

# **LINCOLN PLANNING BOARD**

**DECEMBER 20, 2006**

## **MINUTES**

**The regular meeting of the Planning Board was held on Wednesday, December 20, 2006, at the Town Hall, 100 Old River Road, Lincoln, RI.**

**Chairman Mancini called the meeting to order at 7:05 p.m. The following members were present: Patrick Crowley, Diane Hopkins, John Mancini, Gregory Mercurio, Gerald Olean and Michael Reilly. Absent was David Lund. Also in attendance were Town Planner Albert Ranaldi, Town Engineer Kim Wiegand and Town Solicitor Mark Krieger. Margaret Weigner kept the minutes.**

**Chairman Mancini advised six members present; have quorum.**

## **SECRETARY'S REPORT**

**Mr. Olean made a motion to dispense with the reading of the October 18, 2006 minutes. Mr. Mercurio seconded motion. Motion passed unanimously.**

**Mr. Olean made a motion to accept the minutes as presented. Mr. Crowley seconded motion. Motion passed unanimously.**

**Mr. Olean made a motion to dispense with the reading of the October 25, 2006 minutes. Mr. Mercurio seconded motion. Motion passed unanimously.**

**Mr. Olean made a motion to accept the minutes as presented. Ms. Hopkins seconded motion. Motion passed unanimously.**

**Mr. Olean made a motion to dispense with the reading of the November 15, 2006 special meeting minutes. Mr. Crowley seconded motion. Motion passed unanimously.**

**Mr. Olean made a motion to accept the minutes as presented. Mr. Reilly seconded motion. Motion passed unanimously.**

**Mr. Olean made a motion to dispense with the reading of the November 15, 2006 regular meeting minutes. Mr. Mercurio seconded motion. Motion passed unanimously.**

**Mr. Olean made a motion to accept the minutes as presented. Mr. Mercurio seconded motion. Motion passed unanimously. Chairman Mancini commended Margaret Weigner for the minutes – four sets of minutes with no corrections, not even a typo.**

**CONSENT AGENDA**

**Mr. Crowley stated that there is a number of items on the Consent Agenda that he needs to recuse himself from. Chairman Mancini stated that any item on the consent agenda could be removed and discussed separately by making a motion. Mr. Olean stated that he would like Inland American Retail Management, LLC removed from the Consent Agenda. Mr. Mercurio seconded motion. Mr. Reilly asked that all five items pertaining to Ken Demers be removed. Mr. Mercurio seconded motion. Mr. Olean made a motion to accept the Consent Agenda as recommended by the Technical Review Committee (TRC) minus the six items that were removed. Mr. Mercurio seconded motion. Motion passed unanimously.**

**Inland American Retail Management, LLC – Mr. Crowley recused himself from this matter. Mr. Ranaldi stated that this is for signage at the Lincoln Mall. The Town has been working with the mall for the last 2-3 years. According to the Zoning Official, Zoning allows 64 sq. ft. per business. They have worked with the mall and have come up with a process that puts a cap on the maximum amount of square footage. The mall was redeveloped and there were problems with the signage; the mall has come back for additional signage. The TRC looked at each request individually and took out some additional signage that the TRC felt was overboard. The TRC added up what was left and came up with the number of 375 sq. ft. of additional signage. Chairman Mancini asked what the mall was originally requesting and Mr. Ranaldi replied over 1000 sq. ft. Mr. Reilly asked if this additional signage was on the pylon signs or the buildings and**

**Mr. Ranaldi replied on the buildings. Sovereign Bank wants to increase their signage from two-sided to three-sided. Mr. Krieger stated that the mall has come before the Zoning Board twice to clarify the additional signage that was granted in September 2004. There were two different decisions that were filed – one decision was that the pylon signs would have 374 sq. ft. and the current application is to clarify and set the total signage for the rest of the mall. A few businesses had banners, which are temporary. The mall management has discouraged the use of banners and they have been removed. Chairman Mancini asked what a temporary sign was and Mr. Krieger explained that a temporary sign is up for less than 15 days. Banners at Payless and Stop & Shop were beyond the temporary usage allowed. The new mall management is cooperating with the Town but there is a need for additional signage. Ms. Green did a presentation before the Zoning Board last month, and agreed to work with mall tenants on signage and return to Zoning in January.**

**Rochelle Green of MB Lincoln Mall, LLC, the new owner of the mall, stated that the previous management were unfamiliar with past requests for signage and filed a second request for 1000 sq. ft. of additional signage to comply with current signage issues and to add necessary signage. Payless does not have a sign. It also wanted to add tenant panels to buildings to list tenants inside the mall. Behind Marshall's, there is vacant space and they would like to obtain signage for future tenants. The package presented to the Board had specific requests that added 1000 sq. ft. and requested an additional**

**280 sq. ft. for future tenants. As she sees it, the TRC went through each request and denied or approved certain requests and came up with a number of 375. The Zoning Board recommended a total cap of 4500 sq. ft, and according to the Zoning Official, the mall currently has 3831 sq. ft. of signage – a difference of 668 sq. ft. The mall finds this figure acceptable – the additional 668 sq. ft. would also include signage for new tenants. Some signs would be denied – such as Sovereign’s request for a third panel. She would like the Planning Board to accept this and make a recommendation to the Zoning Board.**

**Chairman Mancini stated that the Planning Board does not have that much power. The TRC makes a recommendation to the Planning Board, and the Planning Board makes a recommendation to the Zoning Board. The Planning Board cannot increase or decrease whatever the application states. He asked Mr. Ranaldi why the number was changed to 375 sq. ft. if their original application was for more square footage. Mr. Ranaldi stated that the TRC took out some of the mall’s request. Mr. Krieger stated that the Zoning Board chairman suggested a total figure for the mall that is workable. It would be up to the mall to allocate the square footage to tenants. There are currently 48 tenants at the mall. Mr. Ranaldi stated that the TRC looked at the requests and required new tenants to come back before the board to readjust the square footage.**

**Ms. Green stated that while advocating before the Zoning Board, the**

**Board considered that there might be additional tenants. The mall would have to allocate signage to future tenants. The TRC considered each request but did not add on any extra for future tenants. The new owners are trying to police the signage and will negotiate with tenants, but do not want to come before the Board every time there is a change in tenancy. Chairman Mancini stated the Planning Board does not overrule the Zoning Board. Ms. Green stated that she would like approval from the Planning Board for additional signage. Chairman Mancini stated that the Planning Board couldn't change the amount of square footage; that must be done at the Zoning Board. They can only look at the application that is in front of them. Ms. Green stated that the application is for 1000 sq. ft.**

**Mr. Krieger stated that there was a comprehensive presentation made to the Zoning Board. The standard for a special use permit is far less than a dimensional variance. The concerns of the Zoning Board were that Route 116 does not look like Mineral Spring Avenue or Route 2 in Warwick, where you are inundated with signs. The application does not say the amount of square footage being sought. You have to add up all the additional signage. The Zoning Board recommended a total and let the mall decide how to divvy it up.**

**Mr. Olean asked if the mall was entitled to 3831 sq. ft. Mr. Krieger replied yes. Negotiations are ongoing to bring the total up to 4500 sq. ft. Ms. Green stated that there is a pending motion before the Zoning Board. Mr. Krieger stated that the Zoning Board is recommending a**

cap of 4500 sq. ft. Mr. Olean stated that the mall currently has 3831 sq. ft, is looking for a 4500 sq. ft., a difference of 668 sq. ft. The TRC recommended 375 sq. ft., but no recommendation for future tenants. Each new tenant would need approximately 70 sq. ft. – a total of 280 sq. ft. If we look at the TRC's number and add 280 sq. ft. for new tenants, we are right in line for the 668 sq. ft. Mr. Krieger stated that the Board intends to put special conditions on the approval so that the signs would not be visible from Route 116.

Mr. Olean asked if the Board could make a recommendation of a maximum of 4500 sq. ft. Mr. Krieger replied yes. Mr. Olean asked about the correct name of the owner of the mall. Mr. Krieger stated that Inland American Retail Management is the applicant and MB Lincoln Mall, LLC is the owner. The owner must be added to the application.

Mr. Olean made a motion to make a recommendation for a total of 4500 sq. ft. of signage for the Inland American Retail Management, LLC. Mr. Mercurio asked if the motion should be amended to include the owner and applicant. Mr. Krieger stated that it would not hurt. Mr. Olean amended his motion to include the owner and applicant. Mr. Mercurio seconded motion. Motion passed unanimously.

Chairman Mancini stated that the Board would now discuss the Zoning applications pertaining to Ken Demers. Mr. Crowley stated that he would have to recuse himself from this matter also as he is an

abutter. Mr. Reilly stated that his biggest concern is that the TRC could not perform a proper evaluation due to lack of information. He wants to recommend to the Zoning Board that the Planning Board needs to really look at this as there are so many things going on with this property. Mr. Krieger stated that Mr. Demers came before the Town Council seeking a zone change on this property and presented very, very little information. He had hand-drawn maps, and the Town Council strongly suggested that he employ the services of professional surveyor or engineer to provide information. The Zoning Board would not move forward without sufficient information.

Mr. Reilly made a motion that the Planning Board recommends to the Zoning Board that the Planning Board receive the proper information and detailed drawings to make a recommendation to the Zoning Board. Based on lack of information, the Planning Board cannot make a recommendation. Ms. Hopkins seconded the motion for discussion. Ms. Hopkins suggested that the application be denied for lack of sufficient information. Mr. Reilly asked how you deny something when you do not have anything in front of you. Chairman Mancini stated that the Zoning Board would not approve this without a recommendation from the Planning Board. Mr. Reilly stated that they could approve it without a recommendation. Mr. Ranaldi stated that he has told the applicant numerous times to hire a professional. Mr. Krieger stated that the Zoning Board is not bound by the Planning Board's recommendation. He cannot conceive the Zoning Board acting on the application as presented. He will pass along comments

to the Zoning Board and advise applicant to provide information. There is no requirement that a surveyor be hired. He would advise the Zoning Board to take no action.

Mr. Reilly withdrew his motion and Ms. Hopkins withdrew her second. Mr. Reilly made a motion that the Planning Board recommends denial of this application based on lack of information and drawings on all five applications concerning AP 3 Lot 89. Ms. Hopkins seconded motion. Motion passed unanimously.

## **Major Land Development Review**

### **a. Drive-Thru Establishment AP 41 Lot 69 Public Hearing – 7:15 pm**

**Jason M. Ruotolo George Washington Hwy. Preliminary Plan Land Development**

#### **Discussion/Approval**

Mr. Ranaldi stated that this is the commercial development of one lot containing 1.4242 acres and has received a Certificate of Completeness; the Board has until February 13, 2007 to make a decision on Preliminary Plan. It is in front of the Board for a public hearing. The TRC and the Engineering Department have reviewed the application. One concern was the entrance; it was brought out during the RIDOT application for a PAP. RIDOT wants only one exit lane –

that has been corrected. Confirmation is needed from FAA – it is in the North Central Airport area. Tentative confirmation has been received from the Lincoln Water Commission. Underground detention systems that are proposed must be reviewed. The TRC recommends addressing the concerns presented in the TRC report and brought out at the hearing and return in January.

Brian Thalmann of Thalmann Engineering stated that Mr. Ranaldi has summarized the comments of the TRC. RIDOT felt that a dual exit lane was not warranted and recommended a landscaped island be incorporated with one entrance and one exit lane. This project is required to go through a formal RIDEM application process. The wetlands have been delineated and verified. Regarding the underground detention system, the grates would not trigger an Underground Injection Control application and can be reviewed strictly as a wetlands application.

Mr. Reilly asked where the window would be located. Mr. Thalmann stated that it would be likely be on the backside of the building. Mr. Reilly asked if there were a minimum of 10 cars stacking, how that would affect the parked cars. During discussions with RIDOT, it has been demonstrated that ten cars can be stacked before affecting any parked cars. David Cabral, a traffic engineer, stated that they have shown RIDOT that there is sufficient room for the highest intensive use. Mr. Ranaldi stated that this drive-thru has been designed with the most intensive use. Mr. Thalmann stated that he has been in

**contact with Lori Capaldi of the RI Economic Development Corporation and they are trying to find a tenant that would benefit from this location.**

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

**Mr. Olean asked if the applicant was familiar with the TRC report and if he had any problems. Mr. Thalmann replied no.**

**Ms. Wiegand stated that the applicant did all of their homework. Her concern is that there is so much debris on state property that she can easily see the culvert backing up. Mr. Thalmann stated that he feels that with the water line coming from Smithfield and connecting to the Lincoln water system, he may be able to correct the culvert that crosses George Washington Highway and may be able to deal with the debris effects. He thinks the water line extension will benefit the site.**

**Mr. Olean made a motion to defer this matter until the January meeting. Mr. Mercurio seconded the motion. Mr. Olean stated that the deadline for a decision is February 13th, so the client has to have everything settled by the January meeting. Mr. Krieger suggested that Mr. Thalmann talk to his client and get permission to give an extension if the Board required it. Motion passed unanimously.**

## **MAJOR SUBDIVISION REVIEW**

### **a. Rivers Subdivision AP 23 Lots 30 & 119 Preliminary Plan Discussion/**

#### **Estate of Anna M. Rivers Old River & Lower River Rds. Approval**

**Mr. Ranaldi stated that this application is under the 2005 Subdivision Regulations and is the subdivision of one lot into five single-family residential house lots. The Board has until April 10, 2007 to make a decision. He was just informed by the applicant's engineer that he has talked to the Town Engineer about this project originally being in two phases. He does not know where this project is right now and suggested turning it over to the engineer. Chairman Mancini stated that the applicant received Master Plan approval in July 2005 and received an extension on June 21, 2006. Mr. Mercurio asked if this application came in as a single application, could the Board now make it two phases. Mr. Ranaldi stated that it came in as a Master Plan under one phase. Chairman Mancini stated that Master Plan is conceptual. Mr. Mercurio asked what the need was for two phases.**

**Mr. Thalmann stated that one of the abutters, Mr. & Mrs. Lally, of AP 23 Lot 185, had raised concerns about the area during heavy storms – they have a river down their driveway during storms. One of the conditions at Master Plan was a plan to work with the Lallys for a resolution. The plan was to install a catch basin and obtain an**

easement from the Lallys to allow water to flow to the canal. They could not come to an agreement. A drainage swale system was designed on the westerly/southerly side of Lower River Road and a retaining wall. The idea of phasing was to get this done because the drainage impacts have no effect on Lower River Road and the estate could convey the front lots and continue to work with the Lallys. By doing the swale and wall system, this has to be constructed as part of the first phase. Run-off impacts to Lower River Road have been reduced. The applicant takes no objection if the Board wants it all as one phase.

Chairman Mancini asked if they would be successful with the Lallys. Mr. Thalmann replied that the Lallys wanted granite curbing across the entire front of their property. In his opinion, the installation of curbing in that area will only exacerbate the condition of the roadway.

Right now, the runoff has a place to go; once it is confined, there is no place to go. In the winter, there would be significant icing in the area. The developer is willing to install a catch basin and pipe it beyond the limits of their property, but they are not willing to give an easement. Mr. Thalmann cannot recommend curbing in this area. Mr. Reilly agreed that curbing would make the problem worse. Chairman Mancini does not have a problem going with a phasing of this project.

Mr. Thalmann stated that they do not want to phase it, but if the Board thinks it can be done without phasing, the applicant is agreeable to doing it in one phase. Chairman Mancini commented that the Board could go forward even though there is a problem with

an abutter. Mr. Thalmann said as time went by, they found that they are reducing the amount of water going onto Lower River Road. Ms. Wiegand stated that she looked at the whole project and needs more information on the swale and retaining wall to make sure it is not too close to the road or utility poles. Mr. Ranaldi asked Mr. Thalmann if he could get the information for Ms. Wiegand with time to review for the January meeting and schedule a hearing in February. Mr. Thalmann replied yes. Ms. Wiegand stated that the swale would help to improve the situation in the area. Chairman Mancini told Mr. Thalmann to submit the information to Ms. Wiegand and to plan a hearing in February. Mr. Olean asked if the applicant would be ready with any problems that may come up and be resolved in January. Mr. Thalmann stated that outside of the swale, everything has been addressed. Mr. Krieger asked about the lot area on Lot 4. Mr. Thalmann replied that it meets the requirements – it is 12,255 sq. ft. of buildable area.

Mr. Olean made a motion to continue this matter until January. Ms. Hopkins seconded the motion. Mr. Reilly commented that if the information supplied to Ms. Wiegand is not sufficient, then the Board should not move to a public hearing in February. Chairman Mancini stated that the Board likes to feel comfortable with an application before moving on. Motion passed unanimously.

b. Albion Road Subdivision AP 40 Lots 30 & 31 Pre-Application Discussion

## **R. H. Jergensen Construction Co. Albion Road**

**Mr. Ranaldi stated that this is a pre-application with no clock running. The proposal is to subdivide two lots into 23 lots. The applicant is here to run through the application. Chairman Mancini stated that the applicant is looking for input from the Planning Board at this level. The TRC reviewed the plans at pre-application level. After the developer makes a presentation, the Board can go over any concerns.**

**Scott Lindgren of Pare Engineering stated that he is representing the applicant R.H. Jergensen. The property has been in his family for quite some time. A pre-application submission has been filed for a standard residential subdivision for AP 40, Lots 30 and 31. It is located on Albion Road directly adjacent from Meadowbrook Road. Lot 30 (the frontage lot on Albion Road) is 2 acres; lot 31 is 50 acres - the lots total 52 acres. The property is on Albion Road and there are electrical easements and power lines that run through the property. The property has the full frontage on Lot 30 and two frontage points on Lot 31 fronting Albion Road. The zone is RA-40, 40,000 sq. ft. There is a zoning line that runs above the existing residence on Lot 30 – an RS-20 zone, so there are two zoning districts that we will be dealing with. The majority of the property is wooded. There are some wetland areas that bisect and come into play, there is a larger wetland to the west that drains into Handy Pond and bisects the property, and a small isolated wetland in the interior that drains across a portion of**

the property and onto an existing lot of the corner. There is also the existing wetland and crossing that runs along Albion Road from the Meadowbrook neighborhood area. The topography runs from Albion Road to the north, to a high spot in the center of the property, then drops down to the wetland area, and rises again to the rear northwest of the property. The proposed project is for a subdivision of land into 22 lots with 2 lots to house the existing structures that are currently on the property. One house is on Lot 30 on Albion Road, and another is straddling the property line between Lots 30 and 31. These houses are to remain as residences and the development will be done around the two existing historic family properties. The project has 22 additional lots, most of them located towards the rear. There are two entrances proposed off of Albion Road – one adjacent to Meadowbrook Drive and another one approximately 200' away. The roadway system is approximately 5300 linear feet long and loops in a northwest direction from both of the entranceways. There is a small 300' cul de sac off to the east on the left-hand roadway system. As we come around to the northwest, we have an intersection and a 900' cul de sac accessing to the back property. There will be a wetlands crossing and some filings with RIDEM for this area and the existing right of way entrance that is going to be the proposed roadway. The crossing to the Albion Road section is minimal. The existing 50' right of way to the back for this property is going to be clipping a little bit of a wetland area – it is not a strict crossing, but it will have some impact to the front. This wetland system actually drains to a pipe system that actually goes into the drainage system on Albion Road.

**The lots are focused in the prime land, trying to stay away from the constraints. There are 23 lots – two existing and 21 new lots. The application has gone through the TRC. He submitted to the Board a letter of response and would like to discuss the comments tonight.**

**Mr. Lindgren stated that he would like to comment on some of the TRC's report. There was a comment on the open space. There is some open space around the fringes of the development. There is some question as to the ownership of the open space – common ownership of the residents or town owned. The Town wants any open space to be contiguous to any open space that the town owns. They are considering whether to add to land to residential lots or creating common space for the residents. Chairman Mancini stated that by adding to the residential lots, there might be a problem with the 2 ½:1 ratio, but that the Board could grant a waiver for that. Mr. Lindgren stated that buildable lot areas will be outlined in a chart format for the next review by the TRC, and getting constraint plans and going into detail lot by lot to make it easier to understand the site. The Public Works Department had a concern on the retaining wall. A wall was proposed along the northern edge of this roadway system to allow for the least disturbance through this area. This wetland body necks down to a very small stream, and by pushing the road to the north, we are constrained in terms of slope grading. They will be in discussion during the next process about design consideration and concerns on the matter of the roadway structure. There will be comments about drainage facilities on easements on**

individually owned lots and will require that they be privately owned, comply with the requirements and make adjustments to plans. They have discussed phases, but have not made a decision on whether the project will be phased or not. They will show phases at the next meeting if they propose to go in phases. Chairman Mancini commented that phasing can be a concern, but in some cases, it makes sense. When talking phases, you look at each phase separately. A Physical Alteration Permit will be needed for Albion Road and will apply for required permitting. RIDEM permits will be applied for. Seasonal high groundwater table evaluations and detention basins have been started with a certified soil evaluator. The Town Engineer can view soils on site if needed. The crossing at the northwest cul de sac will need a permit to alter the crossing. Mr. Mercurio stated that it will be a significant alteration to the ground to cross the wetland and a considerable amount of blasting will be necessary. He is concerned that the aquifer will be opened up with the blasting and turn the whole area into an underground river. Ms. Wiegand stated that it appears that approximately 20' of the hill will need to be taken down. Mr. Lindgren stated that there is a small portion that has a drop of about 15' in that area. We are doing additional soil investigation and the rock is varying. They understand the concern about blasting. Additional testing will be done to determine where rock is. They have been surprised in some of the test pit areas in regards to how deep they got. Chairman Mancini asked him to show the area in question on the plans. Mr. Lindgren showed him the portion that drops off in all directions.

Understanding the surface hydrology can give some anticipation on what the groundwater hydrology is doing. There is nothing that jumps out at him in terms of a drop or decrease in land mass that would have an impact to change the groundwater hydrology. More study is needed. Mr. Mercurio is concerned that Meadowbrook Road is almost underwater as it is. Anything done here may affect the Meadowbrook area directly as a result of making major changes to the aquifer at this point. Mr. Lindgren stated that a lot of evaluations and discussions would take place in the next phases. This portion of the property is outside the Meadowbrook drainage areas. It would be helpful if bigger images and aerials to delineate that area were available for the Board. They think they can assist Public Works with some drainage. Mr. Reilly stated that it would help when looking at the existing water issues and help people understand what is going on. Chairman Mancini commented that while looking at something in the conceptual stage, there could be concerns about specific areas and specific lots. A developer can develop as many lots as he can as long as the lots stay within the regulations and do not cause other problems. There could be another plan with fewer lots that could resolve some concerns. This is a good opportunity for the developer to hear the Board's concerns. It is not the intent of the Board to negotiate with developers to give up lots. If there is a problem that cannot be resolved, the developer might want to consider a different plan. Mr. Ranaldi stated that one thing the Town is not willing to concede on is a municipal pumping station. Chairman Mancini agreed that the Town has not allowed any new pumping stations in

the last few years. They have reluctantly agreed to ISDS systems, as opposed to having another pumping station. There are other systems that are used in other communities that are very viable. They will look at all of the options. Chairman Mancini advised him to sit down with the Town staff. The Town of Lincoln has more pumping stations than the City of Providence. Mr. Lindgren agreed that it warrants more discussion and will keep everything on the table. Mr. Reilly commented the earlier the better. Chairman Mancini stated that the development of a sewer system could be a showstopper. The developer is taking the initial steps – he is concerned with the land because it is family-owned. They are going slow before filing for a Master Plan. There will be more discussions with the Lincoln Water Commission. Regarding the drainage comments, 49 acres of this property discharges away from Meadowbrook Road. There is a small portion to the southwest that drains back into the back of this current residence – there is a pipe there that goes into the drainage system on Albion Road and goes down into Meadowbrook. The whole subdivision will be taken care of in terms of storm water managements through the guidelines of the State of RI. There will be more discussions with Town officials and the developer appreciates the Board's time. Glen Jergensen is here to speak. Chairman Mancini advised the developer that the Town has a lot of outstanding people that work here, and the developer needs to speak to these people. Ms. Wiegand is a good point of contact when it comes to drainage and water and sewerage.

**Mr. Jergensen stated that he plans on communicating with the Town. He wants to do the project right – this land has been in his family for 50 years – and he would like to do it the best way.**

**Chairman Mancini stated that this was a pre-application discussion so there is no need for a motion. The developer received the input from the Town Planner, Engineer, TRC and the Board. The Board looks forward to the next time the applicant comes before the Board. Ms. Wiegand advised the Board that as the development gets further along, the Board might want to walk the site.**

**c. Angell Road Subdivision AP 44 Lots 12 & 32 Preliminary Plan Extension**

**Angell Road Development Co. Angell & Whipple Roads**

**Mr. Ranaldi stated that this application is a subdivision of one lot into 13 lots. It received Preliminary Plan approval on December 14, 2004 and a one-year extension in January 25, 2006. The applicant has until December 14, 2006 to complete the project for final plan approval. They have done significant onsite improvements – the road is in, the detention basins are in, the lots are graded. The applicant is asking for a one-year extension.**

**Mr. Mercurio made a motion to grant a one-year extension. Mr. Reilly seconded the motion. Mr. Olean questioned the date of the extension. Mr. Ranaldi stated that it was approved on December**

2004, so the applicant had until December 2005. Then it was extended in January 2006 until January 2007. The applicant requested an extension before the deadline in December 2005, but it was not put on the agenda. The date is wrong in the TRC report. Mr. Mercurio wanted it in the record that the applicant asked for an extension in a timely manner before the time to do so expired. Mr. Reilly seconded the motion. Attorney Eric Brainsky stated that the correct date for the extension is January 25, 2007 until January 25, 2008. Motion passed unanimously.

**d. Forest Park    AP 20 Lot 15 Preliminary Plan Extension  
LPD Development, LLC Breakneck Hill Road**

Mr. Ranaldi stated that this is a subdivision of one lot into 13 single-family conventional lots. He wanted everyone to read the letter that the attorney submitted – he gave a very concise and comprehensive review of the travel that this application has had. This was in the court system, resolved, and then purchased three months into the six-month extension that the Board had given. He was actively marketing the property. The TRC recommended another six-month extension. The applicant did pay the advertising fee that was owed. Mr. Crowley asked if this was the same property that was mentioned last month that had the digger on it. Mr. Ranaldi stated that the digger was a prospective buyer, who was looking at the depth of the ledge. Mr. Mercurio asked if the property was being developed or sold and Mr. Ranaldi replied that the applicant has the

property on the market.

Mr. Olean made a motion for discussion to approve the TRC report. Ms. Hopkins seconded the motion for discussion. Mr. Olean stated that this is it – it will come to a point that the applicant will have to start all over. He does not see this development getting any more extensions after this. This project has been around forever. Chairman Mancini stated that the Board has been patient especially since this went through the court system, and came back. We are going to have a cake for the 10-year anniversary. Mr. Olean is right – at some point in time, you have to start all over again. Mr. Mercurio asked what the outstanding issue is at this time that prevents you from doing what you want to do. Paul LaRisa stated that at the beginning, they were going to develop it themselves, but things have changed. It was a two-year appeal process. They purchased the property in April 2006, decided to market the property, and the market crashed. Prospective buyers are questioning whether the approvals are going to be there. He feels a six-month extension will give them enough time to sell the property. Mr. Mercurio asked what the sale price was and Mr. LaRisa replied that it was on the market for 1.3 million dollars. There are 13 lots. Ms. Wiegand asked if the PAP expired and Mr. LaRisa replied that it was extended.

Mr. Olean made a motion to extend the Preliminary Plan for six months until July 23, 2007. Ms. Hopkins seconded the motion. Motion passed unanimously.

## **MINOR SUBDIVISION REVIEW**

- a. Carriage Drive Subdivision AP 16 Lot 9 Preliminary Plan Review/  
Little Max Realty, LLC Carriage Drive Approval**

**Mr. Ranaldi stated that this application is under the 2005 Subdivision Regulations and is a minor subdivision of one lot into two residential lots. The two lots would be accessed from an existing road and is in an RS-12 zone, 12,000 sq. ft. residential single-family area. They received a Certificate of Completeness on December 11, 2006 and the Board has until February 14, 2007 to make a decision. The TRC reviewed the application – there appears to be no wetlands on the property, the new lot is proposed to be connected to public water and sewer. The existing lot has a private well – we are requiring that both lots be connected to public utilities. A permit is required from Narragansett Bay Commission for sewer discharge. The proposed driveway must be shown on the plans. Curb openings would have to be removed and/or relocated - the new returns must be granite. The subdivision depends on moving the existing house; the house sits on the proposed property line. The TRC recommends approval with conditions with the biggest condition is that the existing house is moved before final plan is recorded. There are six conditions: the sedimentation and erosion control plan at the time of building permit; the approval of NBC for an indirect discharge into the sewer system;**

a note must be added that an existing private well on site must be abandoned and closed according to RIDEM regulations; the existing house must be moved before final plan approval can be granted; and a note is needed that no finished floors or basements are to be constructed at or below the seasonal high groundwater; and that granite bounds must be shown marking the location of the property corners.

Bruce Thibaudeau represented the applicants John Jackson and Robert Ray and stated that he can guarantee that if the Board is so gracious to grant approval on this project, they will start and finish this project within ten years. It is a minor subdivision; the house will be moved. There are no issues with any of the conditions that the TRC has recommended. There are no waivers or variances being requested. He would be happy to answer any questions. Chairman Mancini stated that the most important issue is the moving of the house. Mr. Crowley asked if the house was being physically transplanted somewhere else or taking it down and rebuilding in another section of the lot. Mr. Jackson explained that the house was being moved onto a new foundation on another section of the lot. Mr. Thibaudeau asked if final plan could be delegated to the Administrative Officer. Ms. Hopkins commented that she was not comfortable with that. Ms. Wiegand stated that under the Sedimentation and Erosion Control ordinance, we could require a separate permit for \$250 and a bond; she would like a bond for sedimentation and erosion control. Chairman Mancini asked if the

amount of the bond had been determined and she replied no. Mr. Olean asked if condition number #1 could be amended to include the bond.

Mr. Olean made a motion to go with the recommendation of the TRC, but to amend condition #1 to include a bond in the amount as determined by the Town Engineer. Mr. Crowley seconded the motion for discussion. He asked what moving the house had to do with having to come before us to grant final approval. Ms. Hopkins stated that she is leery of the whole situation, lives nearby, and just wants to make sure everything is done right. Mr. Olean stated that by not deferring to the Administrative Officer is less than a month's time. It is not a holdup to come back before the Board. Mr. Reilly asked if the relocation of the curb cuts should be listed in the conditions. Mr. Ranaldi stated that they would have to show the curb cuts when they come in for a building permit. Motion passed unanimously.

Chairman Mancini asked Mr. Crowley to sit on the TRC for a few months. Mr. Crowley stated that he could not give an answer at this time, but would speak to him after the meeting. It might not be a good time to appoint him to the TRC. Mr. Reilly stated that if someone was needed for next month, he could do it. Mr. Olean also stated that he is always available.

Three members are up for re-appointment – Greg Mercurio (Lime Rock), Diane Hopkins, and David Lund (both At-Large). Chairman

**Mancini advised members to contact their councilman. Mr. Krieger commented that he is up for re-appointment in January too and would appreciate the members contacting their councilman on his behalf.**

**There being no further business to discuss, on a motion made by Mr. Olean and seconded by Mr. Crowley, it was unanimously voted to adjourn. Meeting adjourned at 9:20 p.m.**

**Respectfully submitted,**

**Margaret Weigner**

**Attached December TRC Report:**

**On December 12, 2006 at 2:30 pm, the Technical Review Committee met to review the agenda items for the December 20, 2006 meeting of the Planning Board. In attendance were Al Ranaldi, Kim Wiegand, Diane Hopkins, Russ Hervieux, John Faile, John MacQueen, and Peggy Weigner. Below are the Committee's recommendations:**

**Major Land Development Review**

**a. Drive-Thru Establishment AP 41 Lot 69 Public Hearing – 7:15 PM**

**- Jason M. Ruotolo George Washington Hwy Preliminary Plan**

## **Land Development**

### **Discussion / Approval**

**This application is under the 2005 Subdivision Regulations and represents the commercial development of a single lot containing approximately 1.242 acres. The review stages were combined during the October Planning Board meeting. Therefore this project is in front of the Planning Board for a Preliminary Plan Land Development Review and a Public Hearing. On October 16, 2006, the project 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 Preliminary Plan review must be made by February 13, 2007 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 preliminary plan requirements and standard engineering practices. The plans reviewed were entitled "Preliminary Plan Submission, Drive Thru Establishment, AP 41 Lot 69", Lincoln, Rhode Island, sheets 1-7, prepared for the applicant, Jason Ruotolo by Thalmann Engineering**

**Co., Inc., dated September 2006. Also received were the following documents: Drainage Report & Calculations prepared for Jason Ruotolo by Thalmann Engineering Co., Inc. dated October 20, 2006 and Traffic Impact Study Route 116 Commercial Development prepared for Thalmann Engineering, Inc. by RAB Professional Engineers, Inc. dated October 2006. In addition, a report entitled “Drive Thru Establishment, George Washington Highway AP 41 Lot 69, Master Plan-Development Impact Narrative”, dated September 2006 had been reviewed prior to the preliminary submission. Below are the Technical Review Committee’s comments.**

#### **Traffic/Road/Site**

**Access to the site is from a State Highway, Route 116, George Washington Highway. The project will require a Physical Alteration Permit (PAP) from RIDOT for access to the property for preliminary plan approval. A memo from RIDOT regarding the project was received December 12, 2006. This memo contained two comments relevant to the site plan. One comment addressed the adequacy of space for the stacking of vehicles queuing in the drive thru. The RIDOT requires minimum space for ten vehicles measured back from the order board. The other comment concerns the exit. According to the Traffic Impact Report, two exit lanes are recommended; one for turning left and one for turning right. The RIDOT memo specified limiting the exit to one lane. The engineer has shown accordingly, one exit lane with an island between it and the entrance lane. This would allow a left turn lane to be constructed in the future, should it**

be needed. This redesign was shown on the most recently revised plan set. It appears that the guard rail by retaining wall at the access road should be extended further to where the grade differential is less than three feet. The TRC also recommends that the Albion Fire Department review the plans for fire and rescue service safety and submit a letter on their conclusions. This project is also located close to the North Central Airport. The TRC recommends that the applicant submit to the FAA for a review.

### **Sanitary Sewers**

The development is proposed to flow to the Narragansett Bay Commission (NBC) interceptor on Route 116. Approval from NBC will be required as a condition for preliminary approval.

### **Public Water Service**

The Lincoln Water Commission (LWC) has confirmed the availability of public water service in a letter dated December 7, 2006. Final approval from LWC must be a condition of approval for the land development. The water line will be required to be extended from Lincoln, or alternatively, water service could be sought from the Town of Smithfield. Since the development is in Lincoln, approval would be required from the LWC as well as the water authority in Smithfield.

### **Environmental/Drainage**

The existing site drains mainly to wetlands on the property. The wetlands have been located in the field and verified by RIDEM. Preliminary approval will require a permit from RIDEM Wetlands to

cross the wetlands. The plans show an underground detention system which will discharge into the wetlands. The drainage facilities are proposed to include mitigation of storm water flows for both rate of flow and volume. The underground system includes some infiltration of storm water from not only the roof but also pavement. The system design allows a minimum of one foot separation from the seasonal high groundwater elevation. While this design is the standard for a conventional detention basin, it does not meet the requirement for an underground injection control (UIC) system which requires a minimum three foot separation. It is recommended that the developer receive an opinion from RIDEM as to whether this system requires a UIC permit. The wetlands are connected under the State highway to the wetlands on the south side of Route 116 by a drainage pipe that appears to be flat or adversely sloped. The invert of the pipe is also currently obscured by debris and/or dirt. This is a concern that should be addressed in the PAP application, since it potentially impacts not only the State highway and drainage system, but also the access way to the Tennessee gas line facility. Location of any existing wells and/or septic systems within 200 feet of the property must be shown on the plan. Any onsite wells or septic systems will need to be properly closed and/or removed.

This project is in front of the Planning Board for a public hearing. The TRC recommends that the applicant address the above noted concerns and any concerns generated during the public hearing and return to the Planning Board in January.

## **Major Subdivision Review**

### **a. Rivers Subdivision AP 23 Lots 30 and 119 Preliminary Plan Discussion /**

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

**This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into five single-family residential lots. The project is proposed to be reviewed in two phases. Phase one will consist of three lots fronting Old River Road and Phase Two will consist of two lots fronting Lower River Road. This review is for Phase One only. On December 11, 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 preliminary plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Preliminary Plan must be made by April 10, 2007 or within such further time as may be consented to by the applicant. Below are the TRC recommendations for this project.**

**The Technical Review Committee and the Engineering Division has reviewed the above proposed development according to the Land**

**Development and Subdivision Regulations standards and requirements and standard engineering. The plans reviewed were entitled “Preliminary 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. revision dated 10/17/06. A report entitled “Drainage Report & Calculations” dated 7/3/06 for the above applicant by the above engineers was reviewed. The following were previously received and reviewed:**

- 1. A report entitled “Master Plan – Development Impact Narrative” dated March 2005 prepared by the above for the above applicant.**
- 2. A report Sight Distance Analysis was prepared for the proposed subdivision by RAB Professional Engineers, Inc. dated May 25, 2005.**

**The Technical Review committee reviewed the preliminary submission and the following was noted.**

### **Site Plan**

**Test pits to evaluate the soil conditions were performed onsite and witnessed by the Town Engineer. Three of the houses are shown as slab on grade due to the depth to seasonal high groundwater and/or ledge. The site has a significant amount of visible ledge. Any blasting or drilling could have an adverse impact on existing structures. It is recommended that the developer perform pre-blast surveys prior to any blasting, if it is needed. The information presented on the site plan indicates the buildable area for each lot. It**

**is questionable whether proposed lot 4 meets minimum buildable area. More precise numbers are required. Phase One house lots have been specifically designed and layout with specific grading and infiltration systems. These layouts are integral to the drainage success of the project. The specific lot layouts will have to be noted as a condition of approval. Individual home owners will be required to build the house in the layout as shown.**

### **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. In a letter dated June 30, 2005, the LWC has stated that water service was available to the development. The LWC water superintendent, John Faile stated in a telephone conversation on November 20, 2006, that the conditions in that letter have been satisfactorily met. Final approval from LWC must be a condition of approval for subdivision. The applicant must apply to the sewer supervisor for availability of public sanitary sewers to the project. The developer must apply to Narragansett Bay Commission (NBC) for indirect discharge permits. The NBC's approval must be a condition of approval for subdivision.**

### **Traffic**

**The developer has obtained a Physical Alteration Permit from RI Department of Transportation for the proposed project which includes the driveways and replacement of the existing sidewalk.**

**According to the Sight Distance Analysis report, driveways can be located so as to have adequate stopping sight distances in accordance with the appropriate criteria. As noted in the report, some clearing along the frontage of Lower River Road will be necessary to achieve this view. This area of clearing needs to be shown on the preliminary plans for Phase Two.**

### **Drainage**

**The site drains generally from Old River Road south and easterly towards Lower River Road. There is no drainage system, open or closed, to collect runoff along this section of Lower River Road. Several properties on Lower River Road have concerns with storm water runoff. Lower River has an existing problem with drainage flowing from the west side over the road to the lower properties. The existing drainage problems and any proposed solutions will be reviewed in Phase Two. The engineer has designed the lots with associated grading so as to mitigate any impact from the development by incorporating infiltration systems, yard drains, and drainage swales. The proposed drainage systems located on individual lots will have to be noted as a condition of preliminary plan approval.**

### **Wetlands**

**The subdivision has received approval from RIDEM Wetlands (#06-0329).**

**The TRC recommends that the applicant address the above noted concerns and proceed to the public hearing stage of the process in January.**

**b. Albion Road Subdivision AP 40 Lots 30 and 31 Pre-Application Discussion**

**- R.H. Jergensen Construction Co. Albion Road**

**The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations pre-application plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled “The Hills of Monticello, Albion Road”, AP 40, Lots 30 & 31, in Lincoln, Rhode Island, prepared for R.H. Jergensen Construction Co. by Pare Engineering Corp. dated October 2006. Below are the TRC recommendations for this project.**

**Site Plan**

**There are several parcels of land marked “open space”. The ownership and responsibility for the proposed open space parcels are not clear. Isolated open space that is non-contiguous to public land is not acceptable to the Town. The Public Works Department is concerned with the extensive retaining walls required within the public right of way to support the road. Retaining walls of this proposed magnitude will not be acceptable to the Public Works**

**Department.**

**For future submissions, the Technical Review Committee would like to see a chart that outlines the buildable lot area, wetlands area, steep slopes area and easement area for each proposed lot. The buildable area is that area remaining after wetlands, steep slopes and other physical constraints, such as easements are excluded. The TRC would also like to see an existing constraints map that displays existing wetlands and buffer areas, steep slopes, easements, etc... It is a policy of the Public Works Department that all drainage facilities outside of the public right of way must be shown within easements on individually owned lots not within "open space". All detention basins must be privately owned and accessible from a public right of way. It is not clear whether retention or detention basins are proposed.**

**The TRC also wonders if this project is going to be a phased development. If so, this aspect should be incorporated into future submissions.**

### **Traffic**

**Albion Road is a State road. The access to the subdivision will require a Physical Alteration Permit from RIDOT.**

### **Wetlands/Groundwater**

**There are numerous wetlands within this proposal. The proposed subdivision must obtain a RIDEM Wetlands permit for all proposed alterations to the wetlands. A certified soil evaluator must determine**

**the seasonal high ground water elevations at the locations associated with proposed detention basins and other critical areas on the property. The Town Engineer must witness the excavation of test pits. No detention basins are to be constructed into the elevation of the seasonal high ground water.**

**The TRC has serious concerns regarding the cul de sac proposed to the northwest off the proposed looped road. The development of the proposed cul de sac involves a stream crossing. This is a significant wetlands alteration. In addition, this portion of the subdivision and the other cul de sac would require an extensive removal of earth and blasting of ledge in order to be buildable. The impact to the groundwater hydrology is likely to be critically impacted. In addition, no mitigation of storm water runoff appears to be proposed for the northwestern cul de sac.**

### **Utilities**

**The plan shows public water and sewer connections to the proposed lots. Sewer availability must be sought from the Lincoln sewer supervisor. Gravity sewers are proposed except for the northwestern cul de sac. In this area a low pressure sewer forcemain has been proposed. This type of forcemain is not acceptable by the Public Works Department.**

**The superintendent of the Lincoln Water Commission (LWC) has communicated to the Town Engineer that public water service is available to this project. However, the water line must be looped to meet the LWC requirements. No dead ended public water lines are**

allowed.

## **Drainage**

The Public Works Department has observed severe existing drainage problems over the years in this area, particularly on Albion Road. Drainage design for the subdivision must include no increase of storm water peak rate of flow or volume from the subdivision onto the properties on Albion Road or into the wetlands connected to the brook that flows under Albion Road so as not to exacerbate existing drainage problems in the Meadowbrook neighborhood. This section of Albion Road is an existing low spot in the roadway and experiences numerous flooding. The Town would also like to meet with the engineers to explore if off site improvements can be incorporated into the project to help resolve drainage problems along this section of the roadway.

### **c. Angell Road Subdivision AP 44 Lots 12, 32 Preliminary Plan Extension**

**- Angell Road Development Co. Angell Road, Whipple Road**

This project represents the subdivision of one lot into thirteen conventional single-family lots. The project received Preliminary Plan approval on December 14, 2004 and was extended for an additional year on January 25, 2006. The applicant has until December 14, 2006 to complete the project and obtain final plan approval. The applicant has completed significant public improvements on the project. The

**applicant has also amended the original project to include two additional lots. Due to weather conditions, the applicant was unable to complete the public improvements for the new section. They are requesting a one year extension to complete the project. The TRC has reviewed the application and recommends approval of this request.**

**d. Forest Park AP 20 Lot 15 Preliminary Plan Extension  
- LPD Development, LLC Breakneck Hill Road**

**This project represents the subdivision of one lot into thirteen conventional single-family lots. The project received Preliminary Plan approval on July 28, 2004. On July 23, 2005, the Planning Board granted a one year extension to July 23, 2006. The applicant settled the law suits and purchased the property in April of 2006. Upon purchasing this parcel, the applicant had only three months remaining on the Preliminary Plan approval. The applicant sought and received a six month extension from July 23, 2006 to January 23, 2007.**

**The applicant is in front of the Planning Board for an additional six months. In the applicant's letter requesting a time extension, he describes his efforts to develop the site and simultaneously marketing the project for sale. Several prospective purchasers have indicated their unwillingness to proceed with a purchase agreement given the short amount of time remaining on the Preliminary Plan.**

**The Planning Department still has an outstanding balance of \$145.14**

remaining on this project for advertisement. The TRC has reviewed the application and recommends approval of this request for a six month extension. As a condition of this approval, the TRC recommends that the applicant pay the outstanding balance.

### **Minor Subdivision Review**

**a. Carriage Drive Subdivision AP 16 Lot 9 Preliminary Plan Review /  
- Little Max Realty LLC Carriage Drive Approval**

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. All lots are accessed from an existing road. The subject lots are located in zoning district RS-12 (12,000 square feet – Residential Single Family). The proposed project is classified as a Minor Subdivision.

On December 11, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations – Section 14(G), “if no street creation or extension is required, the Planning Board shall approve, deny, or approve with conditions, the preliminary plan within sixty five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board, according to the requirements of Section 8 herein. Therefore, a decision on the Preliminary Plan review must be made by February 14, 2007 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 Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Minor Subdivision" AP 16 Lot 9, Carriage Drive in Lincoln, Rhode Island, prepared for Robert Ray, c/o Little Max Realty, LLC by Waterman Engineering Co., dated October 25, 2006. Below are the TRC recommendations for this project.

#### **Groundwater/ Drainage/ Wetlands**

No wetlands appear to be present on the property. However the area is subject to seasonal high groundwater. Therefore the following should be a condition for subdivision approval "No finished floors or basements shall be constructed at or below the seasonal high groundwater, as located by a certified soil evaluator". This certification must be included for review at the time that the building permit application is filed. Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved and bonded before any construction or earth disturbance is performed on site.

#### **Utilities**

The new lot is shown to be connected to public water and sewer. The sewer supervisor has confirmed that public sewers are available. The applicant must obtain a permit from Narragansett Bay Commission for sewer discharge. The applicant has received approval for water service to the proposed new lot from the Lincoln Water Commission

**(LWC). The existing lot is on a private well. According to the letter from the LWC, the applicant must connect both lots to public water. When the well on site is abandoned, it must be closed according to the appropriate RIDEM regulations.**

### **Site plan**

**The location of the proposed driveway for the new house must be shown. The northern existing curb opening and driveway must be removed and/or relocated onto one lot. Any new curbing including curb returns must be granite. The proposed subdivision is dependent on the moving of the existing house. Therefore, the TRC recommends that as a condition of approval, the existing house must be moved before final plan can be issued.**

### **Record plan**

**Granite bounds must be shown marking the location of the property corners.**

**The TRC has determined that the concerns noted above can easily be resolved by the applicant. Therefore, the TRC recommends that this minor subdivision be Approved with Conditions. The conditions are as follows:**

- 1. A sedimentation and erosion control plan must be submitted for review and approval at the time a building permit is requested.**
- 2. The developer must obtain approval for the Narragansett Bay Commission for the additional indirect discharge.**

- 3. A note must be added to the plans stating that when the existing well on site is abandoned, it must be closed according to the appropriate RIDEM regulations.**
- 4. The existing house must be moved before final plan can be granted.**
- 5. A note must be added to the plans stating that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.**
- 6. Granite bounds must be shown marking the location of the property corners.**

#### **Zoning Applications (\*) – January Zoning Applications**

**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 buildings were platted and developed before present day zoning regulations. Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. 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.**

**Inland American Retail Management LLC, 2901 Butterfield Road, Oakbrook, IL – Special Use Permit to increase tenant and ownership square footage signage on exterior of property located at 622 George Washington Highway, Lincoln, RI.**

**AP 41, Lot 7 Zoned: BL 05**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The updated application presented the number, size, type, and location of the proposed signs of this application. Based on a review of the existing signage and proposed signage and in light of the retail nature of this parcel, the TRC feels that applicant can successfully meet their objectives with an additional 375 square feet of signage. Therefore, the TRC recommends Approval of an additional 375 square feet of signage for the Lincoln Mall complex.**

**H.L. George Development Corp., c/o Richard Ackerman, Esquire, 800 Clinton Street, Woonsocket, RI/First Facility Lincoln, LLC, /o Richard Ackerman, Esquire, 800 Clinton Street, Woonsocket, RI – Request for one year extension of Decision rendered on January 3, 2006 for Dimensional Variance and Special Use Variance.**

**AP 41, Lot 44 Zoned: BL 0.5**

**This project represents the commercial development of one lot. Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of a request for a one year time extension. The applicant has detailed their efforts to date and the time extension appears reasonable.**

**Gray's Point Investments, LLC, 50 South Main Street, Providence, RI/AT Cross Company, 1 Albion Road, Lincoln, RI – Special Use Permit for signage for multi-tenant corporate office and existing manufacturing for property located at 1 Albion Place, Lincoln, RI.**

**AP 28, Lot 41 Zoned: ML 0.5**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of the Special Use Permit for the installation of additional signs. The application requests the addition of eight new signs to define the building use, to provide signage for new proposed tenants, and to identify areas of additional parking. The site plans specifically details the location and type of the new proposed signage. The TRC feels that due to the unique nature of the building and more specifically the layout of the facility, that the requested signage will clarify pedestrian and vehicular entrances and traffic flow.**

**Kenneth Demers, 135 Jenckes Hill Road, Lincoln, RI – Special Use Permit to convert building located at 10/15 Chapel Lane, Lincoln into six (6) apartments.**

**AP 3, Lot 89 Zoned:BL 05/RG 7**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee could not make a recommendation due to the very limited information provided in the submission. Therefore, a proper evaluation could not be conducted.**

**Kenneth Demers, 135 Jenckes Hill Road, Lincoln, RI – Use Variance to convert building located at 10 Chapel Lane into four (4) two bedroom apartments.**

**AP 3, Lot 89 Zoned:BL 05/RG 7**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee could not make a recommendation due to the very limited information provided in the submission. Therefore, a proper evaluation could not be conducted.**

**Kenneth Demers, 135 Jenckes Hill Road, Lincoln, RI – Dimensional Variance for front yard setback for property located at 10/15 Chapel**

**Lane, Lincoln, RI.**

**AP 3, Lot 89 Zoned:BL 05/RG 7**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee could not make a recommendation due to the very limited information provided in the submission. Therefore, a proper evaluation could not be conducted.**

**Kenneth Demers, 135 Jenckes Hill Road, Lincoln, RI – Application for Relief Under Mapped Street Ordinance for property located at 10/15 Chapel Lane, Lincoln, RI**

**AP 3, Lot 89 Zoned:BL 05/RG 7**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee could not make a recommendation due to the very limited information provided in the submission. Therefore, a proper evaluation could not be conducted.**

**Kenneth Demers, 135 Jenckes Hill Road, Lincoln, RI – Use Variance to convert building located at 4 Chapel Lane into two (3) apartments.**

**AP 3, Lot 179 Zoned:BL 05/RG 7**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review**

**Committee could not make a recommendation due to the very limited information provided in the submission. Therefore, a proper evaluation could not be conducted.**

**Correspondence/Miscellaneous (\*)**

**1. Bank of Rhode Island AP28 Lot 51 Re-Amended Final Plan**

**This represents a re-amendment to the amended final plan recorded on July 20, 2006.**

**2. Winterberry Estates AP45 Lot 335 Final Plan Approval**

**This represented the subdivision of one into seven single family lots. On December 4, 2006, the applicant successfully addressed all of the preliminary plan approval conditions. Therefore, final plan was issued and the final plan was recorded.**