

# **LINCOLN PLANNING BOARD**

**APRIL 26, 2006**

## **MINUTES**

**The regular meeting of the Planning Board was held on Wednesday, April 26, 2006, at the Lincoln 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, David Lund, John Mancini, Gregory Mercurio, Gerald Olean and Michael Reilly. Absent was Town Planner Albert Ranaldi. Also in attendance were Town Engineer N. Kim Wiegand and Assistant Town Solicitor Roger Ross. Margaret Weigner kept the minutes.**

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

## **SECRETARY'S REPORT**

**There was no secretary report for review.**

**Mr. Olean made a motion to move Item #4 – Election of Planning Board Members down to Item #11. Mr. Lund seconded motion. Motion passed unanimously.**

## **ZONING ORDINANCE REVISION**

**Mr. Hervieux passed out draft copies of the revised Zoning Ordinance. The Planning Board is the last of three groups to review the draft copy; the Town Council and Zoning Board both have a copy for review. The Zoning Board has been requested to send any recommendations to this Board, as the Planning Board will be making a recommendation to the Town Council. The actual kickoff will be May 25, 2006 – a combination Town Council/Planning Board meeting. Chairman Mancini asked why the Zoning Board was not involved in the public hearing. Mr. Hervieux stated that the Board has received the current Zoning Board regulations; as far as updating the ordinance, the Zoning Board is not part of it. The Zoning Board received a copy of the ordinance out of courtesy. It is the Planning Board that actually makes recommendations to changes to the Zoning Ordinance. The Comprehensive Plan was updated, which included the Affordable Housing Plan. The Affordable Housing Plan recommended changes to the Zoning; so the Zoning Ordinance is being updated, the last time it was updated was 1994. There were nine sub-committee meetings whose members included the Town Council President, Zoning Board Chairman, Planning Board Chairman, a member of the Conservation Commission, Zoning Official, Town Planner, Town Solicitor, three consultants, and one member of the public. There will be changes to the Zoning Maps; the**

changes are not ready yet. There will be some zone changes, map changes, and additional changes. A new zone will be created – the Village Community Mix Use Zone – for two areas of town - for the Winter Street area in Manville and the southern end of Smithfield Avenue. This zone would allow for a mixed use – a business on the first floor and residential up above. The Zoning Board has been getting numerous requests for this kind of mixed use. We felt it would be beneficial to the Town to have a mixed-use zone. Those two streets pretty much exist as mixed-use zones, but they've been done under hundreds and hundreds of variances. Another overlay is being added – a Mill Conversion Overlay District. It was designed as part of the Lonsdale Bleachery project; the Saylesville Mill is also being added as well as the Cotton Warehouse in Manville. It is designed for mixed uses – the mills are in industrial zones, and there is not much industry coming into Lincoln; we are trying to make better use of these buildings and making it easier for developments to happen. The biggest change is the Inclusionary Zoning – the Affordable Housing element. This was the toughest part of the ordinance. It is going to be difficult to get through and hard for residents to understand, but we have to include Affordable Housing. It has been controversial, even amongst the Sub-committee. At the May 25th meeting, the consultant will be there to explain the Inclusionary Zoning update. The Rural Flexible Zone Overlay was added - the RPZ zone was changed. Modifications were made to it, and it was made more feasible and workable for the Town. A density reduction of the lots is made, the town gets open space upfront off the road, and you

try to make smaller community developments. May 25th is the official kickoff; the Town Council needs to go to a public meeting within 35 days; there are 65 days after the public hearing for a decision on the Zoning Ordinance. The public hearing can be continued – depending on public outcry and concerns. We hope to have this ordinance done and enacted by August or September. There are a lot of good elements to the ordinance. As soon as the maps are completed, they will be given to the Planning Board members. The ordinance for Comprehensive Permits is being changed; the Planning Board will now have jurisdiction over Comp Permits and not the Zoning Board. The Zoning Board will give a recommendation to the Planning Board. There are a couple of Comp Permits in the works, so the Planning Board will see them in the near future.

Mr. Hervieux stated that he would make a presentation to the Town Council on May 25. The Town Council will ask the Planning Board for their recommendations; then a public hearing date will be set. The Zoning Board will forward recommendations by the June meeting to this body. This way the Planning Board will have a month to make a recommendation to the Town Council after the May 25th meeting. One public hearing is required, but the meeting could be continued to several nights. The consultant will make a presentation on Inclusionary Zoning. The Zoning Board was also invited to this meeting.

Mr. Olean made a motion to move the Consent Agenda down to Item

**#10. Mr. Mercurio seconded motion. Motion passed unanimously.**

## **MINOR SUBDIVISION REVIEW**

**a. Lincoln Garden Estates AP 43 Lots 20 & 21 Public Hearing – 7:15 pm**

**Steven, Stuart, & Cara Popovich Old Louisquisset Pike Preliminary Plan Discussions/**

### **Approval**

**Chairman Mancini explained the process for the public hearing: the Town Engineer will make a presentation, then the developer, the Board can ask questions, and then open it up to the public.**

**Ms. Wiegand stated that this is a subdivision of two lots being subdivided into five – one with the original house. The drainage basin will be on the original house lot. Preliminary Plan must be approved or denied by June 18, 2006. Utilities, Roads, traffic, wetlands, drainage were reviewed. There are a number of conditions:**

**Narragansett Bay Commission approval, Physical Alteration Permit for the state road. RIDEM approval, a condition on the maintenance of the detention basin, and no basements or finished floors are set into the seasonal high ground water.**

**Chairman Mancini stated that this is a minor subdivision; a public hearing is needed if a road is extended or created. Under a minor subdivision, no waivers are given. It states that sidewalks are not proposed. Mr. Thalmann stated that there are sidewalks on one side. He wanted input from the Board on what side of the road to put**

**sidewalks on. The approvals are in the works – NBC, RIDEM – reviews have been completed, and RIDOT for the PAP. There are no exceptions to the conditions.**

**Ms. Wiegand recommended sidewalks on the north side, closest to the existing house. Mr. Thalmann stated that the sidewalks would go to the beginning of the cul de sac. The traffic engineer is present if there are any questions. Mr. Ross stated that there are easement documents that need to be drafted and must be reviewed by the Town Solicitor. Chairman Mancini asked if anyone in the audience had any questions; no one spoke. Mr. Mercurio made a motion to close the public hearing. Mr. Reilly seconded the motion. Mr. Olean wanted it in the record that there were no waivers being requested. He questioned the last statement in the TRC to return to the Board in May. Everyone agreed it was in case there were concerns brought up at the public hearing. Mr. Mercurio stated that since there were no public comments, the Board should move forward to grant approval.**

**Mr. Mercurio made a motion to accept the recommendation of the Technical Review Committee, incorporate Mr. Ross's comments about the easement documents being reviewed by the solicitor's office, and to move this to Preliminary Plan approval. Mr. Lund seconded motion. Motion passed unanimously. Chairman Mancini stated the applicant was granted Preliminary Plan approval. Mr. Mercurio made a motion to delegate Final Plan approval to the Administrative Officer. Mr. Lund seconded motion. Motion passed**

unanimously.

**b. Dennell Drive AP 42 Lot 10 Pre-Application Discussion  
Elegant Homes, LLC Dennell Drive**

**Chairman Mancini stated that this is a pre-application discussion on a minor subdivision on Dennell Drive. There is no timetable at this stage.**

**Ms. Wiegand stated that this an existing lot at the end of an existing road. The house was started but never finished. A subdivision is now proposed to extend the cul de sac and subdivide the lot. There is an issue with sewers - there are gravity sewers on Dennell Drive, as you extend it, the land slopes down, continuing gravity sewers may be an issue. The water line must be looped per the Lincoln Water Commission ordinance. This is a fairly wet area – the town does not approve detention basins designed to be set into the seasonal high groundwater. No finished basements or floors are allowed in the seasonal high groundwater. Mr. Mercurio stated that from the centerline down, the entire left side of the property was wetlands, was bulldozed and artificially filled in. He requested that RIDEM perform core samples of the left side of the property to show if it is or is not a wetland. Ms. Wiegand stated that it is possible that RIDEM has photographic evidence that it was a wetland. Wetlands approval may be a condition upfront of this subdivision. Mr. Mercurio is certain that the property was wetlands and suggested to the Board that they not**

waste their time hearing this application. Mr. Mercurio made a motion to not consider this any further. Chairman Mancini stated that this is just an open discussion – there is no motion to be made.

Paul LeBlanc, a professional engineer with Ocean State Planners, stated that this is the first time he has heard of any potential wetlands violations or filling within that area. He has visited the site, but it appeared that there was subsoil left behind. He could go through the proposed road design. Mr. Mercurio stated that the developer of the property bulldozed the right side of the lot onto the left side of the lot, which was entirely wetland. It has totally affected the drainage of the houses on the left side going up Lennon Road. It has totally interrupted two brooks that use to run through the property. RIDEM needs to do core samples before anything else is done. Mr. LeBlanc stated that the wetland edge was delineated. Mr. Mercurio suggested that the aerial photographs of the property be reviewed – you can see the brooks. Chairman Mancini suggested looking at the wetlands issue before submitting an application on this project; once an application is submitted, there is a time line. Mr. Mercurio stated that his second issue is that the house should be finished before anything is done; it was started six years ago and is an eyesore to the neighborhood. It is a safety issue as kids park there at night and have parties in the back. He suggests that anything that is done is contingent upon the existing house being completed. Mr. LeBlanc stated that he would take the Board's concerns into strong consideration. He was not aware of any wetlands violations.

**Chairman Mancini asked him if he had any questions of the Board – he did not. The discussion was over.**

## **MAJOR SUBDIVISION REVIEW**

- a. Bank RI AP 28 Lot 51 Preliminary Plan Discussion/  
Bank RI George Washington Hwy. Approval**

**Chairman Mancini stated that this project is before the Board for Preliminary Plan discussion. Ms. Wiegand stated that the Board has seen this before. They are looking to subdivide temporarily before they merge. It is looked at as a subdivision and was looked at carefully for the usual issues. There must be access to the back and access for utilities. She has seen some easement documents for utilities, right of way, and access back and forth. Those documents need to be reviewed by the Town Solicitor. There is a small wetlands area in the back. The representative from Bank RI stated that they have received a wetland edge verification and approval from RIDEM; a few modifications were made and the plans reflect those changes. Ms. Wiegand stated that nothing is proposed in the back lot. They would not be looking for a permit – a preliminary determination - but it has been verified as a wetland subject to the jurisdiction. A PAP is required, but they are not proposing anything on the lot. A PAP would be necessary if anything was put on that lot. NBC owns the sewers in the back – they cannot apply for a permit; however, this is a**

major interceptor and there is a lot of capacity there and they are gravity sewers. The Lincoln Water Commission has set a number of conditions. Drainage has been discussed. The TRC recommends approval.

Chairman Mancini stated that he is concerned that the TRC would make a recommendation to waive the public hearing review stage. There is no latitude for the Board to waiver a public hearing - they can combine a public informational hearing with a public hearing, but they cannot waive a public hearing. The regulations of the town and state both require a public hearing.

Attorney Peter Ruggiero stated that they have no objection to a public hearing. Mr. Olean asked Ms. Hopkins if she was comfortable with the conditions. Ms. Hopkins replied that she was very comfortable with the future plans and has no concerns. Ms. Wiegand stated that you could not look at the future plans.

Mr. Ruggiero stated that 90% of the issues have been addressed. They appeared before the Zoning Board last month for a dimensional variance, which was approved with conditions that mimic the Planning Board's conditions about the requirements for the easement documents, and requirement to merge the lots for future development.

Nicole Wilkerson of Casali Engineering stated that she is the project manager. The easements provide access both pedestrian and

vehicular access to all of the lots. They worked with the Town, Water Commission and NBC to ensure that the easements are adequate for future development of all three lots. The Town Solicitor will review the easements and legal descriptions and any adjustments can be made if necessary. A note will be put on the plan that any finished floor must be set above the ground water elevation. Approval was received by RIDEM that has verified the flagged wetland edges and classification of the wetlands. They are well aware that any future development will require a PAP and an application to RIDOT. An application was submitted to the Lincoln Water Commission and some conditions of approval were set: all utility information reflected current water appurtenances on site. A utility easement was dedicated to provide access to the existing water main that services Dunkin Donuts. The easement was extended through Lot 1 and it would provide future access to loop the water line. If any building were proposed in the future on that lot, the water line would be required to be looped. Any future development would require approval from RIDEM, RIDOT and the town. Mr. Ruggiero asked that a public hearing be set tonight if possible.

Mr. Olean made a motion to accept the TRC report with the conditions and move to a public hearing. Mr. Mercurio seconded motion. Motion passed unanimously.

Chairman Mancini reminded the applicant that an abutters list was needed.

## **MAJOR LAND DEVELOPMENT REVIEW**

### **a. 143 Reservoir Avenue AP 6 Lot 437 Master/Preliminary Land Joseph Kishfy Reservoir Avenue Development Discussion/Approval**

**Chairman Mancini stated that a public hearing was held for this development for the combined Master/Preliminary Plan.**

**Ms. Wiegand stated that this is the addition to the apartment building, next to La Cabana, to put another building in the back – a similar type use. The outstanding issues were that the sewers belonged to Pawtucket, the roads to Lincoln, and the issue with the water line. She is looking for a letter from the other municipality. Mr. Ruggiero stated that the Mr. Ihenacho, the engineer, has had meetings with the Pawtucket Water and Sewer Departments and Lincoln Water Commission and has some information that he would like to present to the Board. Ms. Wiegand stated that the only other issue with this project is whether it is subject to permitting through RIDEM because it is within 50' of a freshwater pond and does drain so it is in the watershed – it is affecting the flow into the pond. This is either a non-jurisdiction issue or a preliminary determination. Mr. Mercurio asked if the issue was ever settled about the entrances – whether there would be uni-directional or bi-directional traffic flow at**

**the entrances and exits. Mr. Ihenacho stated that the question at that time was whether a one-way or two-way was the preference; two-way is preferable because less signs are needed and it is free flow. There is tendency for fewer accidents, especially in an apartment use situation. If it is a high volume roadway, there is more accident potential for a two-way; in a residential area, you have fewer cars, one or two cars an hour coming in or out. Two-way is preferable; they are using two-way on one side and one-way on the other side. A package has been submitted showing the proposed plan and utility plan and has been reviewed with the Pawtucket Water and Sewer Departments and the Lincoln Water Commission. The Lincoln Water Commission has authorized the use of Pawtucket Water service to the building. The City of Pawtucket has issued a letter of no objection for a sewer tie in.**

**Mr. Lund asked about the grinder pump in the back. Mr. Ihenacho stated that the back building would pump up to the existing building's gravity sewer. A manhole will be put in there for maintenance purposes. The Pawtucket Water Supply Board has reviewed the plans and is waiting for the Planning Board to approve the project. Mr. Lund asked about sprinklers. Mr. Ihenacho stated that there will be two separate water lines - a 2" water line for domestic service and a 4" water line for the sprinkler system. They have submitted a request for preliminary determination to RIDEM and they are awaiting a letter from RIDEM. Gas is available in the street. There are no structural or functional problems with developing the project.**

**Chairman Mancini asked what is needed before the Board considers approval. Ms. Wiegand stated that RIDEM approval is needed and she would feel comfortable approving subject to approval from RIDEM with no significant alteration of the site plan.**

**Mr. Ruggiero asked if final plan approval could be delegated to the Administrative Officer. Mr. Reilly stated that the Board has been looking at the same plan for months now. Ms. Wiegand stated that dry wells are proposed.**

**Mr. Olean asked about the ejection pump and if any considerations were made for standby electricity since it is so close to the pond. If the electricity goes out, is the watershed protected with not pumping the sewerage out of the building. Mr. Ihenacho stated that a bigger holding tank could be installed to hold for a longer period. Mr. Lund stated that if the power is out, there is an hourly retention period on the pump. If the pump system were to overflow, the sewerage would go right into the pond. A small gas generator on site would protect the pond. Mr. Mercurio suggested a larger tank or a small generator whichever is cheaper. Mr. Ruggiero stated that the developer would like to avoid a generator, but they would work with Ms. Wiegand on the size of the tank. Ms. Wiegand stated that she would ask for a generator for any new pump stations. This is a private development with a grinder pump and they can design enough capacity. Mr. Lund suggested leaving a place to plug in a 220 line right on site; a small**

**generator can be plugged in if necessary. Mr. Olean stated that he brought it up because he was concerned with the pond.**

**Mr. Olean made a motion to approve the Master/Preliminary Plan with the conditions set forth by the TRC. Ms. Wiegand stated that the condition is they get RIDEM approval or letter of non-jurisdiction. Mr. Mercurio seconded motion. Motion passed unanimously.**

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

**b. Nafta Mills AP 34 Lot 14 Final Land Development Plan**

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

**Ms. Wiegand stated that Nafta Mills asked for a continuance as they are still waiting for RIDEM approval for the work plan. It has been submitted.**

**Mr. Mercurio made a motion to continue Nafta Mills to the next meeting. Mr. Olean seconded the motion for discussion. Mr. Reilly asked about the issue about work being done on the site – was there work done that should not have been done? Ms. Wiegand stated that the applicant received a letter and that she received a copy of that letter stating that the work was in violation of the regulations and if they did not cease and desist and repair what they had done, they**

would be starting at ground zero with new reports. It was a very serious letter from RIDEM; RIDEM went out to the site and inspected it. They were required to cover the soil, but the cover has blown off once or twice. Motion passed unanimously.

A discussion was held on the work that was done before RIDEM approval was issued. Mr. Ross stated that it is within RIDEM's jurisdiction and they are doing their thing. As far as the Board is concerned, there has not been a final adjudication of anything. The letter was issued – they were ceased and desisted. It is up to RIDEM to enforce the letter. Mr. Ross stated that he did not have a problem having the record reflect during the next hearing that the statements made by Ms. Wiegand two months ago in fact had substance as evidenced by the issuance of the letter by RIDEM.

## **CONSENT AGENDA**

Chairman Mancini asked about the special use permit for Blackstone Valley Builders, LLC for the construction of a two-family dwelling unit on property located at the corner of Manville Avenue and Ash Street in Manville. He asked what the zone currently allows. Mr. Hervieux explained that it is zoned RL-9 and RL-9 requires a special use permit for a two-family. Chairman Mancini stated that there are numerous items on the Consent Agenda – there are six zoning applications and

**items under Correspondence/Miscellaneous.**

**Mr. Olean asked about the CDBG application. Ms. Wiegand stated that the Town received money to do a sewer study in the Lonsdale Main Street area. There are 6” clay pipes running through the backyards.**

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

## **ELECTION OF PLANNING BOARD MEMBERS**

**Chairman Mancini turned the gavel over to the Vice Chairman, Mr. Olean.**

**Mr. Olean made a motion to nominate John Mancini as Chairman of the Planning Board. Mr. Mercurio seconded the motion. One vote was cast for Chairman Mancini.**

**Mr. Lund made a motion to retain Mr. Olean as Vice Chairman. Mr. Mercurio seconded motion. One vote was cast for Mr. Olean for Vice Chair.**

**Mr. Olean made a motion to nominate Mr. Reilly as Secretary. Mr. Mercurio seconded motion. One vote was cast for Mr. Reilly.**

**Mr. Mercurio asked Mr. Ross what the rights of the purview of the Planning Board regarding issues involving the possible, illegal filling in of wetlands. Mr. Ross stated that the Board all but told the applicant to not come back before going through the RIDEM process. Ms. Wiegand stated that the applicant originally came in with a different engineer.**

**There being no further business to discuss, on a motion made by Mr. Olean and seconded by Mr. Mercurio, it was unanimously voted to adjourn. Meeting adjourned at 8:30 p.m.**

**Respectfully submitted,**

**Margaret Weigner**

**ATTACHED APRIL TRC REPORT:**

**On April 10, 2006 at 2:00 pm, the Technical Review Committee met to review the agenda items for the April 26, 2006 Planning Board meeting. In attendance were Al Ranaldi, Russell Hervieux, Kim**

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

### **Minor Subdivision Review**

**a. Lincoln Garden Estates AP 43 Lot 20 & 21 Public Hearing – 7:15 PM**

**- Steven, Stuart, & Cara Popovich Old Louisquisset Pike Preliminary Plan**

**Discussion / Approval**

**This application is under the 2005 Subdivision Regulations and represents the subdivision of two lots into five conventional single-family lots. Four of the five lots will be accessed from a new cul-de-sac street. All five lots will be serviced by public water and sewer. The subject lots contain approximately 5.28 acres of land and are located in zoning district RS-20 (20,000 square feet – Residential Single Family).**

**On March 15, 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. If a street extension or creation is required, the Planning Board shall hold a public hearing prior to approval according to the requirements of these regulations at Section 18(c) & (d) and shall approve, deny, or approve with conditions, the preliminary plan with conditions within ninety five (95) 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 27.” Therefore, a decision on the Preliminary Plan review must be made by June 18, 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 development according to the Land Development and Subdivision Planning Board preliminary plan submission standards and requirements and standard engineering practices. The new plans reviewed were entitled “Preliminary Design Plans for Lincoln Garden Estates”, Minor Residential Subdivision, AP 43 Lots 20 & 21, Old Louisquisset Pike, Lincoln, RI, prepared for Steven Popovich & Stuart & Cara Popovich by Thalmann Engineering Co., Inc. The set of plans are dated January 2006, latest revision date March 2006. A document entitled, “Drainage Report & Calculations, Lincoln Garden Estates” prepared for Steven Popovich & Stuart & Cara Popovich by the above engineer dated March 30, 2006 was also reviewed. A “Traffic Impact Study” for the development prepared for Thalmann Engineering Inc. by RAB Professional Engineers, Inc. dated March 2006 was reviewed. Below are the TRC concerns.

**Site Plan**

**Existing wells and septic systems on the property have been located and shown on the plans.**

### **Utilities**

**The subdivision is proposed to be connected to public water and sewers via existing lines in Old Louisquisset Pike. The Lincoln Water Commission (LWC) has notified the Town that public water is available. The LWC requires that individual service lines be installed from the water main in Old Louisquisset Pike to each building. According to the LWC, “Any buildings located more than 90 feet from the front property line will need a meter pit and all installations will require a backflow preventor and expansion tank.” The nearest public sanitary sewers are in Old Louisquisset Pike. The sewers are owned by the Narragansett Bay Commission (NBC). Gravity sanitary sewers are proposed to connect to the sewer line. NBC approval will be required for sewer service to the project. A permit from NBC for the sewer connection must be a condition of approval.**

### **Roads/Traffic**

**Access is proposed from Old Louisquisset Pike, a State highway. A Physical Alteration Permit from RI Department of Transportation (RIDOT) is required and must be a condition of approval. The nearest intersection is at Chase Road which is more than 150 feet away. According to the traffic report, the proposed development will not**

**have a detrimental effect on public safety and welfare in the study area. No sidewalks are proposed. A waiver of this requirement will have to be discussed and approved by the Planning Board.**

### **Wetlands and Drainage**

**The proposed detention basin for the development would discharge towards a wetland behind the existing house on Lot 20. (Note that General Note #5 on sheet 2 is incorrect.) RI Department of Environmental Management (RIDEM) Wetlands approval will be required and must be a condition of approval. An erosion and sediment control plan will be required by both the Town and RIDEM and must be a condition of approval.**

**Access to the detention basin from a public right of way for the Town must be noted in the easement documents. Landscape maintenance of the detention basin is to be the responsibility of the property owner on which the basin is located. Structural maintenance will be the responsibility of the Town. The note on sheet #5 addresses this issue which must be a condition of approval. A condition of approval should also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as determined by a certified soil evaluator. This must be put in a note on the plans. This condition must be met in order to obtain a building permit.**

**The Technical Review Committee feels that the above noted concerns**

are minor in nature and can be easily addressed by the applicant. Therefore, the Technical Review Committee recommends that the applicant address the above noted concerns and any public comments offered at the Public Hearing and return to the Planning Board in May.

**b. Dennell Drive AP42 Lot 10 Pre-Application Discussion  
- Elegant Homes LLC Dennell Drive**

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into four conventional single-family lots. The four lots will be accessed from the proposed extension of the existing Dennell Drive and will end in a new cul-de-sac. The total length of the proposed road will be 860 feet. All four lots are proposed to be serviced by public water and sewer. The subject lots contain approximately 19.0 acres of land and are located in zoning district RA-40 (40,000 square feet – Residential Single Family). This application is in front of the Planning Board for a Pre-Application Discussion. There are no time lines associated with this phase.

The Technical Review Committee and the Engineering Division have reviewed the above proposed development according to the Land Development and Subdivision Planning Board preliminary plan submission standards and requirements and standard engineering practices. The plans reviewed were entitled “Conceptual Minor Subdivision Plan – AP 42 Lot 10 Dennell Drive, Lincoln, RI, prepared

for Elegant Homes LLC by Ocean State Planners, Inc. The set of plans are dated December 30, 2005, latest revision date March 1, 2006. Included in this plan set is a ½ mile radius plan of the area dated January 27, 2006. The TRC recommends that the application addresses these general concerns and work closely with the Town during the development of the plans.

Based on the submitted plan set, the Technical Review Committee offered the following general recommendations;

1. The Town will not accept another pumping station or low pressure pumping system– therefore, the proposed sewers must be gravity feed.
2. The proposed water line must be looped per the Lincoln Water Commission (LWC) policies. The public water system must be reviewed and approved by the LWC.
3. The applicant must work very closely with the Town Engineer on the development of the drainage system. The bottom of the detention basin must be above the seasonal high groundwater elevation.
4. All finished floors or basements must be set above the seasonal high ground water elevation. The Town Engineer would like to witness the test pits.

## **Major Subdivision Review**

a. Bank RI AP 28 Lot 55 Preliminary Plan

- Bank RI George Washington Hwy Discussion / Approval

**This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into three commercial lots. The proposed project is classified as a Major Subdivision due to the project's need for zoning relief. This project is in front of the Planning Board for a Preliminary Plan discussion and review. On April 10, 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 Preliminary Plan review must be made by August 9, 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 preliminary plan submission included a plan entitled "Site Plan for Proposed Subdivision of Land, Bank RI", AP 28, Lot 51, 629 George Washington Highway, Lincoln, Rhode Island, prepared for Bank Rhode Island by Joe Casali Engineering, Inc., dated December 2005 and last revision noted on March 2006. Also received was a report entitled "Project Narrative" Bank RI Proposed Subdivision of Land AP**

**28 Lot 51 prepared for the above owner by the above consultant dated March 2006. In addition, a letter was received from Casali Engineering, Inc. dated March 2, 2006 to the Narragansett Bay Commission for a Sanitary Sewer Discharge Permit. Also included are proposed deed descriptions for the permanent rights-of-ways developed for the land locked lot in the rear. Below are the TRC concerns.**

### **Site plan**

**The proposed temporary nature of the landlocked lot 1 is not guaranteed. In order not to create potential problems, the following (potentially defeasible) easements must be granted in the private 40 foot wide right of way shown on the plan as a condition of approval:**

- 1. Vehicular/pedestrian access to and from George Washington Hwy for lot 1 across lot 2.**
- 2. Vehicular/pedestrian access to and from George Washington Hwy for lot 3 across lot 2.**
- 3. Sanitary sewer connection for lots 2 and 3 through lot 1.**
- 4. Water service for lot 1 through lot 2.**

**The applicant has included deed descriptions for proposed rights-of-ways. In addition to these easements, the applicant needed zoning relief which they received on April 4, 2006. The TRC recommends that these easements be reviewed by the Town's solicitor's office.**

### **Groundwater**

**It is recommended that finished floors or basements must be set**

**above the seasonal high ground water elevation since the discharge of excess groundwater could adversely impact adjacent properties if not directed to the State Highway drainage system. This must be a condition of approval for the subdivision.**

### **Wetlands**

**The consultant has flagged wetlands on site. An application for verification of the wetlands has been requested from RI Department of Environmental Management (RIDEM) to confirm the type and extent of any wetlands. This must be a condition of approval for the subdivision. When any construction work is proposed, the project may need to obtain a RIDEM Wetlands Preliminary Determination permit.**

### **Traffic**

**In the above report, the consultant has concluded that no RI Department of Transportation (RIDOT) Physical Alteration Permit (PAP) is required at this time. The land use will be changed by this subdivision. Land use changes trigger a PAP. However, the PAP will need to be filed when a specific, proposed use is identified. Such a permit will be required as condition of a construction permit.**

### **Utilities**

**Approval from NBC is required as a condition of preliminary plan approval. An easement is required to connect proposed lot 3 to the NBC interceptor sewer shown on the plans. The Lincoln Water**

**Commission (LWC) superintendent has communicated to the Town Engineer (telephone conversation 1/13/06 and in a written letter dated March 7, 2006 to the project engineer) that public water service is available to this subdivision but at this time, the applicant is not proposing any construction or water services for this subdivision. However, any new lots will be required to submit a plan for preliminary approval of a new service which meets LWC requirements. While no new water services are requested, the LWC did request three conditions of approval of the proposed subdivision.**

**The conditions are as follows:**

- 1. An updated plan showing all existing easements and water lines, including the end of Wake Robin Road to the south of the proposed Lot 1.**
- 2. A dedicated 20 foot wide easement from George Washington Highway to Wake Robin Road for the future connection of the existing 8-inch water line servicing the Dunkin Donuts to the 8-inch water main in Wake Robin Road.**
- 3. Any future construction will be required to loop the water lines through the easement.**

### **Drainage**

**Drainage towards George Washington Highway will be reviewed by RIDOT as part of the PAP. Drainage design from the future construction in the subdivision must include no increase of storm water onto any Town roads or infrastructure so as not to cause or exacerbate any drainage problems down gradient of the site.**

**The applicant has received, reviewed, and accepted the above noted comments at the Master Plan phase of this project. The applicant has already begun to address the concerns. As presented above, the applicant is at Preliminary Plan phase which requires a public hearing. The TRC feels that this applicant has been before the public for this project three times. The public has had the opportunity to review this project one time at a Planning Board public informational hearing, and twice for the Zoning Board review. Each public meeting attracted little to no public comments. Therefore, the TRC recommends that the Planning Board waive the public hearing portion of this review stage. If the applicant agrees to the above noted conditions of approval, the Technical Review committee recommends Approval with Conditions of this Preliminary Plan Subdivision.**

## **Major Land Development Review**

### **a. 143 Reservoir Avenue AP 6 Lot 437 Master / Preliminary Land Development**

**- Joseph Kishfy Reservoir Avenue Discussion / Approval**

**On February 14, 2006, the Master Land Development Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of**

**completeness, or within such further time as may be consented to by the applicant, approve the master land development 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 Land Development Plan review must be made by June 14, 2006 or within such further time as may be consented to by the applicant.**

**The Technical Review Committee and the Engineering Division reviewed the above proposed land development project according to the 2005 Land Development and Subdivision Regulations master land development plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Site Plan" AP 6 Lot 437, Reservoir Avenue in Lincoln, Rhode Island, prepared for Joseph Kishfy by Marsh Surveying Inc., dated July 6, 2005.**

### **Wetlands/Drainage**

**As measured on the plans, Spectacle Pond is within fifty feet of the proposed work. Therefore, a permit or determination from RIDEM Wetlands Section is required for land development approval as a condition of the approval. Per the Town ordinance as well as RIDEM regulations, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site. It does not appear that there is a significant increase of impervious covering from the new construction; however, the Town requires that the owner install a dry well to capture the roof**

runoff. The existing swale to the pond should be enhanced as a filter strip to mitigate potential water quality issues.

## **Utilities**

The new building is proposed to be connected to public water and sewer. The sewer supervisor has stated that public sewers belong to the City of Pawtucket. Approval for connection to their sewer is required as a condition of the approval. The applicant must obtain a road opening permit before construction from the Town of Lincoln if the proposed sewer service connection is a new, separate connection. The applicant must obtain a permit from Narragansett Bay Commission for the sewer flows. The applicant must obtain approval to be connected to public water for the proposed new building. The applicant applied to the Lincoln Water Commission (LWC). The LWC submitted a letter to the Town stating that the existing

1 ½" service line may have to be upgraded to accommodate the additional units. More recently, the developer requested that the LWC allow the development to connect to the City of Pawtucket's system. The LWC (letter dated 4/17/06) has no objection to this proposal, with the condition that the existing service connection be completely disconnected at the LWC main. According to the applicant, he has received preliminary approval from Pawtucket to tie in.

## **Zoning Approval**

On April 4, 2006, this project received a Special Use permit and

**Dimensional Variance for the development of six additional dwelling units contained within one new building.**

**The TRC recommends to the applicant that they address the above noted concerns and return to the Planning Board in May. The TRC recommends that written approvals or a letter stating that the approvals will be forthcoming from the City of Pawtucket for the public sewer and water connections be submitted to the Town.**

**b. Nafta Mill AP 34 Lot 14 Final Land Development**

**- A. F. Homes Old River Road Plan 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.**

### **May 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.**

**Keith E. Beck, 8 Bridle Drive, Lincoln, RI – Dimensional Variance for side yard setback for the construction of an addition.**

**AP 26, Lot 133 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 rear 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.**

**Blackstone Valley Builders, LLC, 260 Blackstone Street, Blackstone, MA – Special Use Permit for the construction of a two family dwelling unit on property located at the corner of Manville Avenue and Ash Street, Manville, RI.**

**AP 35, Lot 199 Zoned: RL 9**

**Members of the Technical Review Committee visited the site and reviewed the submitted site plan and application. Based on the submitted plan, the applicant has successfully addressed all of the requirements for the zoning and subdivision regulations. The TRC feels that this plan represents good land development and is consistent with the existing housing units around the site. The TRC recommends Approval of this special use permit. The TRC feels that granting this special use permit will not alter the general character of the surrounding area nor impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.**

**Russell R. Bridges, 1836 Old Louisquisset Pike, Lincoln, RI – Extension of Decision rendered on January 6, 2004 for a Dimensional**

**Variance.**

**AP 25, Lot 16 Zoned: RA 40**

**Members of the Technical Review Committee reviewed the submitted application for a time extension of a dimensional variance. The TRC recommends Approval of the application for a time extension for a dimensional variance. The Committee feels that the applicant has been diligently working to start construction of the project within the one year time frame but time ran out.**

**Douglas & Tracy Dame, 17 Columbia Avenue, Lincoln, RI – Dimensional Variance for a front yard setback to add a second story addition to the existing dwelling and re-construct the existing enclosed porch.**

**AP 6, Lot 289 Zoned: RG 7**

**Members of the Technical Review Committee reviewed the submitted application for a dimensional variance for a front yard setback. The TRC recommends Approval of the application. A site visit and review of the proposed site plan indicated that the property has unique characteristics (the Town's border line with Pawtucket runs through the property) that prevent the applicant from building in any other direction. The applicant has worked to maintain the existing footprint of the existing house. The TRC finds that the requested variance is the least relief required, meets all of the requirements for a dimensional variance, is consistent with the surrounding**

**neighborhood and will be consistent with the Comprehensive Plan.**

## **Correspondence / Miscellaneous**

### **a. Staff Reports - None**

### **b. Community Development Block Grant – 2006 / 2007 Town of Lincoln Application**

**Attached you will find correspondence from the Town's housing department. The correspondence is a brief description of the proposed projects for the 2007 Community Development Block Grant.**

**According to this program, each city's and town's Planning Board must review and determine if the proposed projects conform to their Comprehensive Plan.**

**The Technical Review Committee reviewed the application and feels that each proposed project is consistent with the Comprehensive Plan and will help to fulfill the goals and objectives present within the Plan. The TRC recommends a positive recommendation be submitted with the application.**

### **c. Final Plan Approval – AP 45 Lot 227 – Myers Drive**

**Within the last month, the above noted minor subdivision was reviewed and approved as the final plan by the Administration Officer.**

**All conditions of approval were successfully met by the applicant. The applicant recorded the minor subdivision on the same day.**

**d. Final Plan Approval – AP 10 Lot 304 – Chapel Street**

**Within the last month, the above noted minor subdivision was reviewed and approved as the final plan by the Administration Officer.**

**All conditions of approval were successfully met by the applicant. The applicant recorded the minor subdivision on the same day.**

**e. Administrative Subdivision Approval – AP 45 Lots 1 and 2 – Angell Road**

**Within the last month, the above noted administrative subdivision was reviewed and approved by the Administration Officer. The applicant successfully met all of the subdivision regulations. The applicant recorded the administrative subdivision on the same day.**

**f. Administrative Subdivision Approval – AP 28 Lot 108 – Wake Robin**

**Within the last month, the above noted administrative subdivision was reviewed and approved by the Administration Officer. The applicant successfully met all of the subdivision regulations. The applicant recorded the administrative subdivision on the same day.**