

LINCOLN PLANNING BOARD

MAY 25, 2005

MINUTES

The regular meeting of the Planning Board was held on Wednesday, May 25, 2005, at the Town Hall, 100 Old River Road, Lincoln, RI.

Chairman Mancini called the meeting to order at 7:15 p.m. The following members were present: Diane Hopkins, John Hunt, John Mancini, Gerald Olean and Michael Reilly. Absent were David Lund and Gregory Mercurio. Also in attendance were Town Planner Albert Ranaldi, Town Engineer N. Kim Wiegand, Town Solicitor Mark Krieger and Assistant Town Solicitor Roger Ross. Margaret Weigner kept the minutes.

Chairman Mancini advised five members present; have quorum.

SECRETARY'S REPORT

There was no secretary report for review.

CONSENT AGENDA

Chairman Mancini stated that any item on the consent agenda could be removed and discussed separately by making a motion. There are four items on the agenda for consideration.

Mr. Olean made a motion to accept the Consent Agenda as recommended by the Technical Review Committee (TRC). Mr. Reilly seconded motion. Motion passed unanimously.

Mr. Olean made a motion to move Item #8 (Correspondence/Miscellaneous) up to #5. Mr. Hunt seconded motion. Motion passed unanimously.

Chairman Mancini explained that the Board has recently revised the Subdivision Regulations and had a public hearing to discuss revisions. Mr. Ranaldi stated that one change was made to Section 23, Article F, - changing “may” to “shall”. The Board will keep the word “may” in that section. Chairman Mancini stated that the Planning Board was moving forward on the revisions and asked if there were any comments. Attorney Michael Kelly stated that his associate attended the public meeting and had a discussion on the vesting provisions. He is concerned that his client, the Sables Road developer who doesn't have Master Plan approval at this time, should be vested under the old regulations. Mr. Krieger responded that the regulations consider a project to be vested when the Certificate of Completeness is issued and therefore, falls under the current regulations. Mr. Kelly agreed.

Mr. Olean made a motion to accept the Subdivision Regulations revisions as amended. Ms. Hopkins seconded motion. A roll call vote was taking with all members voting in the affirmative. Motion carries.

MAJOR SUBDIVISION REVIEW

- a. Sables Road Subdivision AP 44 Lot 33 Master Plan Discussion/
E. A. McNulty Angell & Lantern Roads Approval**

Mr. Ranaldi stated that this is a seventeen lot conventional single-family subdivision. The Board has until July 14, 2005 to approve, approve with conditions, or deny application. The Town is working with the developer, but still has not reached an agreement on utilities for the project.

Mr. Kelly stated that in 1998, Master Plan approval was granted, but Preliminary Plan was elusive due to utilities. They are working diligently with town staff to resolve the issue. Abutters will not grant easements – they have received no response to their requests for easements. Installing wells and Individual Septic Disposal Systems (ISDS) is not good planning. A proposal was submitted to the Town. There are no problems with the lots or layout of the subdivision. The problem lies with the Rollingwood pumping station. The developer is

willing to fix the existing problem and install another pumping station on site to service the development. They will submit a sum of money for 20 years of maintenance costs for the new pump station or create a Home Owner's Association (HOA) to maintain it. Mr. Krieger stated that the proposal covered 10 years of maintenance costs. Mr. Kelly stated that the developer is prepared to cover it for 20 years or create a HOA to own and maintain it by deed restrictions and a notice in deeds. The existing pump station would be fixed, not enlarged. Engineers have assured him that the station can be fixed.

Chairman Mancini asked how many pumping stations are now in town and Ms. Wiegand replied there are 31 pump stations with another on the way. Chairman Mancini stated that the developer is doing the best he can and would not object to maintaining it for 20 years. Mr. Krieger stated that the town doesn't want to be responsible for chasing down 17 individuals for maintenance assessments – the contribution would have to fall back on the developer. Ms. Wiegand insisted that the Town does not want any more pumping stations. Chairman Mancini commented that the town might get one – the developer has tried to get easements from abutters to no avail. The Board doesn't want wells and ISDS.

Mr. Reilly asked if the developer had a handle on repairs and what the repairs would cost. Mr. Kelly stated that if the Board grants Master Plan approval, the developer would work with the staff to resolve the repairs and maintenance costs. They are prepared to go

forward with engineering plans but are looking for Master Plan approval to move ahead.

Chairman Mancini asked if there would be ISDS throughout and Mr. Kelly replied all 17 lots would have ISDS. Mr. Olean asked about the time frame for Master Plan approval - the Board has until July 14th to make a decision. The Town won't accept the proposal – the Board needs answers from the Town. Ms. Wiegand stated that public services are not a given. Chairman Mancini asked if the Town prefers wells and ISDS and Ms. Wiegand replied yes. Chairman Mancini stated that if Board can't approve pumping station now, no new pumping stations can be approved in the future, as it would be unfair to this developer. Ms. Wiegand stated that Angell Road is a critical area of town for sewers and maintenance would be a nightmare. Ms. Wiegand asked Mr. Kelly if he has documentation from abutters refusing to grant easements. Mr. Kelly responded that he did not and asked if the Town did. Mr. Kelly further stated that if the Board refuses this developer, they couldn't approve another pumping station in the future.

Mr. Ranaldi stated that the town's fear was the amount and length of maintenance for new pumping station. The sewer supervisor advised that 10 years is just the beginning; problems don't arise for 20 - 30 years. The Board has asked the developer to go further with plans. The drainage and road improvements are acceptable. The town can speak on sewer issues, but not water issues.

Chairman Mancini asked what the issue was with the water and Mr. Kelly stated that there is a question on where the Lincoln Water Commission wants lines.

Mr. Kelly stated that his client is willing to discuss a 30-year maintenance plan. Chairman Mancini commented that the developer has one year after Master Plan approval is granted to resolve issues for Preliminary Plan approval. Mr. Kelly stated that the developer would like to work things out with the town. Chairman Mancini asked if there were any changes to lot configurations and Mr. Kelly replied that there were no changes.

Ms. Hopkins made a motion to grant Master Plan approval with the conditions recommended by the TRC. Mr. Hunt seconded motion. Mr. Reilly asked for a discussion. Instead of the developer improving the road, require the developer to pay for the road improvements. Mr. Kelly stated that all details would be ironed out before Preliminary Plan approval. Motion passed unanimously.

**b. Meadow View Subdivision AP29 Lot 3 Master Plan Discussion/
Meridian Real Estate Services Great Road Approval**

Mr. Ranaldi stated that this is a fifteen lot conventional single-family subdivision. The Board has until August 11, 2005 to approve,

approve with conditions or deny the application. The TRC has reviewed the plans and offer the following conditions. Under road standards, granite curbs must be installed. Approval is needed from RI Department of Environmental Management (RIDEM). Public utilities are available. Drainage issues can be resolved. The layout of the development is different. Two different layouts were presented last month; one was a P-loop. The new submitted layout is impractical for snow plowing.

Engineer Len Bradley from DiPrete Engineering stated that the plan was changed and pavement was eliminated due to the comments of the TRC. The road was pulled back to alleviate the town's concerns with snow plowing. This new plan is the closet concept to what was previously discussed. He will address the issues from last meeting.

Mr. Ranaldi stated that waivers might be needed on Lots #5, 6, 7, 8, 9 and 10. He also has a problem with the easements on lots #14 and 15. Mr. Bradley stated that the lot lines were extended, increasing the front yard setbacks. Chairman Mancini asked about giving up one lot from Lots #5-10. Mr. Bradley replied that they could bring the driveways out to Great Road on Lots #14 and 15, and could get 15 lots by right to meet the subdivision regulation requirements.

Ms. Hopkins commented that the plans still show concrete curbs and Mr. Bradley responded that the curbs would be granite.

Mr. Olean stated at 120' at setback – 30' off right of way – setback is pushed back further – house would be put back. Mr. Krieger stated that a variance would be needed. Mr. Bradley stated that he has seen this in other communities – called real lots – where houses are put on widest area of lot. He further stated that the P-loop meets the subdivision regulations requirements.

Chairman Mancini advised Mr. Bradley to establish a plan that meets all subdivision regulations and the Board will make the determination to approve or deny moving lots around. Make the development look more acceptable. It is a crowded area – see if the client is willing to give up a lot. Regulations don't say that you can't have two cul de sacs.

Mr. Hunt stated that the developer is trying to maximize the land. Cross easements are a nightmare. Mr. Bradley stated that he could not speak for the developer. He met with Mr. Ranaldi, trying to minimize access to Great Road. Mr. Ranaldi stated that Mr. Hunt is correct about the easements – reducing the development by one or two lots would make the subdivision better.

Ms. Wiegand stated that Lots #5 and 6 has constraints from wetlands and may not be buildable. A determination on wetlands would kill those lots.

Mr. Reilly commented that he would like to see one plan submitted to the Board for approval.

Mr. Ranaldi is concerned with the historical aspect of the area. Great Road is an historic road and recommends presents the subdivision to the RI Historical Preservation Commission. Mr. Bradley stated that any help would be appreciated.

Mr. Olean asked about the traffic concerns noted in the TRC and Mr. Bradley stated that a traffic consultant would testify at the public hearing.

Chairman Mancini is concerned that the plan was certified as complete, yet the Board doesn't know what plan they're looking at. A public hearing must be held before Master Plan approval is granted and approval is not granted immediately following hearing because of issues that may come up. He advised Mr. Bradley to talk to his client about what plan the Board is to consider. Mr. Bradley stated that he is trying to develop one plan. It is not his intention to submit multiple plans. The last plan would eliminate the land in the middle and go to a cul de sac. Chairman Mancini advised him to resolve issues on Lots #5 and 6 with Ms. Wiegand.

Ms. Hopkins made a motion to continue project until next month. Mr. Olean seconded motion. Motion passed unanimously.

c. Riverfront Major Subdivision AP 45 Lot 53 Pre-Application Discussion

DOSCO, Inc. Angell Road

Mr. Ranaldi stated that this is a five lot conventional single-family subdivision under the 2005 Subdivision Regulations and is at the Pre-Application level with no time frame. He stated that he had to admit that he was shocked when the application came in, as the original lot was subdivided on March 23, 2005 into two lots. He was under the assumption that there would be one house on the newly created lot. The same applicant came in with the plans for five lots. The concern he and the TRC had was with the phasing aspect.

Joshua Rosen of Commonwealth Engineering stated the area consisted of 36 acres of land owned by Smith Hill Center. A portion of the land is camp property. The property was divided into two lots – the new lot being six acres. The applicant was waiting for final approval before starting the process to subdivide into five lots. The property had to be in the ownership of the current owner. The wetlands have been flagged and Ms. Wiegand witnessed the soil evaluations.

To address the concerns of the TRC, a detailed traffic safety analysis was submitted. The catch basins – road profiling and elevations – will be worked out. The location of the house on Lot #1 will be looked at. The intersection is proposed within 100 feet of another intersection. The plans show a stub for the water line – the Water Commission requires a looped water line through Rum Road back to

Angell Road. A gravity fed sewer tie in on Angell Road is proposed.

Chairman Mancini asked how long the cul de sac would be and Mr. Rosen replied 491 feet of road. A waiver would be needed on intersection distance. The dead end cul de sac would dip into Rum Road. Rum Road could be abandoned and the rest of Rum Road would provide access to the public from Angell Road.

Mr. Ranaldi stated that Rum Road acts as a public thru-way to town-owned land and the town does not want to give away access to public land. Ms. Wiegand stated that Rum Road is not a good road for access.

Mr. Reilly asked if there were any issues with lot #185. Mr. Ranaldi stated that he represented to the abutter that there would be only one house on the new lot. Mr. Rosen responded that the abutter had to know that a buyer could have sold to someone else that wanted to develop land.

**d. Rivers Subdivision AP 23 Lots 30 & 119 Master Plan Discussion/
Estate of Anna M. Rivers Old River & Lower River Roads Approval**

Mr. Ranaldi stated that this is a six lot single-family conventional subdivision, with an existing home on one lot. The Board has until August 18, 2005 to make a decision to approve, approve with conditions, or deny. The TRC and the engineering division have

reviewed the plans. There is a significant amount of ledge on the property that will need blasting. Any blasting could have an adverse impact on existing structures. Drainage is an issue as there are existing drainage problems on Lower River Road. Swales will be needed to capture excess drainage.

Brian Thalmann of Thalmann Engineering stated that he is representing Brian Balsiore, executor of the estate of Anna M. Rivers. He is also working with traffic engineer David Cabral. Mr. Thalmann stated that the property actually consists of two lots, #30 and #119. There will be five new houses on two lots. Lot #1 has a funny building envelope – no frontage. There will be no further subdivision of lot #1 as the building envelope will preclude further subdivision of the lot. The setbacks on lot #2 have been changed to meet the building setbacks. There will be turnaround driveways for lots fronting Old River Road. A traffic report will be submitted to the town for review. Swales will be constructed along Lower River Road to capture and direct water to wetlands. Chairman Mancini asked who would maintain the swales and Mr. Thalmann replied that the swales would be constructed in the front yards and would be kept clean by property owners to increase water flow. Chairman Mancini asked if the swales would work and Mr. Thalmann replied that he would design the swales and present the plans to Ms. Wiegand for review. A Physical Alteration Permit (PAP) is needed for the driveways on Old River Road.

Chairman Mancini asked if the matter should be moved to public informational meeting. Mr. Ranaldi asked if the Board felt comfortable with the swales, and Ms. Wiegand responded that the swales can be worked out. Mr. Reilly would like to see a copy of the traffic report. Chairman Mancini advised that the Board likes to address comments from the public before approving the subdivision.

Mr. Olean made a motion to move to public informational hearing. Mr. Reilly seconded motion. A list of abutters is needed for notification. Motion passed unanimously.

MAJOR LAND DEVELOPMENT REVIEW

a. 14 Breakneck Hill Road AP 25 Lot 168 Preliminary Land Development

Ralph Branca Breakneck Hill Road Review/Approval

Mr. Krieger recused himself from this matter.

Mr. Ranaldi stated that this is a commercial land development project of one lot. The Board has until August 18, 2005 to approve, approve with conditions, or deny. Access will be from Breakneck Hill Road serviced by a private driveway. Water service is available from the Lincoln Water Commission. Plans must be submitted for approval. A

private septic system is proposed; therefore, approval is needed from RI Department of Environmental Management (RIDEM). The applicant will also have to appear before the Area of Planning Concerns Committee (APC) to review landscaping and parking requirements.

Mr. Branca stated that he already appeared before the Board, but Chairman Mancini explained that was for a zone change. A public hearing is needed before a land development project is approved. The Planning Board has the authority to approve a major land development project, not the Town Council. Mr. Branca asked what makes it a major project and Mr. Ranaldi responded because it is a commercial property. Chairman Mancini explained that both hearings can be merged for Preliminary Plan Approval.

Mr. Olean made a motion to combine Master Plan and Preliminary Plan together and to move to public hearing at Preliminary Plan level. Mr. Hunt seconded motion. Motion passed unanimously. An abutters list is needed for a certified mailing to abutters.

There being no further business to discuss, on a motion made by Mr. Olean and seconded by Mr. Reilly, it was unanimously voted to adjourn. Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Margaret Weigner

Attached May 25, 2005 TRC Report:

Dear Honorable Members,

On May 17, 2005 at 3:00 pm the Technical Review Committee met to review the agenda items for the May 25, 2005 Planning Board meeting. In attendance were Al Ranaldi, Kim Wiegand, Russell Hervieux, John Faile, John MacQueen, and Peggy Wiegner. Below are the Committee's recommendations:

Major Subdivision Review

- a. Sables Road Subdivision AP 44 Lot 33 Master Plan Discussion /**
- E.A. McNulty Angell and Lantern Road Approval

This application is under the 2001 Subdivision Regulations and represents the subdivision of one lot into seventeen conventional single-family lots. On March 16, 2005, the Master Plan submittal for the above noted 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 Master Plan review must be made by July 14, 2005 or within such further time as may be consented to by the applicant.

The Technical Review Committee (TRC) and the Engineering Division have reviewed the proposed development according to the Lincoln Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practice. At Master Plan stage, the TRC has identified two critical concerns related to the success of this project. The concerns are the availability of public water and sewer. While there is the availability of these utilities, the Town and the applicant have been discussing alternatives that may enable a better overall public utility system. The applicant has been exploring a number of alternatives to supply public utilities but has not determined their best course of action. The Town, the Technical Review Committee, the Lincoln Water Commission, and the applicant have not finalized which proposed utility plan will be acceptable to all parties involved.

**b. Meadow View Subdivision AP 29 Lot 3 Master Plan Discussion /
- Meridian Real Estate Services Great Road Approval**

This application is under the 2001 Subdivision Regulations and represents the subdivision of one lot into fifteen conventional single-family lots. The subject lot contains approximately 13.0 acres of land and is located in zoning district RS-20 (20,000 square feet – Residential Single Family). The proposed homes are to be serviced by public water and sewers.

On April 13, 2005, the Master Plan submittal for the above noted 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 Master Plan review must be made by August 11, 2005 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the Land Development and Subdivision Regulations master plan submission standards and requirements as well as standard engineering practices. The submission includes a set of six sheets entitled “Master Plan Submission, Meadow View”, located on Great Road, Lincoln, Rhode Island, AP 29 Lot 3, prepared for Meridian Real Estate Services, Inc. by DiPrete Engineering Associates, Inc., dated November 2004, latest revision date 05/13/05. A document entitled “Master Plan Narrative and Supporting Material” by the same

engineers dated 2/14/05 was also received.

The newly proposed subdivision layout is that of a proposed 550 foot cul-de-sac ending with a 50 foot round turn around bulb. Based on this design, eight driveways will be located off of this cul-de-sac. The Technical Review Committee and the Director of Public Works examined the design very closely and have determined that this cul-de-sac layout is unacceptable to the Town. The TRC concluded that this design will present an extreme maintenance burden. After a revised site plan is determined, the TRC can review the new site layout in specific detail.

In order to keep this project moving in a positive direction, the TRC has offered the following concerns regarding this submission.

Road Standards - A note on the plans mentioned concrete curbing. All new subdivisions must have granite curb. Once a road design/layout has been determined, the layout of sidewalks will have to be discussed further. The TRC noted in each alternative that access to some proposed house lots were via an easement. This is not a desirable situation.

Wetlands - The wetlands have been flagged by Natural Resources Services according to the above mentioned Narrative report. RIDEM Wetlands approval will be required for preliminary approval of the subdivision.

Utilities - The subdivision is proposed to be connected to public sanitary sewers and water. Although it is not specified, it is assumed that the sanitary sewers system would be gravity. The Town does not want any more pumping stations. The gravity sewer in Great Road,

where the development would presumably connect, flows to the Great Road South pumping station. Looped water lines are shown on the plan labeled Site Plan. It is unclear how a water line would be looped in the Alternative Site Plan. No new water services can be dead-ended. Water service requires design approval from the Lincoln Water Commission.

Drainage - The proposed drainage is shown conceptually on the master plans with a proposed location for a detention basin. The actual size of the basin will depend on the depth to seasonal high groundwater. Detention basins must be installed above that elevation. The narrative states that a certified seasonal high groundwater elevation will be determined. It also states that the subdivision will include the condition that any finished floor or basement must be at least one foot above that elevation. This is appropriate.

Great Road has no street drainage system. Storm water runoff from Great Road discharges along the road onto the property and must be allowed to continue to flow. Drainage from the site flows to a stream on the eastern side of the property and also from an isolated wetland on lots #1 and 2. Increased flow through the wetlands may impact abutting property owners and Great Road. The impact from the detention basin on the wetlands must be carefully considered.

Traffic - Great Road is a narrow and winding road and will require analysis of traffic safety issues, particularly sight distance. The development requires a report on the impact of traffic on the road and at the intersection to see if improvements are needed. The street

lighting needs to be reviewed for safety concerns.

Minimum buildable area - A number of the lots have building constraints. The developer will need to document the areas of 15% or greater slopes, wetlands and/or easements, taking into account any overlap and then show the minimum buildable area remaining for each lot.

c. Riverfront Major Subdivision AP 45 Lot 53 Pre-Application Discussion

- DOSCO Inc. Angell Road

This application is under the 2001 Subdivision Regulations and represents the subdivision of one lot into five conventional single-family lots. The subject lot contains approximately 6.36 acres of land and is located in zoning district RA-40 (40,000 square feet – Residential Single Family). The lot to be subdivided was before the Planning Board as a minor subdivision during the beginning of the year. It was originally part of a larger 36 acre lot which was subdivided by this Board into two single family residential lots on March 23, 2005. One of these newly created lots is now before the Board as a major subdivision of five lots. The proposed homes are to be serviced by a public cul-de-sac road and public water and sewer. This project is in front of the Planning Board for a Pre-Application discussion and review. This stage of the review process does not require a prescribed time frame.

The Technical Review Committee and the Engineering Division have

reviewed the above-proposed development according to the 2001 Land Development and Subdivision Regulation's pre-application submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Pre-application Plan Submission for Riverfront Major Subdivision", Portion of AP 45 Lot 53, in Lincoln, Rhode Island, prepared for the applicant Dosco Inc. by Commonwealth Engineers & Consultants, Inc., dated 4/13/05. For assistance in developing the design, the following comments are offered to the applicant:

Site Plan - The location of the detention basin is a concern. The elevation of the drainage manhole where the storm water connects to the detention basin is 8 feet higher than where proposed road meets Angell Road. To capture drainage at Angell Road and direct it to the basin would go significantly against grade. The easement to the basin is proposed across the property, not off to one side. The location of the house on proposed lot #1, while it does not need to be set in stone at this point in time, is a concern. The house is placed such that the area immediately in back of the house is a wetlands. The proposed road is less than 150 feet from the unimproved Rum Road, a paper street. This is inconsistent with the design standards in the subdivision regulations. At the least, a Planning Board waiver would be required. At pre-application, horizontal and vertical road profiles are not required. However, it should be noted that the road geometry must be designed to conform to Town and engineering standards.

Groundwater - A certified soil evaluator estimated the seasonal high ground water elevations spread out across five locations on the

property. There is a note on the plan specifying that finished floors or basements must be set above the seasonal high ground water elevation. The Town Engineer witnessed the excavation of test pits. The applicant previously submitted Site Evaluation Forms for the groundwater and soil performed by a certified soil evaluator.

Wetlands - The applicant previously submitted a letter from Mason & Associates, Inc. a wetlands biologist for the site. The buildable area for each lot has been calculated. These areas are based the exclusion of wetland areas delineated by Mason & Associates, Inc. as well as easements and slopes. The proposed subdivision must obtain a RIDEM Wetlands Preliminary Determination permit as a condition of approval for subdivision.

Traffic - The grade of Angell Road north of the property becomes steep and makes a sharp turn at the northern end of the property, limiting sight distance. At the Planning Board meeting, on February 23, 2005 the engineer submitted a revised report entitled "Safety Analysis", dated October 26, 2004, revised February 23, 2005. This revised report entitled "Safety Analysis" was reviewed. The report discusses a proposed location of a driveway shown to be located on Angell Road. The report concludes that there is adequate provision for vehicles turning out onto Angell Road and into the proposed lot from Angell Road. The safety analysis is based on a field determined 85th percentile speed, which was found to be 35 mph. The stopping sight distance required is 390 feet, where according to the report, 400 feet exists.

Angell Road is greater then north of the proposed driveway in the

report. The report references the factor in AASHTO standards for a roadway grade of 5% or more. The required intersection sight distance for a left turn out of the proposed driveway is 433 feet. According to the report, 440 feet of sight line exists north on Angell Road. Although the above report was for a driveway, it is in approximately the same location as the proposed roadway. Therefore, based on the findings in the report, the Technical Review Committee has concluded that adequate sight distance is available for the proposed roadway.

Utilities - The plans shows public water and sewer connections to the proposed lots. There is a recently dated (3/10/05), existing letter in the file from the sewer supervisor stating that sewers are available to the property. It should be noted that it is standard to connect service laterals from the houses to the main sewer line, not to manholes. The approval on file from the Lincoln Water Commission is for one connection service only, not five lots. There is no provision to loop the water line, which is a requirement of any public water system according to the LWC's recent ordinance.

d. Rivers Subdivision AP 23 Lots 30 and 119 Master Plan Discussion /

- Estate of Anna M. Rivers Old River & Lower River Road Approval

This application is under the 2001 Subdivision Regulations and represents the subdivision of one lot into six conventional

single-family lots. The subject lot contains approximately 4.38 acres of land and is located in zoning district RS-12 (12,000 square feet – Residential Single Family). The proposed homes are to be serviced by public water and sewers. No new roadway is proposed.

On April 20, 2005, the Master Plan submittal for the above noted 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 Master Plan review must be made by August 18, 2005 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above proposed development according to the Land Development and Subdivision Regulations standards and requirements and standard engineering. The plans reviewed were entitled “Master Plan Submission”, Lincoln, RI, Major Subdivision, AP 23 Lots 30 & 119, Old River Road & Lower River Road, prepared for Estate of Anna Rivers c/o Brian Balsofiore, Executor by Thalmann Engineering Co., Inc. dated 3/16/05. A report entitled “Master Plan – Development Impact Narrative” dated March 2005 prepared by the above for the above applicant was also received. The application was reviewed and the following was noted.

Site Plan - All proposed house lots will front onto existing roadways.

The placement of the houses and driveways on the sites will be a concern for several reasons. The site has a significant amount of ledge visible. Any blasting or drilling could have an adverse impact on existing structures. Fractured rock could allow groundwater flow through the soil into existing basements. The placement and slope of the driveways on Lower River Road must be carefully located so as not to cause increased runoff on the properties below. The TRC has concerns about the interior angle of Lot number 2 meeting the zoning setback requirements.

Utilities - A note on the plan states that the applicant proposes public water and sewers connections via existing lines in Old River Road and Lower River Road. The applicant must contact the Lincoln Water Commission (LWC) regarding service to the development. The LWC must certify that water service is available. The LWC's approval must be a condition of any approval for subdivision. The applicant must also apply to the sewer supervisor for availability of public sanitary sewers to the project. The developer must apply to Narragansett Bay Commission for indirect discharge permits.

Traffic - Since the driveways are proposed onto Old River Road, a State highway, the developer must obtain a Physical Alteration Permit from RI Department of Transportation for the proposed lots fronting onto Old River Road. This must be a condition of any approval. The report states that a traffic impact study will be prepared.

Drainage - The site drains generally from Old River Road south and easterly towards Lower River Road. Several properties on the east side, lower side of the road have concerns with storm water. Lower

River Road has an existing problem with drainage flowing from the west side of the road and the road itself. There is no drainage system, open or closed, to collect runoff until near the intersection of Lower River Road and Old River Road. In order to prevent any adverse impact to the existing properties on eastern side of Lower River Road, the Engineering Division recommends that the proposed subdivision be designed to correct as much of the existing drainage as possible. Specific engineering solutions could be discussed with the Engineering Division. A condition of any approval should also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as determined by a certified soil evaluator, as groundwater flow discharged to the surface would cause problems to the existing roads and properties. The TRC would like the applicant to develop this suggestion further during the Master Plan stage.

Wetlands - The subdivision will require approval from RIDEM Wetlands. The plan and the report describe the wetlands on the site. The information presented on the site plan indicates that there is adequate buildable area for each lot. Documentation for this assessment was submitted as a letter from RIDEM verifying the delineation performed by Natural Resources Services, Inc.

Major Land Development Review

a. 14 Breakneck Hill Road AP 25 Lot 168 Preliminary Land Development Review /

- Ralph Branca Breakneck Hill Road Approval

This application is under the 2001 Subdivision Regulations and represents the commercial land development of one lot. The subject lot contains approximately 1.35 acres of land and is located in zoning district BL 0.5 (Limited Business). The proposed office building is to be serviced by public water and private septic system. The building will be serviced by a private driveway. No new roadway is proposed. On April 20, 2005, the Preliminary Land Development Plan submittal for the above noted 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 Land Development Plan review must be made by August 18, 2005 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above proposed development according to the Land Development and Subdivision Regulations preliminary land development submission standards and requirements and standard engineering practices. The submission includes a set of plans entitled "Proposed Office Building, AP 25 Lots 57, 58, 71 and 168, Breakneck Hill, Lincoln, Rhode Island, prepared for the applicant Ralph Branca by Bryant Associates, Inc., dated 4/13/05. Included as

well in the submission is a Drainage Report prepared by the above consultants for RJB Properties, dated May 2005. The application was reviewed and the following was noted.

Site Plan - There are no engineering concerns with the site plan.

Utilities - A note on the plan states that the applicant proposes public water connections to the existing line in Breakneck Hill Road. The applicant must contact the Lincoln Water Commission (LWC) regarding service to the development. The LWC must certify that water service is available. The LWC's approval must be a condition of approval for development. The applicant proposes to install a private septic system; therefore, the applicant must apply to RIDEM for ISDS approval.

Drainage - The site drains generally north away from Breakneck Hill Road. It is proposed to mitigate peak runoff in an onsite detention basin as well as route existing drainage around the proposed development. The applicant will be responsible for the operation and maintenance of the basin and the storm drainage system on the site. The applicant will need to get an easement to drain around the proposed site and maintain the proposed drainage swale.

Wetlands - The subdivision will require approval from RIDEM Wetlands.

Traffic - The development requires a Physical Alteration Permit from RIDOT as well as an agreement with the abutting property owner, the YMCA.

Based on the above comments and concerns, the TRC recommends Approval with Conditions of this application for Major Land

Development project. The conditions of approval are that the applicant must apply for and receive public water approval from the Lincoln Water Commission, RIDEM – ISDS approval for the private septic system, RIDEM Wetland approval, RIDOT Physical Alteration Permit. The TRC requests that final plan approval be delegated to the Administrative Officer.

June Zoning Applications

John & Elizabeth A’Vant, 29 Mark Drive, Lincoln, RI – Dimensional Variance for side yard setback for the construction of an addition.

AP 19, Lot 80

Zoned: RS 20

Members of the Technical Review Committee visited the site and reviewed the submitted site plan and application. Based on the submitted plans, the proposed addition, consisting of a dining room, study/office, and master bedroom, will be located on the right hand side of the property. The Committee recommends Denial of this dimensional variance. The TRC feels that this plan does not represents the least relief required, will alter the general character of the surrounding area and impair the intent and purpose of the Zoning Ordinance and the Comprehensive Plan.

Daniel Zilka, 89 Industrial Circle, Lincoln, RI/3J Corporation, 90 Industrial Circle, Lincoln, RI – Dimensional Variance for front yard setback for the operation of a prefabricated historic diner/small

restaurant on property located at 82 Industrial Circle, Lincoln, RI.

AP 2, Lot 82

Zoned: MG 05

Members of the Technical Review Committee visited the site and reviewed the submitted site plan and application. Based on the submitted site plan, the proposed building will be located within the vacant paved front yard setback. The Committee recommends Denial of this dimensional variance. The TRC feels that the proposed site plan and application does not meet any of the standards for relief as presented in the Zoning Ordinance. More specifically, the TRC feels that the site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The TRC also feels that this application will result in greater financial gain for the applicant and the property owner by providing an additional rental income to the property owner. The TRC feels that the proposed building and associated parking will alter the general character of the surrounding area and impair the intent and purpose of the Zoning Ordinance and the Comprehensive Plan by substantially increasing the risk of traffic accidents in the area.

Julian R. Flamand, 3 Loring Drive, Lincoln, RI – Dimensional Variance for rear yard setback for the construction of a screen room to rear of existing garage.

AP 12, Lot 303

Zoned: RL 9

Members of the Technical Review Committee visited the site and reviewed the submitted site plan, floor plan, and application. Based

on the submitted plans, the proposed screen room will be located in the back of the property. The Committee recommends Approval of this dimensional variance. The TRC feels that this plan represents the least relief required, will not alter the general character of the surrounding area nor impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Henry Leeming, Jr., 63 Lakeview Road, Lincoln, RI – Dimensional Variance for side yard setback for the construction of an addition.

AP 8, Lot 49

Zoned: RS 12

Members of the Technical Review Committee visited the site and reviewed the submitted site plan and application. Based on the submitted plans, the proposed addition, consisting of a garage, breezeway and family room above the garage, will be located on the right hand side of the property. The Committee recommends Denial of this dimensional variance. The TRC feels that this plan does not represent the least relief required, will alter the general character of the surrounding area and impair the intent and purpose of the Zoning Ordinance and the Comprehensive Plan. The proposed addition does not conform to the existing architecture of the house.