendations.

Major Land Development Review

a. Lincoln Mall Retail Expansion AP41 Lot 007 Preliminary Plan Discussion /

- Highlands Property Management, LLC 622 George Washington Hwy Approval

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On June 20, 2017, 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 preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by October 18, 2017, or within such further time as may be consented to by the applicant.

The preliminary plan submission included the following:

- Cover Letter prepared by Garofalo & Associates, Inc. and dated April 21, 2017**
- Site Plan for Lincoln Mall Retail Expansion, AP 41 Block 007, 622 George Washington Highway, Lincoln, RI prepared by Garofalo & Associates, dated April 2017 and revised May 25, 2017.**
- Circulation & Traffic Assessment, prepared by Garofalo & Associates.**
- Drainage Statement, Lincoln Mall - Retail Expansion - Master Plan Submission, AP 41 Lot 7, 622 George Washington Highway, Lincoln RI, prepared by Garofalo & Associates, dated April 21, 2017.**
- Parking Statement prepared by Garofalo & Associates, Inc. and dated May 10, 2017**
- Architectural Plans, Project: Outlot Building Retail A, Lincoln Mall, 622 George Washington Hwy, Lincoln, RI 02865 prepared by PFDA Architects, Inc. for Owner: Highlands REIT 332 South Michigan**

Avenue, Ninth Floor, Chicago, IL 60604, and dated May 07, 2015 and revised April 18, 2017

- 200' & 400' Radius Map for Lincoln Mall situated on George Washington Highway (RTE. 116) Lincoln, Rhode Island, prepared for InvenTrust Properties Management LLC by by Garofalo & Associates, Inc. and dated May 2017**
- ½ Mile Vicinity Map for Lincoln Mall situated on George Washington Highway (RTE. 116) Lincoln, Rhode Island, prepared for InvenTrust Properties Management LLC by by Garofalo & Associates, Inc. and dated May 2017**
- A letter dated July 20, 2017 from the Lincoln Police Chief, Brian Sullivan**

Site Layout

As stated above, the proposed land development project represents the expansion of the Lincoln Mall complex with an addition of a 9,825 square foot building with associated parking and stormwater management systems. This retail building will be located in the southeastern corner of the property between the existing bank and fast food restaurant. New landscaped islands will define the parking lot of the bank and the new retail building. A loading zone for the new building is designated in the rear of the building.

The Director of Public Works noted that he often sees large trucks with trailers parked in the area where the proposed building is located. These trucks are there having lunch. He expressed concerns on how these trucks will navigate the new redesigned

parking areas. The submitted plans show directional signage that will direct these trucks to a proposed large paved and striped space behind the restaurant.

Zoning

The subject property is zoned BL-0.5 (Business Limited) and this use is allowed by right. The applicant submitted a Parking Statement concluding that the entire complex meets the required parking standards for this zone.

Utilities

Public sewer and water are available within the complex. Access to the public sewer and water was reviewed by the Town and was found to be satisfactory. Approval from Lincoln Water Commission of proposed service will be required at Final Plan. The applicant received approval from the Narragansett Bay Commission for their proposed sewer connection on June 9, 2017.

Wetlands/Stormwater Runoff

The existing complex as well as the proposed project contains significant areas of impervious area. Stormwater runoff from the proposed building will be connected into the complex's existing subsurface infiltration system. The proposed design was reviewed in greater depth at the preliminary plan review stage and was found to be satisfactory.

Parking

The proposed project successfully meets the parking requirements of the BL-0.5 zone. The applicant submitted a Parking Statement concluding that the entire complex meets the required parking standards for this zone.

Traffic

The applicant's engineer submitted a report title, "Circulation & Traffic Assessment", prepared by Garofalo & Associates. According to this report, the traffic impact within the complex and the surrounding area will be negligible. The Technical Review Committee felt that no future analysis was needed. However, during the Public Hearing, an abutting resident brought out several concerns about traffic safety in and around the site. The resident stated that there were significant accidents at each entrance and within the interior parking area of the mall. She also mentioned that many people run the traffic lights at both entrances and the landscaping within the mall blocked driver's vision. Following the public hearing, the applicant instructed their landscaping company to trim the bushes to a lower height.

The Planning Board asked the Town Planner to reach out to the Chief of Police to see if the claims that the resident brought out at the public hearing were justified based on actual police reports. The Chief ran an analysis of motor vehicles accidents at the upper and lower entrances of the mall as well as other similar intersections to business areas along Rt. 116. This analysis spanned an eighteen

month time period between January 1, 2016 and July 6, 2017. Based on this analysis, the entrances to the mall experienced similar accident rates as the other intersections along Rt. 116. It is the Chief of Police's opinion that the accident rates experienced at the upper and lower entrances to the mall is not an alarming number.

Based on the project's submission and the concerns brought out at the Public Hearing and the police motor vehicle accident analysis, the Technical Review Committee feels that the application has successfully met the requirements of the Preliminary Plan review stage and recommends Preliminary Plan Approval.

The Technical Review Committee recommends that the Final Plan review and approval be delegated to the Administrative Officer.

Minor Subdivision Review

a. 34 South Eagle Nest Road AP 40 Lot 96 Preliminary Plan Discussion /

- Dana Martinelli South Eagle Nest Road Approval

This application is under the 2016 Subdivision Regulations and represents the subdivision of one lot into three single family residential house lots. The existing lot 96 has acquired additional land from the State of Rhode Island. There is an existing house on the original lot which will remain. The applicant is not requesting any subdivision waivers or zoning variances. This project is classified as

a minor subdivision. The project is at the preliminary plan review stage.

On July 18, 2017, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within sixty-five (65) days of certification of completeness or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by September 21, 2017, or within such further time as may be consented to by the applicant.

The preliminary plan submission included the following:

- Minor Subdivision prepared for Dana A. Martinelli by Marsh & Long Surveying, Inc. Smithfield, RI, dated December 5, 2016.**
- Preliminary Sewer Design Plan, Proposed Minor Subdivision A.P. 40 Lot 96, 34 South Eagle Nest Drive Lincoln RI 02865, prepared by Advanced Civil Design, Inc. and dated 5/2/17**
- Letter from Natural Resources Services, Inc. dated April 12, 2017**
- A letter from the applicant to their neighbors.**
- A report titled; Town of Lincoln Planning Board, Three-Lot Minor Subdivision, 34 South Eagle Nest Drive, Assessor's Plat 40, Lot(s) 96 and Acquired State of RI Property, prepared for Santino Martinelli, by Pimentel Consulting, Inc. dated July 10, 2017.**

Site Layout

The Technical Review Committee reviewed the project submission. The original lot 96 is 0.92 acres in size. The applicant purchase approximately 1.38 acres of abutting land from the State of Rhode Island. The original lot plus the acquired land total 2.30 acres. The applicant is proposing to reduce the original lot 96 to 40,881 square feet. The remaining land will be split into Proposed Record Lot 2 having 22,778 square feet and Proposed Record Lot 3 will have 36,782 square feet. All three lots meet their respective zoning district requirements.

Zoning Requirements

The existing house on Lot 96 is located within Zoning District RA-40. The two proposed lots are located within Zoning District RS-20. The proposed subdivision meets all of the requirements of this zone.

Utilities

Public sewer is located within South Eagle Nest Road. However, the two proposed house lots cannot connect to the public sewer system with a gravity connection. The applicant is proposing to service the two new lots with a force main. The Town Engineer has reviewed their proposal and finds that the plan meets the town's requirements. The Town will not accept private utilities in a public right-of-way. Therefore, a utility easement must be established along the three lots to accommodate the private force main. This easement will be required as a condition of final plan approval. In addition, the Technical Review Committee recommends as a condition of final plan

approval that a note be placed on the final record plan and in the deeds of all three lots that a private sewer system exists and will not be maintained by the Town.

Public water is located within South Eagle Nest Road. In addition to the water line that services the neighborhood, an extension of the public water line that provides service to another area in town runs through one of the proposed lots. An official easement does not exist. The applicant has proposed a formal 20' wide water easement running over this water line. Final approval from the Lincoln Water Commission is required for, but not limited to the new lots, the 20' wide water easement and sewer crossing.

Stormwater management will be required for the new houses. The design and type of stormwater management system depends on the size and location of the new houses as well as the location and size of the driveways. A detailed review and approval of each house placement, driveway location and stormwater management system will be addressed at the building permit review stage.

Based on the project's submission, the Technical Review Committee feels that the application successfully addresses the requirements set out in the Town's Land Development and Subdivision Regulations. Therefore, the Technical review Committee recommends Approval with Conditions of this minor subdivision. The conditions of approval are as follows:

5. A utility easement must be established along the three lots to accommodate the private force main.

6. A note shall be placed on the final record plan and in the deeds of all three lots that a private sewer system exists and will not be maintained by the Town.

7. A formal 20' wide water easement as proposed on the submitted plans shall be established over this water line.

8. Final approval from the Lincoln Water Commission is required for, but not limited to the new lots, the 20' wide water easement and sewer crossing.

Zoning Applications (*) – August Zoning Board hearing.

Cobble Hill Development LLC, 132 Old River Road, Lincoln, RI – Application for Dimensional Variance seeking side and rear setback relief for the construction of a new home on Longmeadow Road, Lincoln, RI.

AP 28, Lot 90 Zoned: RA 40

Members of the Technical Review Committee reviewed the submitted plans and application for Dimensional Variance seeking side and rear yard setback relief for the construction of a new home on Longmeadow Road. According to the submitted site plan, the existing property contains a large wetlands complex. The applicant worked with RIDEM to find a building site that would have the least impact to the existing wetlands complex. The applicant received RIDEM approval on a formal wetlands permit. In order to accommodate the wetland restrictions placed upon this recorded buildable lot, the proposed house would require a side and rear yard

setback relief. The Technical Review Committee feels that the applicant has a very limited area of unrestricted land to build a house on and that the applicant went through great lengths to reduce the amount of variances requested. The Technical Review Committee recommends Approval of the two dimensional variances request as presented on the submitted plans. The Technical Review Committee feels that the dimensional variances will not alter the general character of the surrounding area and will not impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Main Street LLC, 31 Forestdale Drive, Cumberland, RI – Application for Special Use Permit to add four (4) additional residential units to an existing six (6) unit property located at 122 Main Street, Manville, RI.

AP 36, Lot 43 Zoned: RG 7

Members of the Technical Review Committee reviewed the submitted plans and application for Special Use Permit to add four (4) additional residential units to an existing six (6) unit property located at 122 Main Street, Manville, RI. The subject property is located in the RG-7 zone which allows multi-family homes. The Technical Review Committee recommends Approval of a Special Use Permit. The submitted plans and application meet all of the zoning requirements for an RG-7 zone. The Technical Review Committee feels that the Special Use Permit will not alter the general character of the surrounding area and will not impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Correspondence/Miscellaneous (*)

a. Staff Reports

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

Albert V. Ranaldi, Jr. AICP

Administrative Officer to the Planning Board