

LINCOLN PLANNING BOARD

APPROVED MINUTES

NOVEMBER 29, 2017

The regular meeting of the Planning Board was held November 29, 2017. This meeting was at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Bostic called the meeting to order at 7:00p.m. The following members were present: Kenneth Bostic, Michael Reilly, Jeffrey Almond, Jeffrey DelGrande, John Hunt, Gerald Olean. Also in attendance were Town Planner Al Ranaldi and Town Engineer Leslie Quish. 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 Olean, second by Member Reilly to accept the Consent Agenda as presented. Motion approved by all members present.

Major Land Development Review

a. 90 Industrial Circle

AP 2 Lot 82

Preliminary

Plan Modification

-A.F. Homes, LLC

Walker Street & Industrial Circle

Discussion/Approval

Town Planner Ranaldi: This application goes way back. It goes back to 2006. It was reviewed under the 2001 Subdivision Regulations. It is the redevelopment of 42,000 square foot mill building into forty (40) residential housing units with 10% of the units designated as affordable. There are eighty (80) parking spots on site with the underground infiltration system. And one of the interesting parts of this project was the mill building and they agreed to quite a number of stipulations with utilities. There is also an 11,600 environmentally sensitive area on site. It was identified by DEM and documented to their land record. That is part of the design process and permitting had to be reviewed by DEM. This application is in front of the Board for a modification. They are doing everything that was originally permitted and agreed upon with the Board. However, they are looking to add five (5) more units. The interior structure of the building will be reconfigured with different types of unit sizes. The five (5) units need two (2) parking spots each that equals ten (10) parking spots. The applicant in front of the board is suggesting putting the ten (10) parking spots in that environmentally sensitive area. Our biggest concern was in the (inaudible) and the applicant has an environmental expert who is very familiar with the sensitive

areas and she is very confident that this type of modification can happen and will be permitted. The applicant explained the details of this. There are eight (8) permits that need to be either resurrected or they need to be reapplied for but the applicant is willing to go through that process again. From our standpoint it is really an approval from the Board for a modification and recommend that you approve the modification of the five (5) units and the ten (10) additional parking spaces and designate the final plan approval to the Administrative Officer when it was originally approved pending all the State permitting. With that I will turn it over to the applicant.

Member Olean: I have one question. On the TRC Report it says a use variance to allow 48 residential units. Town Planner Ranaldi: I'm glad you brought that up. Member Olean: Just explain to me why we are doing 45 and it says 48. Would you go over that please? Town Planner Ranaldi: Absolutely and thank you for bringing that up. When this originally came in front of me it did not fall under our zoning. Back when they originally permitted this it needed a use variance and Zoning Board allowed that to happen. At that particular time the development received a use variance for 48 units. So that got recorded against the land evidence so when I saw it front of me and asked me if I would consider a modification it is below the 48 and it is in between and I felt that it meets the zoning and it meets variance laws. Actually it is under the use variance and therefore just a modification. But if they came back and said they wanted 48 they would still be within there right of the use variance that was granted.

They have to provide six (6) more parking spaces which they may or may not be able to do. They have that cushion. Member Olean: So basically it is not a question of adding five (5) units because it was already approved for 48. Town Planner Ranaldi: Right. Member Olean: The question is the parking spots. Town Planner Ranaldi: Absolutely.

Mary Sherkarchi: Good evening Mr. Chairman and Members of the Board. My name is Mary Sherkarchi. I am an Attorney who represents the applicant Dakota Partners. Just to give a little background about Dakota Partners; they are developers with offices located in Massachusetts. They have done residential developments throughout New England. This is their first project in Rhode Island. They have done quite a bit of affordable housing. As AI mentions this was previously approved for 48 units and the previous owner/developer had made a business decision to go back to 40 units but at each one of those numbers of residential units there was an affordable housing components !0% of units were going to be affordable units. In our case we are proposing all 45 units to be affordable housing. They have a done a fantastic job with affordable housing projects. There are quite a few developments in all the New England states. So having said that we have reviewed the TRC. We met with them a week and a half ago and we reviewed all the details and we find their recommendation and their requirement conditions certainly acceptable and we will comply with those. Having said that, we do want to add ten (10) additional parking spaces to the

environmentally sensitive area. There is approximately a little over 11,000 square feet that has been designated. And when a developer had changed the number of units at some point they went to DEM I believe it was in 2012 and they had requested to have four (4) spaces in the area. DEM approved it as well as all the DEM requirements were adhered to. Since our TRC meeting we have also met with DEM. We met with the Remediation Division. The Chief of that Department was there. We explained our proposal. We showed them our plan and they found it compliant. They basically said as far as they are concerned four (4) parking spaces or fourteen (14) really did not make a difference in such a small area. Again, as long as we would follow all their rules and regulations. We are going to be submitting that formally to DEM. They said they would formally respond to us in writing. So we will get that modification hopefully very soon. In addition to that.

Member Reilly: The original four (4) parking spots that were submitted is there documentation back from DEM that that is approved. Sherkarchi: Yes in fact I believe it is mentioned in the TRC I believe the 2012 letter. Member Reilly: Ok.

Sherkarchi: We have an approval for an UIC which is an Underground Injection Control application permit that was issued by DEM as well. And with this evening is our Engineer Mark Cataldo who will go into the details of that. That permit is still in place. It is valid until July 1, 2020. DEM said again as long as we provide them modified plans

showing the new parking spaces they would modify that plan as well. So we are working on that as well. We have no issue complying with those two conditions. In addition, there is a requirement to have the easement in place, we reviewed those and we will provide those with the proper legal description. I actually did notice in the TRC recommendation there is a reference that there was an easement that was drafted I actually spoke with Tony DeSisto. He thought so but we need to go back and look at the records. So he and I certainly will provide those legal documents and bring them up to date. Other than that I have nothing further. I have representatives from Dakota Partners here to answer your questions as well as Mr. Cataldo.

Chairman Bostic: Was there an issue with a water line or a sewer line? Sherkarchi: There were two lines required a sewer line and a water line. The water line we actually submitted a document that the Water Commission approved today. I don't know if that was submitted to the Town. Not yet. So that was upgraded and compliant. We need some easements. At the TRC there was a concern that that they were older and they needed to be upgraded. So we won't really know that until we uncover it. And we agreed whatever upgrades need to be done we will certainly do that.

Member Reilly: the ten (10) additional spots that you are adding I notice that there are two (2) spots on the opposite side of the building. Why wouldn't you take those two spots and add it on to the ten and make it twelve? Sherkarchi: We don't have a need for twelve.

Member Reilly: There are two spots showing on the opposite side. Why not extend this and put two spots there? **Sherkarchi:** I believe the reason being is because we are trying to minimize the amount. **Mark Cataldo:** Those spots were originally on the site and could have been for building maintenance. **Member Reilly:** You need two spots per unit. So that two gives you all the additional parking that you need. I'm saying take those two and put it where all the other parking spots are that is all. You went from four to sixteen.

Cataldo: My name is (inaudible) Cataldo. I am a Civil Engineer in the state of Rhode Island. (inaudible) has not objection. **Member Reilly:** I just saying I would want to park in the front of the building where the entrance is. **James O'Brien:** My name is James O'Brien Dakota Partners, Vice President of Construction and Development. We have no objection to moving those. They were on the existing plan and we are only trying to oblige the additional units that we are looking to add. We had not considered that in fact we may look at the entire plan with respect to landscape and some other upgrades around the building at some future time. So we will look at that all at once. We have a deadline of December 15th to turn in an approval to Rhode Island Housing. So we did just what we felt is necessary.

Sherkarchi: If I just might add I agree on the technical reason not to do that. I guess the only restraint was that DEM wanted that limitation. **Member Reilly:** I could see if you were only encroaching an additional two more in that environmentally sensitive area but to

go two more from the ten and make it 12. Sherkarchi: I agree.

Chairman Bostic: Ok does anybody else have any questions?

Member Olean: This is a preliminary plan modification to be approved with conditions. So we are aware of all the conditions and

you agree to all the conditions. Sherkarchi: That is correct. Member

Olean: If we approve this tonight we are all done. All I am trying to say is at least if we get a report on it. This is such a big project.

Town Planner Ranaldi: For what we have to do the permitting is all set. When they accomplish the State permitting then they are ready

to go and they will be able to do their project. Let's say everything goes through they are able to build out the project from a technical

standpoint they is nothing to report. There is no final plan like when we do a subdivision dividing the lot or lots. As a policy matter once

they have completed their project record the final site plan with all the permitting dates to memorialize the project has ended. This particular

case Rhode Island Housing is looking for the word final or ready to be moved forward. The TRC is comfortable with the delegation with the

conditions. Member Olean: So why can't we approve final with conditions and don't delegate to AI. Chairman Bostic: Instead of

coming to AI for final approval it is going to come to us.

Member Olean: If we vote on this tonight with this TRC recommended without the Administrative Officer the final approval. That is what you

are looking for to get to Rhode Island Housing. Is that correct?

O'Brien: We are looking for the document to say it is in final approval

with respect to the local level subject to the DEM conditions that are in the TRC report. It appears that final at the local level is very important to Rhode Island Housing which I might add is much different than of course DEM.

Member Olean: All the conditions are going to be complete by the 15th of the month? Town Planner Ranaldi: This is a technicality. I spoke with the Town Solicitor and he was comfortable with a final plan with conditions. Member Olean: Correct, that is what we are going to do tonight. But it is not a final approval. Member Olean: The question is, are all the conditions going to be met by the 15th? Obrien: No they are not. Member Olean: Ok so by the 15th AI still can't approve it. Member Reilly: Well right now it is on the agenda for preliminary plan approval. Member Olean: He said it isn't going to be done. Sherkarchi: With conditions. Those conditions have to be satisfied. Member DelGrande: I think his question is, are those conditions going to be met before the 15th?

Town Planner Ranaldi: For the final approval all the permits would be in hand. I think it would be done. In this particular case Rhode Island Housing and the Solicitor is comfortable with final plan with conditions. And the conditions would stay open until they are secured I guess it would be final plan. It is a semantic type of thing that we are going through. Member Olean: I have no problem with all that. I don't want to set a precedent and that is what is happening here. You are setting a precedent because you are approving

something. AI is going to do the right thing. If that is the way, we want to go fine. I am not comfortable with it. I will do it but I am not comfortable with it.

Town Planner Ranaldi: I would love to have that conversation with Rhode Island Housing. Member Olean: Right. The only way that we can do what has to be done for the client is that we have to approve it and give AI administrative approval. I would like to get a legal opinion on this and whatever the Town Solicitor said to you I want it in writing. If I give him the authority tonight, I want the Town Solicitor behind us 100%. Town Planner Ranaldi: Yes. Member Olean: You understand. The Board is being put in a position that we do not want to set a president. That is what why we are trying to get everything straight. Member Olean: I'll make a motion to accept the TRC's report as presented; second by Member Reilly. Motion approved by all members present. Member Olean: I make a motion to delegate the final approval with conditions to the Administrative Officer; second by Member Reilly. Motion approved by all members present. Member Reilly: I make a motion to dispense with the reading of the minutes of October 25, 2017, second by Member Hunt. Motion approved by all members present.

Member Reilly: I make a motion to accept the minutes of October 25, 2017, second Member Murphy. Motion approved by all members present. Motion to adjourn by Member Olean, second by Member Reilly. Motion approved by all members present.

Meeting adjourned approximately 7:40 PM.

Respectfully submitted

Elizabeth Gagnon

Planning Board Secretary

November Technical Review Committee Report

November 21, 2017

Town of Lincoln – Planning Board

100 Old River Road

Lincoln, RI 02865

Dear Honorable Members,

On Tuesday, November 14, 2017 at 3:00 PM, the Technical Review Committee met to review the agenda items for the November 29, 2017 meeting of the Planning Board. In attendance were Al Ranaldi, Russell Hervieux, Leslie Quish, Michael Gagnon, Peggy Weigner, and

Gerald Olean. Below are the Committee's recommendations.

Major Land Development Review

- a. 90 Industrial Circle AP 2 Lot 82 Preliminary Plan Modification
- A.F. Homes, LLC Walker Street & Industrial Circle Discussion /
Approval**

This major land development project was reviewed and approved under the 2001 Subdivision Regulations. The original land development project represented the re-development of an existing 41,480 square foot mill building into forty (40) residential housing units with 10% of the units designated as affordable. There are eighty (80) off-street parking spots proposed to be located in a existing paved area in front of the building. There is an 11,646 square foot environmentally sensitive area at the northwest corner of the property. A use variance to allow 48 residential units with 10% designated as affordable was granted by the Zoning Board on October 3, 2006. This project received Master Plan Approval with Conditions on April 25, 2007 and Preliminary Plan Approval with Conditions on March 26, 2014. This approval is tolled until June 30, 2018.

The applicant is in front of the Planning Board for a Preliminary Plan Modification. This proposal is being put forth by a new developer, Dakota Partners of Waltham, Massachusetts. The new developer is proposing to add 5 additional residential units and 10 parking spots for a total of 45 residential units and 90 onsite parking spots. All 45

units will be deed restricted as affordable. The new parking spaces are proposed to be located within the environmentally sensitive area at the northwest corner of the property. The proposed modification will retain all of the approved design features as presented in the original site layout. The preliminary plan modification submission included the following:

- Preliminary Plan Submission for Assessor's Plat 2, Lot 82 located at Walker Street and Industrial Circle, Lincoln, Rhode Island 02865, prepared by Cataldo Associates, Inc., dated June 24, 2013, revised up to November 8, 2017.**

The following items were submitted as part of the 2014 Preliminary Plan review stage:

- Preliminary Plan Submission for Assessor's Plat 2, Lot 82 located at Walker Street and Industrial Circle, Lincoln, Rhode Island 02865, prepared by Cataldo Associates, Inc., revised up to June 24, 2013,**

- Soil Erosion and Sediment Control and Stormwater Management Report, prepared by Cataldo Associates, Inc., dated February 13, 2007, revised up to August 15, 2013,**

- A letter from RIDEM dated August 17, 2012 stating that the preliminary plans submitted and their proposed Soil Management Plan Narrative qualify for the existing commercial Environmental Land Use Restriction (ELUR) to be revised to allow restricted residential use of the property,**

- Soil Management Plan, prepared by Cataldo Associates, Inc., dated June 26, 2012 and stamped and signed on August 23, 2013,**

- An Underground Injection Control (UIC) approved permit from the**

Rhode Island Department of Environmental Management dated July 25, 2007,

- **Landscape Plan, for project AP 2, Lot 82 Walker Street and Industrial Circle, Lincoln, Rhode Island, prepared for A.F. Homes, 22 Kent Place, Cranston, Rhode Island 02905, no date was given.**

Below are the Technical Review Committee's review and recommendations.

Site Layout

The property currently contains a vacant 41,480 square foot mill building and associated parking area. The proposed project modification is to redevelop the mill building into forty-five (45) residential housing units and ninety (90) parking spots. A use variance to allow up to 48 residential units was granted by the Zoning Board on October 3, 2006. The proposed modification will retain all of the approved design features as presented in the original site layout. This includes one access point to the new parking area from Industrial Circle, the installation of sidewalks and granite curbing along Industrial Circle, and the conversion of an existing elevated area located in the lower southwestern corner of the property into an outdoor patio area. The proposed outdoor patio area will be surrounded by a fence. Four ballads will be installed next to the stairs to protect future residents from wayward vehicles.

There is an 11,646 square foot environmentally sensitive area at the northwest corner of the property. An Environmental Land Use Restriction (ELUR) has been placed on this area by the Rhode Island

Department of Environmental Management (RIDEM). The re-development of this area is governed by RIDEM. The plan authorizes the removal of an existing foundation, the installation of four parking spots, selective tree clearing and states that new planting will be installed. This proposed project modification is to add ten (10) additional parking spaces with this sensitive area. The new developer has met with RIDEM to begin the review and permitting process. The developer and their environmental experts are confident that the proposed revisions will be acceptable to the RIDEM. A revised ELUR will be required as a condition of Preliminary Plan modification approval.

Parking and Storm Water Runoff

The RIDEM approved an Underground Injection Control (UIC) permit on July 25, 2007 for the original eighty (80) off-street parking area. Stormwater runoff from the parking lot will be captured and directed into an underground detention infiltration system. The applicant will re-engineer the site and proposed underground detention infiltration system and re-submit to RIDEM. The Town Engineer is confident that the applicant can successfully meet the rules and regulations of a UIC permit. An approved Underground Injection Control (UIC) permit will be required as a condition of Preliminary Plan approval. The revised plan shows the placement of new parking lot lighting. The plans indicate that the proposed lighting plan is compliant with the Rhode Island Outdoor Lighting Control Act (RIGL 42-136) and local and National electrical codes.

Zoning Requirements

The site is currently zoned ML-0.5 and a use variance was granted for residential use. According to the Town's zoning regulations, "a parking area for more than 20 cars adjacent to or within a residential district shall have an opaque fence maintained between such parking area and the residential district." The regulations also allow compact evergreen screening not less than five feet in height to be substituted for the fence. This regulation applies along Walker Street and a portion of Smithfield Avenue. The original applicant submitted a landscape plan and planting list that contains enough details to address the buffering concerns of the TRC. The new developer will comply with the approved landscape plan.

Utilities

The project is proposed to be serviced by public water and sewer. According to the Lincoln Water Commission (LWC), the domestic water service and the fire lines to the building are very old. As of the Preliminary Plan Approval in 2104, public water was available to the building and the original applicant committed to work closely with LWC to design and install an upgraded water service that will meet the future needs of the building. This water service upgrade will be part of the LWC's final plan approval process. The new developer has already reached out to the LWC to work on securing a letter of water availability as well as determining the future water service upgrades. A letter of public water availability will be required as a

condition of Preliminary Plan modification approval.

An existing and functioning sewer line runs through the upper portion of the property. The applicant researched the property deed to see if a utility easement is in place. According to the applicant, a utility easement does not exist. The Town asked the applicant if they would give the Town a utility easement for the future maintenance of the sewer line. The applicant agreed to this request. The Town Solicitor wrote a utility easement addressing the future needs of the Town. The new developer will comply with granting a utility easement to the Town. A utility easement will be required as a condition of Preliminary Plan modification approval.

An existing drainage line runs along the front of the building. The Technical Review Committee and the Director of Public Works asked the original applicant to evaluate the functionality and condition of this drainage line. The Town wonders if there are any roof drains connected to this drainage line. The Town and the applicant agreed that the best time to research the functionality and condition of the drainage line would be when the applicant is doing the required site work. The applicant's engineer recommends that the drainage line be exposed during the site work phase of the project and a visual examination be performed at that time. The applicant and the Town can proceed with any remedies if needed at that time. The Town will be responsible for any improvements to the public infrastructure if needed. The TRC asked that a note be placed on the preliminary plans and construction plans indicating that an agreement is in place and that the applicant shall notify the Town at the appropriate time in

construction so the Town can examine the drainage line running along the front of the building. The new developer will comply with this requirement.

The Town also asked the original applicant to evaluate whether an easement is in place with the Town. The applicant researched the property deed to see if a utility easement is in place for the drainage line. According to the applicant, a utility easement does not exist. If this drainage line is determined to be an active section of the Town's public infrastructure, the Town would like the applicant to give the Town a utility easement for the future maintenance of the drainage line. The applicant agreed to this request and the new developer will comply with this requirement.

Based on the Technical Review Committee's review of this proposed Preliminary Plan modification, the TRC feels confident that the new developer can successfully meet all of the above noted requirements and conditions of approval. Therefore, the Technical Review Committee recommends that the Preliminary Plan modification be Approved with Conditions as outlined above. The original Final Plan approval was delegated to the Administrative Officer. The TRC recommends that the Final Plan approval of the modified Preliminary Plan be delegated to the Administrative Officer.

Zoning Applications (*) – December Zoning Applications

George L. and Kelli Jackvony, Jr., 128 Grandview Avenue, Lincoln, RI

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Application for Dimensional Variance seeking side yard setback relief for the construction of a new home located at 126 Grandview Avenue, Lincoln.

AP 08, Lot 123 Zoned: RS 12

Members of the Technical Review Committee reviewed the submitted plans and application for Dimensional Variance seeking side yard setback relief for the construction of a new home located at 126 Grandview Avenue, Lincoln. Due to the unique side yard setback requirements for the height of the new home over twenty-five (25) feet tall, the applicant would be required to provide an additional five (5) feet of side yard setback. The house has been constructed and the overall height of the new home was determined at the final stage of the building permit process. The new house is approximately 26 ½ feet tall. The applicant can reduce the height of the house. However, this would involve extreme construction methods and considerable cost. The Technical Review Committee recommends Approval of a dimensional variance. The Technical Review Committee feels that the dimensional variance 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

b. William and Anita Greenberg AP 25 Lots 110, 111 & 191 Administrative Subdivision

c. Rover Capital LLC AP 37 Lots 10 & 11 Administrative Subdivision

d. Brian & Heidi Laquerre AP 34 Lots 18 & 43 Administrative Subdivision

e. Joseph & Annemarie Feeley AP 45 Lots 274 & 325 Administrative Subdivision

and Borelli, Marguerite

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

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Administrative Officer to the Planning Board