LINCOLN PLANNING BOARD

JUNE 28, 2006

MINUTES

The regular meeting of the Planning Board was held on Wednesday, June 28, 2006, at the Town Hall, 100 Old River Road, Lincoln, RI.

Chairman Mancini called the meeting to order at 7:04 p.m. The following members were present: David Lund, John Mancini, Gregory Mercurio, and Gerald Olean. Absent were Patrick Crowley, Diane Hopkins, and Michael Reilly. Also in attendance were Town Planner Albert Ranaldi, Town Engineer N. Kim Wiegand, and Assistant Town Solicitor Paul Brule. Margaret Weigner kept the minutes.

Chairman Mancini advised four members present; have quorum.

SECRETARY'S REPORT

There was no secretary report for review.

CONSENT AGENDA

Chairman Mancini explained that any item could be removed from the Consent Agenda by making a motion. The Consent Agenda contains four zoning applications.

Mr. Olean made a motion to accept the Consent Agenda as recommended by the TRC. Mr. Mercurio seconded motion. Motion passed unanimously.

Mr. Olean made a motion to move Item #9 up to the next item on the agenda. Mr. Lund seconded motion. Motion passed unanimously.

Chairman Mancini stated that the Zoning Ordinance Revisions are quite involved. He would like the Board to meet in special session a week before the next meeting to make a recommendation to the Town Council. Mr. Ranaldi stated that there are two items in the Zoning Act that the Planning Board would have to eventually regulate – Inclusionary Zoning and the Rural Protection Overlay. These two items will be in front of the Board in the future.

Mr. Merurio made a motion to table the action on the Zoning Ordinance recommendations until the Planning Board has the special meeting on July 19th to further consider, explain, and amend. Mr. Lund seconded motion. Motion passed unanimously.

Mr. Ranaldi stated that the TRC took no action on the Nafta Mills matter. Earlier today, we received their RIDEM approval. That was the last item required by the Planning Board. The Town has looked it over and the project has been thoroughly reviewed by RIDEM.

Mr. Mercurio made a motion to move Item #7b - Nafta Mills up to the

next item on the agenda. Mr. Lund seconded motion.

Mr. Mercurio made a motion to move the Nafta Mills project to Final Plan approval. Mr. Lund seconded. Ms. Wiegand stated that she received a letter from RIDEM and is satisfied. Motion passed unanimously.

MAJOR SUBDIVISION REVIEW

a. Sables Road Subdivision – Phase I AP 44 Lot 33 Public Hearing – 7:15 pm

Leslie W. Sables Angell & Whipple Rds. Preliminary Plan Discussion/

Approval

The list of abutters was read. Chairman Mancini explained the process for the public hearing. First the Town Planner will make a presentation, then the developer, the Board will ask questions, and then the public may speak.

Mr. Ranaldi stated that this is a public hearing at Preliminary Plan stage. The applicant received a Certificate of Completeness on April 26, 2006; the Board has until August 24, 2006 to make a decision. This originally came before the Board as a one phase plan for 17 house lots; as it has been developed, the developer has proposed phasing it into two phases. Phase I is what is being reviewed tonight.

It contains 9 single family residential house lots on a new cul de sac. The TRC and Engineering Dept. have reviewed the applications and have basic, general conditions of approval. RIDEM wetlands permit is needed for both phases; approval is needed now for Phase I. Drainage issues have all been addressed for Phase I. When Phase II is started, a swale needs to be shown in front of the proposed lots. Groundwater has been addressed – as a condition of approval, a specification is that no finished floors or basements be constructed at or below the seasonal high groundwater elevation. Sanitary sewers will be maintained and owned by a Home Owner's Association (HOA). A draft copy of the agreement will be reviewed by the Town Solicitor's office. Approval is needed by the Narragansett Bay Commission (NBC) as a condition of approval. The public water system has conditional approval from the Lincoln Water Commission (LWC). There were two lots that did not appear to have significant building envelope because of the setbacks, but he believes that the engineer has resolved those. The majority of concerns have been addressed. Phase I is pretty much wrapped up.

Attorney John O. Mancini represented the owner and applicant, Leslie W. Sables. The property consists of 28 acres and they are seeking a 17 lot subdivision and intend to proceed in a phased manner. The first phase will consist of nine lots and phase two will consist of eight lots. They have submitted a Master Plan that gives a conceptual overview of the development. Wetlands have been delineated and submitted to RIDEM for review. They have prepared a plan to address sewer, water, and drainage. A private sewer system

is proposed – the forced main and the pumping station and gravity feed will be the responsibility of a HOA. We have prepared a HOA organized under RI laws. The association will be responsible for common elements – the sewer system and water main. A qualified competent engineering firm will maintain, monitor and repair the system. One of the mechanisms placed in the HOA is that the maintenance of the sewer system will be delineated in the individual deeds. A document has also been drafted as the water line will be maintained by the HOA. The homeowners will pay the Town a sewer fee as it is a user fee and not a maintenance fee. An easement has been delineated to the Town in the event of an emergency. Indemnification has been provided to the Town in the case of an emergency that the Town would not be held responsible for sewer and water lines. The Town would have the right to lien the properties if the maintenance on the water and sewer lines is not maintained and the Town has to come in to maintain the lines. The expense would be forwarded to the homeowners and if not paid, the town would have the statutory authority to invoke a lien upon the property. A copy of the HOA agreement had been forwarded to Mr. Ross. A copy will be given to the Town's legal counsel.

Mr. Mercurio asked if a bond was considered to be placed in escrow at the time that final approval is granted that is building on a forward going basis so that at some point in time it approaches a replacement cost that is in escrow in order to replace the pumping station or any major repairs. Mr. Mancini stated that what has been done is that a

maintenance fund has been established. The maintenance fund will be initiated by the developer – the developer will set aside a certain amount and the homeowners will be assessed annually and that money will go into the maintenance fund to address any major issues with the water or sewer line. The funds will also be used to maintain the consulting and maintenance contract that the HOA has to engage in. We have provided for a specific fund, the maintenance fund, that is a necessity for the homeowners to fund it, and the developer will dedicate certain funds to begin it. Mr. Mercurio asked if the fund would be established at the time the lot is sold or when the house is built. Mr. Mancini stated that the fund will be established at the time of final approval. Thereafter, as each lot gets sold and each homeowner gets a deed, they will be required to put in their prorated share into the fund. It will continue going forward until all the lots are sold and then go forward on an annual basis. Mr. Mercurio asked if a value was set on the initial down payment. Mr. Mancini stated that the initial down payment from the developer is $10,000. Mr. Mercurio stated that this addresses his concern and thinks it is fine as long as it is collected at the time the lot is sold. Mr. Lund asked if the pump fails, is there an alarm system to notify someone; it is not indicated on the plan. Also, there are no ground level clean outs on the discharge pressure line. Ms. Wiegand stated that the developer is asked to work with the sewer supervisor. In case of a problem, the alarm would bounce to the maintenance contractor and not to the Town's public works department. The sewer plans are reviewed by Don D'Anjou. Mr. Lund asked if the Town's confined space is legal.

The reason is if there is a problem and there are no confined space rules within the Town and the Town has to take it over or service it, they have to be confined space legal. Without having the exterior clean outs outside of it, then the Town is not obligated to be confined space, and can service it. Those should be indicated as the confined space laws are changing. Mr. Mancini added that the ownership that the HOA is taking over is of the line and the pumping station, but that does not alleviate them from meeting the guidelines that are set forth by the Town. Chairman Mancini stated that the Board does not have a lot of experience with HOA and is very cautious as to how they move forward. Mr. Mancini stated that the documents were drafted to ensure that there is a well thought out balance for the HOA and the Town.

Mr. Olean asked if the streets would be public streets. Mr. Mancini stated that they are public streets dedicated to the Town. The easements would be given to the Town in case of an emergency to service the lines. Mr. Ranaldi stated that the developer has consented to provide a generator to the existing Rollingwood pump station as part of mitigating the impact to the existing area collection system. Mr. Mancini stated that he is in agreement with the TRC report.

Steve Fisk of 41 East Lantern Road stated that he has some concerns on the drainage and the widening of the street. He has photos of the same rain storm that show water coming out of Whipple

Road. On that corner, only one car can get by at a time. Is that going to be the main entrance?

Joshua Rosen of Commonwealth Engineers stated that the entrance is located off of Angell Road. That is the only access and egress point. The road is 900' of pavement and that is the only intersection for Phase I. Chairman Mancini asked about the drainage. Mr. Mancini stated that there will be no road improvements in Phase I, but a road overlay in Phase II. Chairman Mancini stated that the Board asks developers to try to improve an existing problem, though it is not a requirement. They can only require the developer to not make the problem any worse.

Mr. Rosen stated that the developer realizes that in Phase II, there is an opportunity for access off of Whipple Road and into East Lantern Road. During Phase II construction, improvements to Whipple Road and East Lantern Road will be provided in the form of overlay of the pavement and some drainage issues on Lantern Road. Site clearing will also be done. Chairman Mancini advised the abutter that during Phase II, there will be another public hearing and those issues can be raised again at that time.

William Rampone of 35 East Lantern Road stated that he received a notice about the meeting. He recently moved here and his property is located in Smithfield. Across the street is Lincoln. He asked if any development in Phase I would affect East Lantern Road. The road in

front of is house is 12’6” wide. There is a cascade of water when it rains. Would there be any impact on East Lantern Road during Phase I? Mr. Mancini stated that there would be no impact during Phase I. During Phase II, improvements are proposed. One of the important improvements is the drainage swale. Another improvement is the site distance clearing. Mr. Mancini noted that there will be another public hearing at Phase II. Mr. Rampone asked if there was a guarantee that there would be no adverse impact to East Lantern Road. Chairman Mancini assured Mr. Rampone that the Town has an excellent staff and makes sure the developments will have no adverse impact to abutting properties. Most of the buildable land left in Town is “wet”. The Board has a concern about dumping water on existing properties. Mr. Rampone asked about a staging area effecting East Lantern Road during Phase I. Mr. Mancini stated that the property will be accessed during Phase I via East Lantern Road. Mr. Rampone asked about the swales on East Lantern Road. Mr. Rosen stated that along with the overlay of pavement, the developer is going to provide an emergency turnaround at the end of this site which is the terminus of Lot #17, the final frontage lot on Lantern Road. With respect to the drainage, after the overlay is completed, the idea is to generate storm water runoff from the street away from the individual lots and to channel the flow into the wetlands where it can be property mitigated. The swales will be 30’ wide, with clearing and site undercutting to provide the proper channel flow for those easements in Phase II of the development. Chairman Mancini commented that some of the questions being asked relate to Phase II.

Bob VanNieuwenhuyze of 43 East Lantern Road stated that there was no mention of widening of the road at Phase II. Ms. Wiegand stated that she drove out with Smithfield's Town Engineer and explained what was going on and to listen to any concerns he may have had. Mr. Mancini stated that as far as the expansion of the road, the road will be expanded to 18' in the right of way. Mr. Rosen stated that the terminus overlay will be an 18' total roadway width which will be included in the right of way. The width of the road varies. There is an 18' overlay except in the portion of roadway with the wetlands, adjacent to Lot #9 in this Faze I development. RIDEM limited the overlay to east of the subdivision going up to Whipple Road and down toward the end the cul de sac that is proposed at the final lot in Phase II.

Mr. VanNieuwenhuyze stated that he has lived in the area for 38 years. There have been several houses in the last few years build on East Lantern Road or Lantern Road. It is a dead end street with no current turnaround at the end. He realizes that it is an existing problem and will be remedied by the developer. In the meantime, the problem is that the house proposed at Lot #9 is an extremely narrow area, on a curve and hill. In the past, he, his family and neighbors, have been delayed because of trucks blocking the road. It is a serious concern. This road needs to be widened. Being a dead end road with no turnaround, trash trucks or any trucks turn around in driveways. Especially at that spot, traffic has been blocked. As a

bargaining chip, the road should be widened to allow this development. It is a safety hazard for the residents. Chairman Mancini asked Ms. Wiegand if the width of the road was looked at during Master Plan consideration. Ms. Wiegand stated that RIDEM did not allow the road to be widened; however, the road is being widened by being overlaid and cleared as well as having a cul de sac. Chairman Mancini stated that the Board can not overrule RIDEM. Mr. VanNieuwenhuyze stated that he understands that, but he is concerned that there will be nine new houses in the area with the narrow road. Traffic flow and pedestrian flow will increase. It is a major difference over the years. If there is going to be more development in the area, the safety concerns need to be thought out.

Mr. Mercurio asked if there was any way of coming up with another route of egress. Mr. Rosen stated that all options were exercised. That is why a turnaround was established at the end of the final lot. At the corner of East Lantern Road and Lantern Road, a sight easement will take significant undercutting of brush and small trees so that the sight distance can be vastly improved for traffic safety. Mr. Lund stated that the road is widened after the curve. He wondered if the road could be slightly widened at the curve. Mr. Lund wanted to know if a little could be taken off the lot before the curve – a couple of feet would help a lot.

Bruce Stockel of 38 Whipple Road stated that he is concerned about the water. He is at the bottom of Angell and Whipple Roads. With the

development going on at Angell Road, his house is a peninsula right now. All the water goes to his house. He has a new stream around his property. There is stagnant water and plenty of mosquitoes. He said he has called the Town and was told the developer is doing everything that he can. He knows that retention ponds are being put in, but the water is raging. He has documentation – pictures and video tape. The water is a big concern. Ms. Wiegand stated that she has been down there and there is quite a bit of water. Some of the water is coming from the pasture on the other side. The area is very wet – there is a lot of ground water coming off the Angell Road subdivision. She believes that once the area is stabilized, the ground water will stop. Mr. Mercurio asked why we are not doing something to prevent the water from affecting the abutting residents. Mr. Mercurio stated that if the gentleman is making a complaint that ground water is going on to his property already due to the fact of the subdivision, the problem is being exacerbated. Ms. Wiegand stated that the water is going onto the road and into the wetlands, not his property. She has been down there constantly - the developer is being very cooperative, but we have had a lot of rain. The site is open – can not work with the rain conditions that we've had. Mr. Lund stated that he drives through that area every day and sees the water. Mr. Stockel stated that he is here to hear about the two new developments. He challenges that these systems can handle it.

Mr. Mercurio made a motion to close the public hearing. Mr. Olean seconded motion. Motion passed unanimously.

Mr. Olean made a motion to continue this matter until next month. Mr. Mercurio seconded motion. Mr. Mercurio wants the Board to take a look at the developer doing a little more than he is currently doing. Obviously, something is going on with our environment where we are having rains like we've never had before. Maybe we need to ask a little more than we've asked in the past of developers. Motion passed unanimously.

b. Marcoux/Gilmore Subdivision AP 15 Lot 47 Public Hearing – 7:45 pm

Kevin Marcoux Reservoir Avenue Preliminary Plan Discussion/

Approval

The list of abutters was read. Chairman Mancini explained the process for the public hearing. First the Town Planner will make a presentation, then the developer, the Board will ask questions, and then the public may speak. The development is here for consideration for combined Master Plan and Preliminary Plan.

Mr. Ranaldi stated that he made a mistake on the agenda. It should have been down for a Preliminary Plan discussion and approval. The Board took a vote on May 24, 2006 and that is noted in the TRC report. Chairman Mancini stated that he is concerned with what is on the agenda – the public hearing will be held but he will not call for a

vote until next month.

Mr. Ranaldi stated that this is subdivision under the 2005 Subdivision Regulations and is the subdivision of one lot into two single family residential lots. It was elevated to a Major Subdivision due to the request of the waiver for the 2 ½:1 lot to width ratio. The applicant presented evidence that what they are proposing to do is out of necessity. The lot is unique with significant ledge outcropping. As opposed to taking the ledge out and damaging a public water supply line in the road that services both Lincoln and Pawtucket, the applicant proposed to ask for a waiver. The Board and TRC were receptive to the waiver. There are not wetlands on the property. The Engineering Dept. requires French drains for the house as a condition of approval. No finished floors or basements shall be constructed at or below the seasonal high ground water level as a condition of approval. A sedimentation and erosion control plan is required at the building permit application. Public water and sewer is available. A permit is needed from NBC as a condition of approval. Final plan approval is needed from the LWC. The TRC recommended that plan be approved with the conditions that were noted.

Frank Testa of Marsh Surveying represented the applicant. They are seeking approval of a two lot major subdivision and are seeking relief for the 2 ½:1 ratio lot width and depth. This lot could be approved without the waiver, but there is a massive amount of ledge outcropping. A photo was submitted showing the ledge.

Mr. Mercurio stated that it is almost impossible to blast without rocking the neighbors' houses. How do you plan on putting a house on a lot with this much ledge? Mr. Testa stated that he was not aware of any test borings being done in that location to verify that blasting is necessary to put in a foundation. Mr. Mercurio thinks it would be prudent to do test borings. Mr. Testa stated that the ledge is not verified that there is ledge outcropping in the location of the proposed foundation.

Norman McCaw of 289 Reservoir Avenue stated that he is an abutter. He remembers when the Pawtucket Water department proposed putting in a new tank – they assured everyone there was only a small amount of ledge. Once excavation was started, there was ledge right up front. The trucks were rolling up and down the road for several weeks. His house was not affected by the blasting. He has been in the area for over 40 years and he knows that the Gilmore's home is built on ledge. If any blasting is necessary, he wants pictures taken of his house. Chairman Mancini stated that if blasting is necessary, there are certain procedures to be followed. Ms. Wiegand instructed the Board that a pre-blast survey is not required, but that the Board could make it as a condition of the subdivision. Mr. McCaw showed the Board pictures of his back yard and the water from the rain. With the ledge, the water has no where to go. Chairman Mancini assured him that if blasting is necessary, a pre-blast survey will be done. Mr. Testa stated that the architect has developed an alternative

foundation as a slab if ledge is in the area. They are going to do everything to avoid blasting. Mr. Mercurio asked if a radon test was required. Ms. Wiegand stated that is part of the building permit process.

Patrick Crowley arrived at meeting at 8:25 p.m.

Mrs. Gilmore stated that she was under the impression that a vote would be taken tonight. Is the reason that Mr. Ranaldi made a mistake on the agenda? Chairman Mancini stated that the Board does not normally vote on the same night as the public hearing. The Board likes to hear the concerns of the abutters and try to address those issues, such as blasting. Mrs. Gilmore stated that the house would be built on a slab if there was too much ledge. Chairman Mancini explained that is the normal procedure of the Board. Mrs. Gilmore asked if all of the concerns were addressed, if a vote would be taken at next month's meeting. Chairman Mancini stated that a vote would have to be made before August 23rd. Mr. Testa asked if final plan approval could be delegated to the Administrative Officer. Chairman Mancini stated that the Board would consider that and suggesting asking for it again next month.

Mr. Gilmore stated that the issue of the ledge – the ledge is on the right side of the driveway and did not want to go through the expense of the driveway. The proposed location of the house is the best place to build the house. Mr. Mercurio stated that he understood and has a

similar lot, but found out there was ledge where he did not think there was ledge. He would like to see test borings done.

Mr. Lund made a motion to close the public hearing. Mr. Mercurio seconded motion. Motion passed unanimously. Ms. Wiegand stated that if there was ledge, a slab on grade would be required. If blasting is necessary, a pre-blast survey would be a condition of approval.

Mr. Olean made a motion to table the matter until next month. Mr. Lund seconded motion. Motion passed unanimously.

c. JCM Estates AP 26 Lot 2 Master Plan Discussion/
JCM, LLC Jenckes Hill Road Approval

Mr. Ranaldi stated that this is under the 2005 Subdivision Regulations and is the subdivision of one lot into two single family residential lots. The reason that it has been elevated to a major subdivision is due to the project's request for several waivers. The application received a Certificate of Approval on May 11, 2006 and the Board has until September 8, 2006 to make a decision. (It should be noted that Attorney Michael Kelly granted an extension on May 24, 2006 until October 8, 2006.) The TRC and the Engineering Dept. have reviewed the application and noted several deficiencies that the applicant has not overcome yet. There are three pages of notes in the TRC report. Chairman Mancini asked Mr. Mancini if he had reviewed the TRC report.

Mr. Mancini stated that he is representing JCM, LLC. It has been elevated to a major subdivision and is at Master Plan level of review. The last time the applicant appeared, they were seeking a number of waivers – granite curbing, sidewalks. They have since removed all of the waivers and are no longer seeking any waivers. A sidewalk waiver is not needed – there will be sidewalks. The road will be built to town standards. It is still a major subdivision due to the public road. They have gone through the TRC and will answer the questions in writing. As far as the comments that this project does not purport to the Town's Comprehensive Plan, they want the opportunity to address that specifically in a report. It is important to note that they are at Master Plan stage. The Master stage is a conceptual layout stage. Some of the items being requested are addressed at the Preliminary Plan stage. They therefore argue that they have met all of the requirements of the subdivision regulations and the check list and most importantly met the requirements under RIGL 45-23 which speaks to the conceptual layout that the applicant must present at Master Plan stage.

Mr. Rosen stated that last month they were seeking a waiver on the width of pavement. They have adjusted that from 24' to 30'. Granite curbing will be installed. No waiver is needed for sidewalks. There are a few issues with existing structures on the remainder of the lot and those not meeting setback requirements, modifications were made to go forward with the existing dwelling as is and provide an

appropriate building envelope for the remaining lot and the proposed lot.

Mr. Ranaldi stated that this application has not sufficiently addressed to the TRC's satisfaction, the concerns at Master Plan stage. If the TRC sees a lot that may have a problem being developed, we ask the developer to prove it at Master Plan stage so we are not wasting everyone's time. The applicant does not address environmental impact or storm water runoff. He has a letter from the LWC that some elements proposed are not acceptable. The TRC has significant concerns regarding this application and the health and safety of the residents. The public works department is adamant that this is not a high quality appropriate design and has an issue with one very small cul de sac servicing one new housing lot. There are quite a bit of elements against this project at this stage. The TRC would be happy to examine additional designs, but feel the options are very, very limited.

Mr. Mercurio asked Mr. Mancini if he is prepared to address the issues tonight or would like to come back when he is more prepared. Chairman Mancini stated that a subdivision can not be approved or denied without a public informational hearing. He would recommend having a public informational hearing at this point in time. If the developer could convince the TRC that some changes could be made, he has a month to do that. The Board can not sit here month after month to consider whether or not this is a good plan. The Board has

to move forward and have a public informational meeting so the Board can approve or deny the application.

Mr. Mancini stated that the Board has 120 day period in which to act. And clearly the developer is before the Board to request a public informational meeting. Mr. Mancini stated that he would agree with Chairman Mancini's statement if the developer had not made any changes to the plan. There were deficiencies in the last TRC report and the developer has responded to them. There are now some other deficiencies that the TRC has brought up. Specifically, there is a whole paragraph of substantial language in regards to the Comprehensive Plan and the consistency of this project with the Comprehensive Plan. He would ask that they have the opportunity to address those items and clarify the record and respond to the TRC prior to going to an informational meeting. Secondly, some of the TRC's comments do not conform to the state's statute of requirements and the notion of requiring us to prove that the subdivision is buildable at Master Plan does not conform to what the state's statute requires you to do at this level. We are not required to prove at Master Plan that the project is consistent with the Comprehensive Plan, that the project shows physical and permanent access. Specifically, the requirements that the Board is required to find under RIGL 45-23-31 are to be done before final approval. He wants to make sure that he is clear and that his client's rights are preserved with that. Given that, he would ask that the developer have the opportunity to address the TRC's current comments in writing

and be before you at the next hearing and then go forward with the public informational hearing. He thinks that he will be at a deficient situation if they have the hearing without addressing the TRC's reviews and recommendations. Chairman Mancini stated that the Board tends to have to enjoy a public hearing and the opportunity with the time frame of 120 days to carry for another month if necessary. He would rather have the public informational hearing. If there are issues that are not resolved at the public hearing, or there are questions by the Board, the Board has given the developers every opportunity to be successful.

Mr. Mercurio made a motion to move to public hearing. Mr. Olean seconded the motion for discussion. Mr. Olean feels that the Board should move forward and the developer has sufficient opportunity to address the TRC before going to the public hearing. Mr. Mercurio stated that he wanted to move the project forward is that it will behoove the applicant and the Town to address these issues so that they are fully resolved before the public hearing. Motion passed unanimously.

COMPREHENSIVE PERMIT

a. Manville Crossing AP 37 Lot 73 Comprehensive Permit Review
Jerry Sahagian Central & Spring Sts. Discussion/Approval

Chairman Mancini stated that a public hearing was held last week

and the Board recommended that the project be considered tonight for a vote.

Assistant Solicitor Paul Brule recused himself from this matter.

Mr. Ranaldi stated that this is the first Comprehensive Permit that has come to the Town after the legislation for affordable housing has been amended and since the Town has developed and approved and adopted their Affordable Housing Production Plan. This application is one lot – on this lot are three buildings with three residential dwelling units each. There are nine units on one lot. The applicant has proposed subdividing into three lots. Each building will have its own lot. They will share the parking area with cross easements. To do that would need a lot of zoning relief. They have come forward with a Comprehensive Permit and the applicant is willing to dedicate three units as affordable units.

Mr. Mercurio asked what the reason is to subdivide one nine-unit development into three three-unit developments. Mr. Ranaldi stated that finances are the reason. Right now, for that property to be put on the market, it would be classified as a commercial development. The pool of buyers for that development has shrunk to a commercial market for commercial investors. By dividing it into three three-unit houses, it is opened up to homeowners unrestricted. If someone wants to buy a house and rent out two units, they could supplement their rental income for their mortgage. Mr. Mercurio asked how it fits

in with the new zoning criteria. Mr. Ranaldi stated that the zoning in that area is RG-7 and will stay that way. Some of the lots are below 5,000 sq. ft. and will be non-conforming lots, but are permitted through a Comprehensive Permit. When someone buys a house, the finance company asked if the property is zoned correctly and require a zoning certificate. This property would have a Comprehensive Permit certificate. Everything is existing – the buildings, the nine units, the utilities, the parking, etc. Mr. Mercurio was concerned that the Town would end up with three non-conforming lots but Mr. Ranaldi answered his questions. Mr. Ranaldi stated that this is a good opportunity for the Town.

Mr. Lund commented that he agrees with Mr. Ranaldi but thinks there should be separate utilities. All three sewers are tied into one discharge – one lateral. He has dealt with this so much lately. He feels that each house should have its own lateral. Mr. Ranaldi stated that it is a balancing act. In this case, everything is existing and working. If it was a new development with raw land, everyone would have to have their own lateral. Mr. Lund stated that he disagreed and that the sewers should be separated – putting laterals in the street is not a difficult job. Chairman Mancini stated that sometimes you have to look at the exceptions – and this is one of them. He doesn't believe this would be a show stopper. Mr. Mercurio asked since the Board routinely asks for laterals, would not asking for the laterals constitute a waiver. Chairman Mancini stated that under the Comprehensive Permit, there are a number of waivers they are

looking for, not only subdivision regulations but zoning regulations. This is a good Comprehensive Permit to start off with. The Town is getting three affordable units without costing us additional housing. If you drive by there a year from now, you will not see any difference. Mr. Ranaldi stated that the Town is hoping that with home ownership, the property will be improved. Mr. Lund stated that he is not opposed to the project at all. He is just concerned with the sewer lateral – there could be a big problem down the road if repairs are needed. Chairman Mancini stated that could be a consideration at the time of sale.

Mr. Crowley stated that he thinks it is a great idea but wanted to know what would happen to the affordable housing aspect once these units are flipped. Mr. Ranaldi stated that the affordable housing aspect is written into the deeds and would be monitored by RI Housing. Mr. Crowley stated that his concern is that the owners could sell the units as condos. Mr. Ranaldi stated that in the deeds, one unit would be restricted to affordable. Mr. Crowley asked if the owners converted to condo ownership, would one of the units sold be sold as affordable housing. Chairman Mancini replied yes.

Mr. Ranaldi stated that the TRC recommended approval with conditions. The Zoning Board's advisory opinion was transmitted to the Board. He would like the Zoning Board's opinion entered into the motion for approval. Right now, we are setting the ground work for future Comprehensive Permits. We are hoping that the Solicitor's

office will do a fine job as Mr. Ross did with his opinions. His five page opinion addressed the requirements in depth.

Mr. Olean made a motion to accept the TRC's recommendation, enter the Zoning Board's advisory opinion, and approve the Comprehensive Permit. Mr. Mercurio seconded motion. Motion passed unanimously.

Mr. Olean made a motion to delegate final approval to the Administrative Officer. Mr. Crowley seconded motion. Motion passed unanimously.

b. Albion Place AP 32 Lot 44 Comprehensive Permit Review
Albion Place, LLC Main Street Discussion/Approval

Mr. Ranaldi stated that this is a Comprehensive Permit. The existing site has fifteen condominium units at market rate. The structure is three floors. The applicant is proposing to add a building and propose six additional condo units, two of which will be established as affordable units. Now you have condo units that are ownership units, not rental units. This structure would be attached to the existing structure. They meet the parking requirements. Some zoning relief is needed. The TRC has reviewed this and as a process set up for the last applicant, the Board looks at the application, the Board will authorize a public hearing and move forward. The TRC reviewed it and feel that they are at a significant stage in the

development. Water and sewer is available. Drainage has been addressed. A traffic safety analysis was done and there is sufficient sight distance for the road. For the site plan, the TRC had a few comments. The site is surrounded by a variety of housing units. It is set back from the road with a vegetative buffer around it. The TRC recommends that the applicant add a few more under story plantings to the buffer along the road. Some pavement would be removed to make it more uniform and rip rap at the entrance. Parallel parking is proposed at the top of a bank – a wooden guard rail is recommended. The TRC believes that the application has merit and would afford the Town two more affordable housing units. A public hearing is recommended at the Preliminary Plan level. The TRC feels that this is at an advanced stage – everything is existing except for the new building. Chairman Mancini pointed out to the Board that a Comprehensive Permit could be considered at the Preliminary Plan level if it meets all of the requirements, as opposed to going to Master Plan. In many cases, you will have a developer that is going to build affordable housing and would go through all the stages. It would benefit the developer to not have to provide all of the information at one time. In this case, everything is existing. If the TRC feels that they meet the requirements at Preliminary Plan level, then the Board can consider that.

Mr. Olean stated that in his point of view, the next step is to go to the Zoning Board, then a public hearing. Mr. Ranaldi stated that the Board will have the advisory opinion before the Board votes on it.

Chairman Mancini stated that even if a public hearing is held without all of the information, the hearing can be continued. Mr. Olean is concerned that as the Board goes forward, they are doing the same thing as the last applicant. Mr. Ranaldi stated that in the future, there will be raw land developed with affordable housing units. In that case, there will be a Master Plan and Preliminary Plan level. Mr. Olean stated that he wants the public to be aware of the Zoning Board's opinion.

Attorney Peter Ruggiero represented the applicant Albion Place, LLC. One of the applicants, Robert Brown is present along with Richard Lipsik of Waterman Engineering. Mr. Ruggiero stated that the TRC has seen this before. The applicant applied for a use variance from the Zoning Board, but withdrew the petition before it was voted on. The use variance standard is very difficult and they were not confident that that was the right way to go. In consultation with Mr. Ranaldi, the concept came about to bring it forward as a Comprehensive Permit with the two affordable housing units. They are in agreement with the conditions set forth by the TRC and would ask the Board to combine Master and Preliminary Plans stages of review and set up a public hearing.

Ms. Wiegand stated that she spoke to the engineer and feels that the drainage calculations can be met. She also spoke to the sewer supervisor regarding the sewers. She had a conversation with the LWC and some updates may be needed, but otherwise the utilities are

fine. The town is looking at curbing at the entrance to better define the entrance and have controlled access. Mr. Lipsik stated that after speaking with Ms. Wiegand, he has the final drainage calculations and the curbing and asphalt plans prepared.

Mr. Ruggiero stated that he is prepared to go before the Zoning Board. This is an existing property with fifteen individually owned units. Mr. Brown converted this from an apartment structure to a condo and retained the development rights to six additional units. The concept would be: four units at market rates of $240,000 and the two affordable at $136,000 range – 80% adjusted median income value. These would be funded through a program through RI Housing and again restricted to 30 years and monitored so any re-sales during those 30 years would be tracked, monitored, and enforced. These units would be counted toward your affordable housing.

Mr. Lund commented that backflow prevention has to be updated. He wanted the developer to be aware.

Mr. Lund made a motion to combine Master Plan and Preliminary Plan and move to public hearing. Mr. Olean seconded the motion for discussion. He wants to be sure that the application is sent to the Zoning Board. Motion passed unanimously.

Mr. Olean asked Mr. Ruggiero if he purchased an affordable unit, would he have to sell it at the same price that he paid. Mr. Ruggiero

stated that a minor inflation factor adjustment between points of sale. The sale would be restricted to 80% of LMI. Mr. Olean asked if you would have to live in the unit for 30 years. Mr. Ruggiero stated that the unit could be sold, but the buyer would have to qualify to remain affordable.

MAJOR LAND DEVELOPMENT REVIEW

a. Lincoln Ridge Business Park AP 41 Lot 58 Preliminary Land Development Plan

Polseno Properties Mgt., LLC Geo, Washington Hwy. Discussion/Approval

Mr. Ranaldi stated that this application has received Master Plan approval. They are in front of the Board for Preliminary Plan. They received a Certificate of Completeness on June 19, 2006 and the Board has until October 17, 2006 to make a decision. This is the development of a fifteen acre commercial lot in phases. The first phase is one building. The applicant addressed all of the TRC's and Town's regulations. There are two concerns – one is public water – which has been successfully resolved. The public water will be coming from Smithfield. The Albion Fire District has verbally approved the plans but written confirmation is required as a condition of approval. The next step is a public hearing.

Mr. Olean asked if this development would go before the Area of

Planning Concern. Mr. Ranaldi stated that it would go before the APC for landscaping, etc.

Mr. Mercurio made a motion to move this matter to public hearing. Mr. Lund seconded motion. Motion passed unanimously. Chairman Mancini stated that this public hearing will be at the Preliminary Plan level on July 26, 2006. Mr. Ranaldi will notify JCM Estates that their informational meeting will be changed to July 19, 2006.

There being no further business to discuss, on a motion made by Mr. Crowley and seconded by Mr. Mercurio, it was unanimously voted to adjourn. Meeting adjourned at
9:30 p.m.

Respectfully submitted,

Margaret Weigner

Attached June TRC Report:

On June 19, 2006 at 2:00 pm, the Technical Review Committee met to review the agenda items for the June 28, 2006 Planning Board meeting. In attendance were Al Ranaldi, Russell Hervieux, Kim

Wiegand, John MacQueen, and Diane Hopkins. Below are the Committee's recommendations:

Major Subdivision Review

a. Sables Road Subdivision – Phase 1 AP 44 Lot 33 Public Hearing – 7:15 PM

- Leslie W. Sables Angell and Whipple Road Preliminary Plan Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into 17 single-family residential lots. The project is proposed to be reviewed in two phases. Phase one represents the development of 9 single-family residential lots and one new cul-de-sac. Phase two presents the development of 8 single-family residential lots. On April 26, 2006, the Preliminary 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 master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Phase one of the Preliminary Plan must be made by August 24, 2006 or within such further time as may be consented to by the applicant. This project is before the Board for a Public Hearing. Below is a recap of last month's TRC recommendations on this project.

The Technical Review Committee and the Engineering Division have reviewed the proposed development according to the Lincoln Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The latest submission included a set of 21 sheets entitled "Preliminary Plan Submission for Phase I, Sables Road Subdivision", Lincoln Rhode Island, AP 44 Lot 33, prepared for Leslie W. Sables by Commonwealth Engineers & Consultants, Inc., dated May 5, 2006. Additional material received includes a report entitled "Stormwater Management Analysis" revision date October 28, 2005 prepared by the above consultant for the above applicant. Soil evaluation logs performed by a certified soil evaluator were previously reviewed.

Wetlands

The proposed subdivision requires an approval from Department of Environmental Management (RIDEM) Wetlands. The Town sent a letter in December 2005 to RIDEM Wetlands notifying them that the developer has the authorization from the Town to include improvements to East Lantern Road and Lantern Road in Lincoln as a part of their application. According to the applicant's consultant, the permit application is pending. A RIDEM Wetlands permit that includes both Phases 1 and 2 is required as a condition of approval.

Drainage

There are existing drainage problems and seasonal high groundwater

in the area of the project. The Town has reviewed the drainage report for the proposed development. The two detention basins and the drainage collection system have been sized and located so as to mitigate storm water flow from the site. Phase 2 must show the swale in front of the proposed lots on East Lantern Road to be maintained by the individual property owners as a restriction on their deeds.

Groundwater

Groundwater is a significant problem in this area. No form of subdrains will be allowed to drain onto the road or abutting properties. The Town Engineer did not witness the excavations; however, the engineer submitted information from a certified soil evaluator for test pits in the locations of the two proposed detention basins and other locations. The bottom of the two detention basins appears to be set above the seasonal high ground water elevation. A condition of any approval must also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.

Sanitary Sewers

The design as well as the ownership, maintenance and operation of the proposed pumping station will be through a private homeownership association. The TRC and the Town have reviewed this option and consider this arrangement to be acceptable. The association agreement must be approved by the Town solicitor as a condition for approval. The design and specifications for the pump

station must be approved by the Department of Public Works. The force main and gravity sewers in the public road and utility easements are proposed to be owned and maintained by the homeowners association and accessible to the Town in case of an emergency. The developer must also provide a generator for the Rollingwood pump station, as agreed in discussions May 2006 between the Department of Public Works, the applicant and his attorney, as a part of mitigating the impact to the existing area's collection system. This item is included in Phase 1. Preliminary approval will require approval from Narragansett Bay Commission for sewer discharges as a condition of approval.

Public Water Service

The developer stated that he has negotiated an acceptable waterline design with the Lincoln Water Commission (LWC). The homeowners association will be responsible for the water lines within the development. The Town has not yet received any written approval for the project from the LWC. A written approval from the LWC is required as a condition of approval.

Cemetery

It appears that only filling, not excavating is proposed within 25 feet of the existing cemetery. The owner of the cemetery should be determined, if possible, or easements associated with it. Access to the cemetery has been provided from the proposed cul de sac.

Traffic

Phase 2 must show the off site road improvements to Lantern and East Lantern Roads and an easement to provide adequate sight distance for vehicles turning the corner on Lantern Road at East Lantern Road, as specified in the master plan approval. The easement must describe the property owners' and the Town's responsibilities.

Site Design/Plan

Two of the lots have less than the minimum buildable area due to zoning setbacks, wetlands and/or easements. These are the following:

- **Lot 6 does not appear to have a sufficient building envelop to construct a house. The setbacks shown are incorrect. This lot cannot be approved as drawn.**
- **Lot 10 contains less than 40,000 square feet of buildable area, as defined in the Subdivision Regulations. This lot is not approved in its present configuration as a part of Phase 2.**

Many of the concerns presented above have been addressed by the applicant. The TRC feels that the applicant should incorporate any further concerns the public and the Board may have about this project and return next month for review during the next regularly scheduled Planning Board meeting in August.

b. Marcoux / Gilmore Subdivision AP 15 Lot 47 Public Hearing - 7:45 PM

- Kevin Marcoux Reservoir Avenue Preliminary Plan Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The proposed project is classified as a Major Subdivision due to the project's request for one subdivision regulation waiver of the 2 ½ : 1 lot to width ratio. On April 25, 2006, the Preliminary 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 master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan must be made by August 23, 2006 or within such further time as may be consented to by the applicant. During the May 24, 2006 Planning Board meeting, the Board voted to elevate this project to the preliminary plan stage. This project is before the Board for a Public Hearing. Below is a recap of last month's TRC recommendations on this project.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The

submission includes a set of plans entitled "Preliminary Plan" and "Record Plan" AP 15 Lot 47, Reservoir Avenue in Lincoln, Rhode Island, prepared for Kevin Marcoux by Marsh Surveying Inc., dated April 20, 2006. Other information received included a photograph of the driveway opening and notification of sewer availability from the sewer supervisor.

Wetlands/ Drainage

No wetlands appear to be present on the property and none were located by the surveyor, as noted on the plan. The drainage on Reservoir Avenue has existing problems. In order to prevent any adverse impact to the existing properties and the road, the Engineering Division recommends that the new house must have onsite drainage attenuation such as dry wells to capture the roof runoff as a condition of any approval. The subdivision plan shows a proposed dry well. Building plans will need to show the manufacturer's installation specifications and detail. 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 located by a certified soil evaluator.

Erosion controls

Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site. Any construction entrances will also need to have stone construction pad, unless the existing asphalt

driveways are used as entrances.

Utilities

The new lot is proposed to be connected to public water and sewer. The sewer supervisor has stated that public sewers are available. The applicant must obtain a permit from Narragansett Bay Commission for sewer discharge as a condition of approval. The applicant has applied for approval for water service to the proposed new lot from the Lincoln Water Commission (LWC). Per a telephone conversation with LWC staff, the plan for water service was initially not approved, however, the applicant will be submitting a new plan. The applicant must obtain approval for the new service as a condition of this subdivision.

Subdivision Waiver

As noted above, the proposed subdivision would require a waiver of the subdivision regulation of the 2 ½ : 1 lot to width ratio. The TRC reviewed this request and determined that the request is due to existing physical constraints of the lot. Currently, the lot contains a large amount of ledge within the front portion of the site. The application contains a photograph of the existing ledge outcropping. The proposed design represents a realistic solution to this constraint. The applicant could eliminate the waiver but significant ledge would have to be removed and the existing driveway would have to be reconfigured. The TRC feels that the proposed design and requested waiver is realistic and represents good land development. Therefore,

the TRC recommends that the waiver be approved.

Record plan

Granite bounds must be shown on the final plan marking the location of the new property corners. The issue of the abutter's fence located on the property must be resolved by the owner.

Based on the above noted minor concerns, the TRC feels that the application fulfills the requirements of a preliminary plan submission. If there are no significant changes or concerns brought out at the public hearing, the TRC recommends Approval with Conditions for this project. The TRC also recommends that the final plan be delegated to the administrative officer.

c. JCM Estates AP 26 Lot 2 Master Plan

- JCM, LLC Jenckes Hill Road Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The proposed project is classified as a Major Subdivision due to the project's request for several subdivision regulation waivers. On May 11, 2006, 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 master

plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan must be made by September 8, 2006 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 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Master Plan Submission for JCM Estates Major Subdivision," on Jenckes Hill Road AP 26 Lot 2, in Lincoln, Rhode Island, prepared for JCM, LLC by Commonwealth Engineers & Consultants, dated December 2005, revision date 6/9/06. Other information previously received included a letter from the Lincoln Water Commission dated May 5, 2004, a letter from Natural Resource Services, Inc. dated April 30, 2004 and a letter from Ecotones, Inc dated May 23, 2005. In addition, the applicant had previously submitted an "Environmental and Community Impact Report" prepared by the above engineer dated December 2005 for the above project.

Wetlands

Natural Resource Services, Inc. performed a wetlands delineation for the project area. According to their letter, there are no RIDEM jurisdictional wetlands located on site. This is not the same as a verification of wetlands from RIDEM. A letter of non-jurisdiction or an approved permit from RIDEM is required as a condition of the

subdivision approval. This condition is consistently required for a majority of Planning Board applications.

Drainage

Storm water runoff from the Jenckes Hill Road flows into a low point in front of and onto the subject property. A headwall is proposed to channel flow into an existing culvert that crosses Jenckes Hill Road within the state highway ROW. This would need to be approved as a part of the RIDOT Physical Alteration Permit. This culvert connects to existing storm drains in Stoneybridge Drive. The discharge from these storm drains ultimately flows to a detention basin in the Rollingwood subdivision. Due to high groundwater infiltration and groundwater discharges, increasing flow to this system is not acceptable.

Per the Town ordinance, a sedimentation and erosion control plan, also known as a storm water pollution prevention plan is required. Although there may be no direct discharge to wetlands, there would be discharge to waters of the state through the existing drainage system which would trigger a RI Pollution Discharge Elimination Permit for construction activity from RIDEM.

The drainage has been revised in this plan. There are no proposed drainage structures at the end of the proposed cul de sac. Previously, drainage was directed towards an abutter's property. No proposed grades on road are shown; however, catch basins are located on the proposed road, adjacent to the state highway. These plans do not appear to propose water quality or quantity mitigation

for the increased surface water runoff from the proposed development.

Based on the above, these plans are not consistent with the purposes and/or findings required in Section 5 of the subdivision regulations. The following standards have not been met:

- **(3) "There shall be no significant negative environmental impacts from the proposed development…",**
- **(7) "Each subdivision shall provide for … adequate surface water runoff" and**
- **(8) "The design and location of streets, buildings lots, utilities, drainage improvement and other improvements shall minimize flooding and soil erosion."**

Utilities

The new lot is shown to be connected to public water and sewers. No documentation of availability for these utilities has been submitted to the Engineering Division. The "Environmental and Community Impact Report" (report) incorrectly stated that "the Town of Lincoln Public Water Supply" will service the additional subdivision lot. This was incorrect; the public water supply is the Lincoln Water Commission. While the existing lot is presently serviced by public water, service to an additional lot has not been obtained. The applicant received a letter stating that water is available from the Lincoln Water Commission. However, the letter is two years old. Approvals for water service are good for only one year. In addition, according to the letter, the service was not indicated, so no proposed

water system could be approved.

The Lincoln's sewer supervisor conveyed to the Engineering Division in 2004 that sewer service was available to AP 26 Lot 2. This notification did not indicate that any system of connection had been approved, or that any additional connections had been approved. The developer must obtain a permit from Narragansett Bay Commission for the sewer discharge.

Traffic/Proposed Road

Jenckes Hill Road is a State road and requires a Physical Alteration Permit from RIDOT for any new access or new land use. A permit must be obtained as a condition of this subdivision. The proposed road has been revised to conform to the standard thirty

foot wide road with granite curbs, as required by the regulations. The regulations require sidewalks. None are shown. The applicant is requesting a waiver of this standard. The TRC considered this waiver. The applicant does not present any reason as to the need for this waiver. The Planning Board has consistently reviewed and assessed the requirement for sidewalks for all applications involving new roads. This waiver has been granted in the past as well as denied. The TRC defers to the Planning Board as to granting this waiver.

Site plan and design

Due to the known seasonal high groundwater in this area, a condition of any approval must also include the specification that no finished

floors or basements shall be constructed at or below the seasonal high groundwater elevation, as located by a certified soil evaluator. A certified seasonal high groundwater elevation must be established prior to the release of any building permits. A note on the plans indicates that this condition will be met. This must be required as a condition of the subdivision approval. This condition is consistently required for a majority of Planning Board applications. The driveway for the original house has been revised to be eliminated and the existing shed removed. A breezeway is proposed to be removed to meet zoning regulations.

Consistency with the Comprehensive Plan and Land Development and Subdivision Regulations

The Technical Review Committee feels that the project is inconsistent with the Lincoln Comprehensive Plan. The general and town wide goals, objectives and policies presented in the Comprehensive Plan have created the basis for the development and establishment of the Town's Land Development and Subdivision Regulations (the Regulations). As presented in the Land Use element of the Comprehensive Plan, the Town of Lincoln has been successful at managing its land use development by following the Comprehensive Plan and the Zoning and Subdivision Regulations. The 2003 Comprehensive Plan Update points out that the pressure to deviate from these plans will become greater as the amount of available vacant land decreases. This project is a clear indication of the pressures the Town will be confronted with in the future (2003

Comprehensive Plan – Land Use Element).

Within Section 1 of the Subdivision Regulations, the general purposes of the regulations are presented. The regulations were developed and are maintained in accordance with RIGL 45-23 and the Lincoln Comprehensive Plan (which complies with RIGL 45.22.2) and the Lincoln Zoning Ordinance (which complies with RIGL 45.24-27 et seq.). The TRC reviewed the purposes that the regulations are intended to address and feel that this project does not promote or address several of these purposes. Specifically, the TRC feels that this project does not promote or address subdivision purposes number 2 – 5 (2005 Land Development and Subdivision Regulations, page 3).

• Purpose (2) - Promote high quality and appropriate design and construction of land development and subdivision - The project "does not promote high quality and appropriate design and construction of land development and subdivision". It is not appropriate to accept the maintenance for a public road constructed for the sole purpose of creating one new house lot.

• Purpose (3) - Promote the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment - The project does not "promote the protection of the existing and natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment" and does not "provide for adequate surface water runoff". The drainage is

concentrated to a point source that is directed towards an abutters back lawn where a pool and shed are located. The cross culvert is not located to carry existing storm water flow from Jenckes Hill Road to the existing headwall.

• Purpose (4) - Promote design of land development and subdivisions that are well integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can allow the best support for the appropriate uses by reason of natural characteristics and existing infrastructure - The project does not "encourage local design and improvement standards to reflect the intent of with regard to the physical character of the various neighborhoods and districts of the Town". Limerock village is an area where the Town "seeks ways to use less land" for development.

• Purpose (5) - Encourage local design and improvement standards to reflect the intent of the Lincoln Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the town – The project does not "Encourage local design and improvement standards to reflect the intent of the Lincoln Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the town". The project is for the development of one road for one new house and one existing house. Limerock village is made up of neighborhoods. This project does not represent a neighborhood.

The Lincoln Comprehensive Plan states that the Lincoln Land

Development and Subdivision Regulations (the Regulations) must be followed. In the Regulations, Section 1 relates the purposes for the regulations. Specifically the following purpose is not positively addressed:

• The project "does not promote high quality and appropriate design and construction of land development and subdivision". It is not appropriate to accept the maintenance for a public road constructed for the sole purpose of creating one new house lot.

Following the above noted analysis of the proposed project, the Technical Review Committee finds that it would be extremely difficult for the applicant to successfully address all or even most of the presented concerns. Therefore, the Technical Review Committee recommends that this Master Plan application be denied.

Comprehensive Permit

a. Manville Crossing AP 37 Lot 73 Comprehensive Permit

- Jerry Sahagian Central and Spring Street Discussion / Approval

Below is a recap of the Technical Review Committee's recommendations for this project. This application was placed on the agenda for this meeting to give the Planning Board the option to discuss and/or vote on the project.

This application is to be reviewed under RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production

Plan and the recently amended Town ordinance entitled "An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53".

This application represents the subdivision of one lot into three lots. The current parcel contains three buildings and associated parking. Each building contains three dwelling units for a total of nine dwelling units. The buildings, parking and public infrastructure are all existing. This proposal entails subdividing the property into three lots thereby permitting greater latitude in the usage and marketability of the separate properties. The present configuration renders rehabilitation and homeownership difficult considering financial institutions treat properties such as this one as commercial apartment complexes unlike triplexes that are defined as residential dwelling units.

In order to accomplish the above subdivision, numerous subdivision waivers and zoning relief would be required. Therefore, the property owner is proposing a Comprehensive Permit with the establishment of three affordable housing units – one unit per building. While Comprehensive Permits have been controversial in the past, this unique proposal represents the conversion of already existing buildings and infrastructure. No new construction is proposed. Any community services are presently being furnished by the Town to the residents of the complex.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled "An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53", the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Preliminary – Lincoln Manville, RI – Minor Subdivision of Land for Gina M. Sahagian & Tina T. Grilli – Class 1 Survey of AP 37 Lot 73, Central Street & Spring Street by Marsh Surveying Inc. – Dated December 5, 2005" and narrative report by Edward Pimentel, AICP entitled, "Comprehensive Permit Application – Three-Lot Minor Subdivision Application – Existing 9 units – Three-Units per Lot, Respectively – Intersection of Central Street and Spring Street, Lincoln RI Assessor's Plat 37, Lot 73"

The TRC reviewed this application in light of the Town's Affordable Housing Production Plan. As outlined in this plan, the town has several tools it can use to encourage the establishment of affordable housing. One such tool is Comprehensive Permits. Comprehensive permitting has been controversial in the Town of Lincoln. Before the moratorium on comprehensive permit applications by for-profit developers was passed by the state legislature, developers had used the comprehensive permit process to propose large developments

with 100% density increases and 20% affordable housing. However, depending on the situation and how it is used, comprehensive permitting can be an asset and useful tool for a municipality. There are a number of examples of affordable housing developments throughout the State that have utilized the comprehensive permit process in a way that is beneficial to both the developer and the town. Comprehensive permitting provides flexibility and allows a Town to negotiate with developers to reach an agreement acceptable to both parties. The Town can offer a limited density increase or other incentives, such as relief from zoning or subdivision regulations such as parking, set back requirements, and curbing, in exchange for a percentage of the development being set aside for affordable housing. The Town may designate certain areas as suitable for affordable housing developments, in a density greater than that allowed by current zoning. Even if a developer is not seeking relief, comprehensive permitting offers an expedited review process that can save a developer time and money in reduced holding costs, interest, and taxes in exchange for a percentage of affordable units being built within the project.

The Lincoln Town Council has passed an ordinance specifying procedures for applying for a comprehensive permit. This ordinance establishes a Certificate of Completeness process, which lists the items to be included in a comprehensive permit application. On May 2, 2006, the application received a Certificate of Completion. RI General Law does not specify a timeframe for review and approval of Comprehensive Permits. The TRC recommends that this and future

Comprehensive Permits follow the review process for Preliminary Plan stage subdivisions and also be presented to the Zoning Board for an advisory opinion.

Based on the TRC review of this submitted plans and report and the above noted State law and Town ordinances, the following concerns are presented below.

Wetlands/ Drainage - No new construction is proposed. This project represents existing buildings and public infrastructure.

Erosion controls - No new construction is proposed. This project represents existing buildings and public infrastructure.

Utilities - No new construction is proposed. This project represents existing buildings and public infrastructure.

Record plan - Based on a site visit and the submitted site plan, two mature maple trees will have to be removed to accommodate the proposed parking. The TRC recommends that three new trees be planted on the site in order to replace the existing trees. The TRC recommends that the title of the plans be changed to read "Comprehensive Permit – Lincoln Manville, RI – Minor Subdivision of Land for Gina M. Sahagian & Tina T. Grilli – Class 1 Survey of AP 37 Lot 73, Central Street & Spring Street by Marsh Surveying Inc. – Dated _____". The TRC recommends that a final site plan be developed showing the proposed parking area, trees and locations of all existing

public infrastructure and a final record plan with only the proposed property lines.

Zoning Board Review – During their regularly scheduled meeting on June 6, 2006, the Zoning Board discussed this project and voted to send the attached positive recommendation to the Planning Board. The Zoning Board weighed the impacts of the requested dimensional waivers against the stated need for additional housing for low and moderate income families and individuals. It is the Board's opinion that the local concerns, if any, as a result of the granting of the waivers, would be outweighed by the need to provide low and moderate income housing. Based upon all the evidence presented to the Zoning Board and the findings of fact, the Board unanimously recommended to the Planning Board to grant the waivers from the Zoning Ordinance requested by the applicant and approve the pending Comprehensive Permit application.

Based on the above review of this project, the TRC recommends Approval with Conditions of this Comprehensive Permit. The TRC feels that this project successfully meets all of the requirements of RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled "An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53".

b. Albion Place AP 32 Lot 44 Comprehensive Permit Review,

- Albion Place LLC Main Street Discussion / Approval

This application is to be reviewed under RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled "An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53".

This application represents the development of an additional six (6) dwelling units, two (2) of which are proposed to be established as affordable dwelling units. The proposed units will be added to the existing fifteen (15) unit condominium structure on three floor levels with associated off street parking. The proposed project will meet all existing dimensional and parking requirements. The present zoning district of BL-0.5 (Business Limited) however does not permit multi family residential uses either by right or by special use permit. If the applicant applied for relief of this requirement under the existing zoning regulations, a use variance would be required in order to develop this project.

On June 19, 2006, the application received a Certificate of Completion. According to RI General Law 45-53-4 Section IV, the local review board shall hold a public hearing on the master plan and shall, within one hundred and twenty (120) days of the issuance of the

certificate of completeness, or within such further amount of time as may be agreed to by the local review board and the applicant, render a decision. Therefore, the Planning Board shall render a decision by October 17, 2006.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled "An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53", the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a set of five sheets entitled "Albion Place Condominium", AP 32 Lot 44, Lincoln, Rhode Island, prepared for the applicant, Albion Place LLC, by Waterman Engineering Co., dated June 2006. Included as well in the submission is a Drainage Report prepared by the above consultants for the applicant, dated June 2006 and a Traffic Safety Assessment prepared by RAB Professional Engineers, Inc. dated June 12, 2006 for Waterman Engineering. Based on the TRC review of the submitted plans and report and the above noted State law and Town ordinances, the following concerns are presented below.

Utilities

The existing building is currently supplied with public water. The applicant must contact the Lincoln Water Commission (LWC) regarding service to the development. The LWC must certify that additional water service is available. The LWC's approval must be a condition of approval for development. The Albion Fire Department must approve the development plan for fire suppression.

The existing building is currently connected to public sewers. The applicant must also request positive availability of public sewers from the Town of Lincoln Sewer Division. The applicant is required to apply to Narragansett Bay Commission for approval of the additional sanitary sewer discharge. The plans must show existing and proposed connections to the public sewer. The developer is responsible for any improvements to the sanitary sewer line or connections, if required by the Sewer Division.

Drainage

All proposed new development is required to mitigate peak runoff using onsite infiltration structures to capture roof runoff. Although this mitigation is mentioned in the drainage report, no calculations were given and no structures were shown on the plans. The applicant will need to perform soil evaluations in the proposed locations for the underground systems and design the structures to mitigate water quantity increases for storms up to the 25 year frequency. Plans and details of the infiltration structures are required to be shown on the plans. The property owners will be responsible for the operation and maintenance of the infiltration system and the storm drainage system

on the site.

Traffic

The Traffic Safety Assessment analyzed sight distance, traffic volumes and road safety. The assessment states that requirements for sight distance are met in both directions from the access to the property. According to the assessment, the traffic volume differential is insignificant. There did not appear to be any major road alignment conditions impairing road safety. However, the variable road width in the area of the project is a concern. The TRC recommends eliminating some of the asphalt to make a consistent edge in front of the property. Also, the TRC recommends that in order to better define and stabilize the entrance to the property, curbing should be installed on the radius and/or along some of the frontage. Alternatively, just the radius could be curbed and the shoulder/ pavement edge stabilized with riprap.

Site Plan

Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The property has existing vegetative screening along Main Street which helps reduce the visual impact of the existing building. The TRC recommends that additional under story planting be added to the existing screening to further reduce the visual impact of the building.

The project proposes to add parallel parking along the northern side

of the parcel. This area is next to a steep slope. The TRC recommends that a wooden guard rail be installed along the property line in order to prevent cars from traveling down the sloped area.

Based on the above review of this project, the TRC feels that this project successfully meets all of the requirements of RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled "An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53". The TRC recommends that the application be submitted to the Zoning Board for an advisory recommendation. The TRC recommends that the application go forward to a public hearing.

Major Land Development Review

a. Lincoln Ridge Business Park AP 41 Lot 58 Preliminary Land

- Polseno Properties Management, LLC George Washington Highway Development Plan

Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the commercial development of a single lot containing approximately 15 acres. This project is in front of the Planning Board for a Preliminary Plan Land Development Review. On June 19, 2006,

the Preliminary 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 master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan review must be made by October 17, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division has reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan requirements and standard engineering practices. The plans reviewed were entitled "Preliminary Design Plans- Phase I Lincoln Ridge Business Park, AP 41 Lot 58", Lincoln, Rhode Island, sheets 1-8, prepared for Polseno Properties Management, LLC by Thalmann Engineering Co., Inc., dated November 2005 and revised on March 2006 and April 2006. Additional information received includes:

1. **"Traffic Impact Study, Route 116 Commercial Development, prepared for Thalmann Engineering Co., Inc., prepared by RAB Professional Engineers, Inc. November 2005,**
2. **Drainage Report & Calculations, Lincoln Ridge Business Park, George Washington Highway, AP 41 Lot 58, Lincoln prepared for Polseno Properties Management, LLC by Thalmann Engineering Co., Inc., dated December 8, 2005,**
3. **Lincoln Ridge Business Park- Phase I, Major Land Development,**

George Washington Highway AP 41 Lot 58, Master Plan-Development Impact Narrative, dated December 8, 2005

Based on the submitted documents and plans, the TRC has two minor concerns. Below are the concerns.

The application was reviewed by the Technical Review Committee and the Planning Board during the Master Plan stage and it was determined that public water would be available from the Town of Smithfield. The applicant has verbally assured the Town of Lincoln that the Lincoln Water Commission and the Smithfield Water Commission have approved the applicant's connection plans from Smithfield. The TRC would require a written acknowledgement of this agreement as a condition of Preliminary Plan approval.

The applicant has also verbally assured the Town that the Albion Fire District has signed off on the site plans and building plans. This would have to be documented as a condition of approval.

Based on the above review of this project, the TRC feels that this project successfully meets all of the requirements of the Town's Subdivision Regulations. The TRC recommends that the application move forward to a public hearing.

b. Nafta Mill AP 34 Lot 14 Final Land

- A. F. Homes Old River Road Discussion/Approval

This application is under the 2005 Subdivision Regulations and represents the residential development of up to 41 condominium

units. The subject lot contains approximately 7.66 acres of land and is located in zoning district RG-7 (Residential General). The proposed condominium project is to be serviced by public water and sewer. The buildings will be serviced by a private driveway. No new roadway is proposed.

On October 26, 2005, the project received Preliminary Plan approval with conditions.

The Conditions are as follows:

1. The RIDEM Settlement Agreement and work plan must be approved by RIDEM and submitted to the Town for review as a condition of preliminary plan approval. No construction can be allowed until the work plan is approved.

2. The project will require a Physical Alteration Permit from RIDOT for access to the property.

3. The development is required to obtain approval from the Narragansett Bay Commission as a condition of preliminary approval.

4. The project will require a RIDEM wetlands permit as a condition of approval.

5. The developer is required to provide an independent professional engineer to oversee the installation of the URS systems for this project. Special attention must be given to the review and approval of the geotech fabric before installation.

To date, the applicant has successfully supplied the Town with the Physical Alteration Permit from RIDOT for access to the property, the Narragansett Bay Commission permit for the project, and an

approved RIDEM wetlands permit. The applicant has expressed to the Town and to the Planning Board that they will supply an independent professional engineer to oversee the installation of the URS systems for this project. The Town is still waiting for a RIDEM approval letter for the proposed DEM Settlement Agreement and work plan. Therefore, the TRC recommends that no action be taken at this time.

Zoning Applications (*) - July Zoning Applications

Omnipoint Communications, Inc., 50 Vision Boulevard, East Providence, RI/St. James Church Corp., 33 Division Street, Manville, RI – Use Variance for the installation, operation and maintenance of a wireless communications facility on property located at 33 Division Street, Manville, RI.
AP 37, Lot 198 Zoned: RG 7

Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The TRC recommends Approval of this application. The proposed project represents the installation, operation and maintenance of a wireless communications facility on the property. The applicant is proposing to install color and texture coordinated telecommunication antennas onto the church steeple. The antennas measure approximately 4" deep by 12" wide by 72" long. The applicant proposed to install three antennas to the steeple. All other equipment will be located within

the existing church facility. Based on a site visit, the TRC feels that the applicant presents a realistic site layout that meets the intent of the zoning with special consideration given to the Article 11.A.7.14. The TRC feels that the telecommunication installation will not be detrimental to the surrounding residential neighborhood. The Technical Review Committee feels that the use variance will not alter the general character of the surrounding area and will not impair the intent or purpose of the zoning ordinance, nor the Comprehensive Plan.

Omnipoint Communications, Inc., 50 Vision Boulevard, East Providence, RI/St. James Church Corp., 33 Division Street, Manville, RI – Dimensional Variance for front and rear yard setback and height relief for the installation, operation and maintenance of a wireless communications facility on property located at 33 Division Street, Manville, RI. –
AP 37, Lot 198 Zoned: RG 7

The proposed dimensional variances are to clear up the pre-existing nonconformance of this parcel of land. This lot and existing building was platted and developed before present day zoning regulations. The Technical Review Committee recommends Approval of this application. The TRC finds that the relief requested will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.

Valerie Girouard/Edward Diquinzio, 13 Hillside Avenue, Lincoln, RI – Dimensional Variance for rear yard setback.
AP 3, Lot 118 Zoned: R 9

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends Denial of the application for a dimensional variance. The Committee feels that the application does not meet any of the standards for relief of a dimensional variance 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 feels that the applicant has sufficient room to the side of the property to locate an addition without having to request a variance. The Technical Review Committee feels that the dimensional variance will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Judith Hughes, 8 Lantern Brook Road, Lincoln, RI – Dimensional Variance for rear yard setback for the construction of an addition.
AP 26, Lot 269 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends Denial of the application for a dimensional variance. The Committee

feels that the application does not meet any of the standards for relief of a dimensional variance 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 feels that the applicant has sufficient room to the side of the property to locate an addition without having to request a variance. The Technical Review Committee feels that the dimensional variance will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.