

LINCOLN PLANNING BOARD

FEBRUARY 28, 2007

MINUTES

The regular meeting of the Planning Board was held on Wednesday, February 28, 2007, at the Town Hall, 100 Old River Road, Lincoln, RI.

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

Vice Chairman Olean advised five members present; have quorum.

SECRETARY'S REPORT

Mr. Hunt made a motion to dispense with the reading of the September 27, 2006 Planning Board minutes. Mr. Reilly seconded motion. Motion passed unanimously.

Mr. Reilly made a motion to accept the minutes of September 27, 2006 as amended. Mr. Bostic seconded motion. Motion passed unanimously.

CONSENT AGENDA

Vice Chairman Olean stated that any item on the consent agenda could be removed and discussed separately by making a motion. There are six items under Zoning Applications and one item under Correspondence/Miscellaneous on the agenda for consideration.

Mr. Hunt made a motion to approve the Consent Agenda as presented. Mr. Reilly seconded motion. Motion passed unanimously.

Mr. Hunt made a motion to move item #7 up on the agenda. Mr. Reilly seconded motion. Motion passed unanimously.

MINOR SUBDIVISION REVIEW

- a. Robert Minor Subdivision AP 23 Lot 68 Preliminary Plan Review/
Roberts Family Trust Great Road & Sherman Ave Approval**

Mr. Ranaldi stated that this is a minor subdivision of one lot into three single-family residential lots. The Preliminary Plan submittal received a Certificate of Completeness on January 16, 2007, and the Board has until March 21, 2007 to approve, approve with conditions, or deny. No new road is proposed. The Technical Review Committee (TRC) has reviewed the application and the applicant has addressed

all of our concerns. One concern addressed was the sight distance going up Sherman Avenue. The applicant has submitted a revised drawing showing the curvature of the road and clearly shows that the lot has significant sight distance; an engineer submitted a letter confirming that sight distance. The letter also recommended that the boulders and rocks be cleared along the frontage on Sherman Avenue once the project has been completed. They have received a wetlands permit. They will need to look at drainage for the proposed lots and a culvert will be needed to divert the drainage. The TRC recommends approval with the eleven conditions listed in the TRC report.

Brian Thalmann, of Thalmann Engineering, representing Mr. Roberts, thanked the Board for moving the matter to the top of the agenda. All concerns have been addressed. He would ask the Board to move approve this subdivision tonight. Ms. Wiegand stated that the existing water line would have to be moved, as where it is currently located, it would be under the new house that is proposed on Sherman Avenue. Mr. Mercurio asked who is responsible for enforcing the conditions. Ms. Wiegand stated that some of the conditions are on the final plan and are enforced by the building permit – all building permits go through zoning, building inspector, engineering, and sewer departments. Mr. Mercurio asked if sewers were available, and Ms. Wiegand stated that sewers are available – the applicant just hasn't received the letter.

Mr. Olean asked Mr. Thalmann if there were any objections to the TRC report and Mr. Thalmann stated that there were no objections to the conditions.

Mr. Mercurio made a motion to accept the TRC recommendation for this project. Mr. Reilly seconded motion. Motion passed unanimously.

MAJOR SUBDIVISION REVIEW

**a. Rivers Subdivision AP 23 Lot 119 Preliminary Plan Discussion/
Estate of Anna M. Rivers Old River & Lower River
Rd. Discussion/Approval**

Vice Chairman Olean stated that this is a public hearing for the Rivers subdivision. The list of abutters was read; there were four abutters present. Mr. Olean explained the process of the public hearing – the Town Planner will give a presentation, then the applicant, the Board can ask questions, and then the public can speak. Mr. Ranaldi stated that this subdivision of one lot into five single-family residential lots. No new road is proposed; all lots will be accessed off of Old River Road or Lower River Road. They received a Certificate of Completeness on December 11, 2006; the Board has until April 10, 2007 to approve, approve with conditions, or deny. They have submitted all necessary plans and reports for

Preliminary Plan. The TRC reviewed the project. One concern was the drainage and the engineer had to pay special attention to the sightings of the homes due to the challenges of the site. One requirement would be that the specific lot layouts have to be part of the deed language so that the drainage and the swales that were developed are incorporated into the final project. They have received their wetlands permit. The TRC recommend that the applicant address the noted concerns and any concerns brought up at the public hearing.

Brian Thalmann of Thalmann Engineering stated that all the matter have been addressed and is present to answer any questions that the Board or public may have. Mr. Olean asked the Board if there were any questions; there were none. The public was then invited to speak. Bill Cullen of 45 Old River Road stated that his father built his house on ledge and is concerned about blasting. Blasting causes damage. Mr. Thalmann stated that as part of the design process, the Town requires test pits be conducted and witnessed and reported by a soil evaluator. On each lot, a series of test pits were conducted both in the location of the proposed dwelling and where we intended to mitigate the increases in surface water runoff through drywell systems. As part of the design process, they took the results and sited the dwellings so that neither ground water nor ledge would be a factor. There is one lot on the south side along Old River Road, which may require some removal of rock by one or more mechanical methods. A condition of approval was that for any blasting needed, a

pre-blasting survey is required; they are amenable to that condition. Any rock removal will be limited. It is a challenging site, but they came up with a design that addresses all of the issues and the concerns of the abutting property owners. Mr. Mercurio asked if when the test pits were conducted, if the path of the utility trenches was taken into consideration. Mr. Thalmann replied yes.

Mr. Olean stated that there are state regulations that must be followed if there is blasting required.

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

Mr. Thalmann asked if the Board would consider granting a decision tonight. Mr. Olean stated that the TRC recommended that the applicant return next month. Mr. Mercurio stated that due to the fact that there were no negative comments made, and the fact that there is no reason to hold this up, that we grant Mr. Thalmann's wish and grant approval this evening. Mr. Bostic asked if any thought was put into the drainage – there were concerns about the water runoff and there is no drainage system. Mr. Thalmann stated that there were several methods of addressing that across Lower River Road and approached abutters for an easement, but they were unsuccessful. A drainage swale was incorporated along the west side of Lower River Road that will convey any drainage that comes down the hill into the swale and into the wetland. One abutter wanted curbing, but after

reviewing it, introducing curb would exacerbate the icing situation. The matter was review by the RIDEM as part of the application. Mr. Ranaldi stated that is why there is a restriction on the deed on the placement of the houses. The onsite improvements will help the drainage. The specific location of the house was designed with everything in mind, so a homeowner would have to put the house where it is shown on the plans. Mr. Hunt commented that if the Town engineer is satisfied with the drainage and the runoff, he would recommend approval. Someone in the audience asked for a point of clarification.

Mr. Mercurio made a motion to grant Preliminary Plan approval. Mr. Olean asked Mr. Krieger about the legal ramifications about a point of clarification. Mr. Krieger explained that it is in the purview of the Board if, upon motion of a member, to reopen the public hearing and allow the person to speak. A motion is needed to reopen the hearing.

Mr. Mercurio retracted his motion and made a motion to reopen the public hearing. Mr. Reilly seconded motion. Motion passed unanimously. The gentleman came forward to ask where this project was located as he was concerned about a project that may come up in the near future off of Lower River Road and Avenue A, B, C or D. Mr. Reilly stated that these proposed houses have frontage on Old River Road and Lower River Road. This project is at the intersection of Lower River and Old River Roads.

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

Mr. Mercurio made a motion to grant Preliminary Plan approval. Mr. Hunt seconded motion. Mr. Mercurio asked that the motion be amended to include that final approval be grant to the Administrative Officer. Mr. Hunt seconded motion. Motion passed unanimously.

Mr. Hunt made a motion to move up Item 5C up to the next item on the agenda. Mr. Mercurio seconded the motion. Motion passed unanimously.

**c. Lincoln Meadows AP 45 Lot 1 Preliminary Plan Extension
Angellin, LLC Angell Road**

Mr. Ranaldi stated that this is a subdivision of one lot into seven. The applicant had a wake to go to tonight. They are 90% complete and due to the involvement of their other project, which is directly behind it, they asked for a one-year extension to complete both projects. The TRC recommends approval of their request.

Mr. Mercurio made a motion to approve the one-year extension. Mr. Bostic seconded the motion. Motion passed unanimously.

Mr. Mercurio made a motion to move Item 5D up to the next item on the agenda. Mr. Hunt seconded motion. Motion passed unanimously.

d. Riverfront Estates AP 45 Lot 436 Preliminary Plan Extension

Dosco, Inc. Angell Road

Mr. Ranaldi stated that this is the subdivision of one lot into five conventional single-family lots. They received Preliminary Plan approval on March 22, 2006 and are requesting a one-year extension. They have not started on the public improvements, but plan to start in the spring. The TRC recommends approval.

Mr. Hunt made a motion to grant a one-year extension. Mr. Mercurio seconded the motion. Motion passed unanimously.

Mr. Mercurio made a motion to move item #5E up to the next item on the agenda. Mr. Reilly seconded motion. Motion passed unanimously.

**e. Holiday Preserve AP 14 Lot 90 Maintenance Bond Release/
Seminole Development LLC Holiday Drive/Christian
Court Recommendation to Town Council**

Mr. Ranaldi stated that this project has been completed. There are five conventional single-family houses built; the road has been installed and approved by the Town; final plan has been approved; the one-year maintenance period has passed. The Town is holding a maintenance bond for the top layer of the road, but that has been successful and the applicant is requesting that the bond be released back to them and a positive recommendation be offered to the Town Council to accept the public road which is Christian Court into the

Town highway system. The TRC recommends approval.

Mr. Mercurio made a motion to accept the recommendation of the TRC. Mr. Reilly seconded motion. Motion passes unanimously.

b. Hien Subdivision AP 8 Lot 23 Public Hearing – 7:45 p.m.

**Patti Hien Grandview Avenue Preliminary Plan
Discussion/Approval**

The list of abutters was read; there were three abutters present. Mr. Olean explained the process for the public hearing. The Town will give a presentation, then the applicant, and then it will be open to the public. Mr. Ranaldi stated that this is a subdivision of one lot into two single-family residential lots. The proposed lot would need a dimensional variance for lot width; therefore, it has been elevated to Major Subdivision Review. If the proposed lot met all of the zoning, it would have been a minor subdivision. The applicant received a Certificate of Completeness on January 16, 2007 and the Board has until May 15, 2007 to approve, approve with conditions, or deny. On February 6, 2007, the Zoning Board granted the dimensional relief that was needed. There was some administrative relief that was needed for the existing structures on the property. The dimensional variance was granted for 3' for lot width. The lot has two frontage lots - this would eliminate the through lot; the existing property extends from one street to another. The proposed lot is in an RS-12 zone, 12,000 sq. ft. Water is available in the street. Drainage would

be minimal because it is only one new house and would be controlled as a condition at the building permit stage where they would have to have finished floors constructed at or above the seasonal high ground water elevation.

Mr. Krieger stated that he wanted to clarify that it was actually a six-foot variance; they had 93.97'. The Zoning Board has approved this, but the Zoning decision has not been filed yet. Due to the time constraints, he has to wait for the Zoning Board minutes. He will try to get to it over the weekend. The appeal period has not begun to run on that Zoning Board decision. Whatever the Board does this evening or in the future is dependent upon the filing of that decision.

Mr. Mercurio asked if the Board has standing to hear this matter tonight. Mr. Krieger stated that the Board has standing to hear it as the Zoning Board has granted approval. The filing of the decision starts the appeal clock to run. 95% of the requests are non-controversial. When granted the approval, they can commence improvements but do it at their own peril, if after the decision is filed, someone were to file an appeal. Mr. Mercurio asked if a decision were made tonight, it would not become a final decision until the time ran out on the appeal process? Mr. Krieger stated that an applicant would do so at his or her own peril until the decision is final and the 20-day appeal period is run.

Paul Rampone, a professional engineer, stated that he is representing Mrs. Hien. He previously submitted to the Board the original layout

that showed it was originally 15 lots and the neighborhood was condensed into 6 lots. The 12,000 sq. ft. lots are larger than most in the neighborhood. It meets the zoning requirements. Mr. Olean asked if he was aware of the TRC report. Mr. Rampone stated that he was aware of the TRC. Mr. Olean asked if he was aware of Mr. Krieger's statement. Mr. Rampone stated that he is now. He is anxious to move forward, but realizes that you can only go so fast.

Mr. Olean opened the meeting up to the public.

Debra Peloquin of 100 Woodland Street stated that she is strongly opposed to this. That is a bad corner and feels there will be a lot of traffic hazards. They have a difficult time pulling in and out of their driveway. It will devalue her property. It will make the corner of the neighborhood more crowded. She asked where the construction vehicles would park as there is no parking over there. Mr. Rampone stated that construction vehicles would park on the lot and the delivery vehicles would park on the street to make the deliveries.

David Wyatt of 50 Lakeview Road stated that he is immediately adjacent to the proposed lot. There was one thing overlooked at the Zoning Board meeting. By subdividing the lot, there created another variance that had to be made. There was a violation of the ordinance that needed the variance – the ratio of the footprint of the house to the land area. Mr. Krieger stated that he added up the square footage of all the structures on the lot and it did not exceed the zoning

requirement and no variance was needed for that. Mr. Wyatt questioned Mr. Krieger, as it was Mr. Krieger who stated at the Zoning Board meeting that it was 92% coverage. Mr. Krieger stated again that he does not have the minutes to that meeting, but he did look at all of the structures – the pool house, garage, shed, and additional structures. It was close, but no variance was required. Mr. Wyatt stated that he would wait for the minutes. He stated that there is a lot of ledge in the area and he had to do a significant amount of grading to prevent the basement from getting wet. He does have drainage concerns in the area. He asked if there was a plan showing the size of the house. Mr. Krieger stated that it was not required at this stage. Mr. Olean stated that they are just looking at subdividing the lot. Any building would have to conform to the building codes. Mr. Wyatt stated that he presented a number of names of people who did not want this to proceed. He is also concerned about the notification to be here. Ms. Weigner told him that he was sent a certified letter and never signed for it. The certified letter was returned to the Town. Mr. Wyatt stated that his neighbors informed him of the meeting. Mr. Krieger stated that Mr. Wyatt did appear before the Zoning Board and voiced his concerns, and stated to the Board that he was out of state and he did not have time to prepare his presentation. He further stated that he contacted an attorney, but the attorney had a conflict and could not be there that night. He did not request a continuance. Mr. Krieger stated that the hearing was held; his objections were heard, as well as other objectors. Mr. Krieger stands by his earlier statement with regard to the need for a variance for the lot coverage.

He will file the decision, and Mr. Wyatt will have his opportunity to appeal.

Susan Bayley of 66 Lakeview Road stated that she did receive a notice, but doesn't know much about the application and asked if she could see what the subdivision looked like. Mr. Ranaldi showed her the plans and explained the subdivision to her. Ms. Bayley stated that she is technically not a physical abutter, and asked if she was just within a range. Mr. Ranaldi replied yes.

Mr. Wyatt stated that they should just wait for the Zoning Board minutes as he did ask for a continuance and he did state that he had an attorney. His attorney had spoken to Mr. Ranaldi on the phone earlier that day. Mr. Mercurio asked who his attorney was and why he was not present tonight. Mr. Wyatt stated that he did not know about the meeting until today and his attorney's name is Wyatt Brochu, out of Peter Ruggiero's office.

Mr. Mercurio made a motion to close the public hearing. Mr. Reilly seconded the motion. Mr. Ranaldi stated that originally this block was platted out as fifteen house lots and two property owners bought up four or five lots and combined them. Fifty years ago, they would have been approving a fifteen-lot homesite. There is another property that consists of four lots and owned by one person. The TRC went to the neighborhood; the project is consistent with the neighborhood and meets all of the regulations.

Mr. Krieger stated that he does not want to mislead the Board, but it is not his recollection that Mr. Wyatt asked for a continuance. Until he looks at the minutes, he cannot be sure. The Zoning Board heard the matter and did not see fit to continue the matter.

Mr. Wyatt wanted to speak again, but Mr. Olean stated that the public hearing has been closed.

Mr. Krieger stated that he spoke to Mr. Wyatt this evening and told him that he would notify his attorney when the decision was written. Mr. Mercurio stated that he is confused. The proposed development meets all of the subdivision regulations except for the frontage, and that variance has already been approved, just not written in its final format. He feels that Board has two choices – to do nothing and wait until next month or make a motion to accept or deny the TRC’s recommendation. If we approve and the clock starts ticking once the decision is filed, what is the appeal process. Mr. Krieger explained that an aggrieved party could file an appeal of the Zoning Board’s decision to the Superior Court. Another option would be to file an appeal of this Board’s decision, which would be heard by the Zoning Board sitting as the Planning Board of Review. The Zoning Board has already spoken regarding the variance, but they have not spoken in regard to the subdivision. Mr. Mercurio asked if the Board voted tonight, they are not denying an aggrieved party their rights of recourse. Mr. Krieger stated that was correct – this Board has jurisdiction to hear the matter before it and make a decision as it sees

fit.

Mr. Reilly made a motion to defer to matter to the March meeting. Mr. Hunt seconded motion. Motion passed unanimously.

MAJOR LAND DEVELOPMENT REVIEW

- a. 90 Industrial Circle AP 2 Lot 82 Master Plan Land Development
A.F. Homes Walker Street & Industrial Circle Discussion/Approval**

Mr. Krieger stated that he has represented A.F. Homes in the past and has recused himself in the past. This applicant appeared before the Zoning Board, but Mr. Jack Gannon sat in his place for the Zoning Board. This is another case where the decision has not been filed yet. He did receive from Attorney Kelly's office a copy of the proposed decision, which has been forwarded to Mr. Gannon for his review and revisions. This Zoning Board decision should be recorded within the next week or so. He can answer general legal questions, but as to anything specific to this project, he will defer and provide alternate counsel.

Mr. Ranaldi stated that this is a major land development of approximately 1.9 acres of land into a residential complex. The applicant has received Zoning Board approval for 48 residential condominium units with five percent (5%) designated as affordable.

He thought that he saw it in the minutes as 10% affordable units; he will check into it. This project is in front of the Board as a Master Plan Review stage and received a Certificate of Completeness on January 16, 2007 and the Board has until May 15, 2007 to approve, approve with conditions or deny. The TRC has reviewed the plans and had some concerns at Master Plan stage. One concern was traffic in and out - a traffic island will be removed on Industrial Circle – we are asking that they remove both islands and repave and re-stripe the area. There are concerns with water and sewer but both are available. Sewer pipes were thought to be clay, but were found to be PVC pipes. Drainage is underground. One other aspect of concern is an Environmental Land Use Restriction (ELUR) on the property, which raised red flags. They are proposing to design around it. The TRC felt that this could be successfully addressed, but because the applicant asked to combine Master Plan and Preliminary Plan, the TRC did not feel comfortable combining the two processes because the environmental needs to be tightened up – what can and can not happen in this area must be researched. The TRC feels these issues can be resolved further down the line.

Mr. Mercurio asked for an explanation of the technicality of the land use restriction. He understood it to mean from previous meetings that something under the ground was capped, and the land use restriction was restricted to the area that is currently the parking lot. Ms. Wiegand stated that she noticed the ELUR was in an area proposed for landscaping. You can have an engineered control that

is not pavement under a landscaped area, but the change in control would have to be approved by RIDEM. While researching the land evidence records, she found the letter approving this land use restriction as a variance, which is not to say the whole site was reviewed and everything that needed remediation was taken care of. She spoke to RIDEM and was told that the variance was to continue as an industrial site with this one area taken care of. It does not cover it for residential use; purpose of ELUR was to ensure that the property was not used for residential activities, that humans engaged in residential activities are not exposed to soils at the contaminated site containing hazardous substances exceeding department regulations. Ms. Wiegand informed RIDEM that no new buildings were proposed and RIDEM stated the ELUR covered the property. There were site plans recorded from the original environmental engineer that showed transformers outside and inside the building, 10,000 gallon underground storage tanks, a cess pool and dry wells. These are things that you would investigate before buying the property. A site investigation report should be done and the recommendations implemented. This is standard for mill conversions.

Attorney John Mancini stated that he is representing the applicant for Master Plan and Preliminary Plan submission. The Board is familiar with this project and gave a positive recommendation to the Zoning Board. The number of units has been reduced to forty units with 10% affordable. They have reviewed the TRC's report. They will

remove both islands to increase the traffic flow. They have received a letter of availability from the LWC. The engineer will discuss the water and sewer as well as the drainage system. An application has been submitted to RIDEM for an Underground Injection Control (UIC) system. The applicant is requesting Master Plan approval and combined Master Plan and Preliminary Plan as they have met the requirements. The ELUR can be addressed. As Ms. Wiegand stated, in mill conversion projects, it is not unusual to have an “environmental” issue. A bank will require a Phase I Environmental Site Inspection Report, which will delineate any environmental issues that exist. The report has been completed; they have hired Goldman Environmental Consultants and received a detailed completed report. The ELUR is specifically identified in the plans and the remediation agreement reached with the former owners and RIDEM. The ELUR will not be changed, excavated, or re-graded; another level of asphalt may even be added. There will be no encroachment or impediment and have been assured by the consultant that was sufficient to follow the agreement. It does not affect a residential use. As the Board has seen before, RIDEM approval is needed when the property is being re-graded. This is an existing dwelling and will stay far from the ELUR area. They don’t believe the plan should be held up another month or two. If the Board needs more details on the ELUR, it can be addressed at Preliminary Plan or Final Plan level. Drainage has been submitted.

Mr. Reilly asked about the retaining wall in the ELUR area. How is

the area not going to be disturbed if a retaining wall is being built? The soil must be disturbed to build a retaining wall. Mr. Krieger asked if the applicant was going to obtain a release from RIDEM and Mr. Mancini replied no – the ELUR would remain on the property and that area would not be touched. Mr. Krieger stated that they would need RIDEM approval to do what is proposed. Ms. Wiegand stated that according to the RIDEM letter, the engineered control is asphalt. In order to change it to a landscape area, RIDEM approval is needed, not to mention a retaining wall. She specifically asked if the property could be used for residential and RIDEM said no. She needs a letter from RIDEM that the site, not just the ELUR, can be used for residential use. Mr. Mancini disagreed with that and will have to take the issue up with RIDEM. The ELUR has nothing to do with the building. They are not intending to disturb the ELUR.

Mr. Reilly stated that he would not feel comfortable going forward. Mr. Mercurio stated that he felt the issue could be resolved during the process. Mr. Reilly again asked how the wall would be built without disturbing the soil.

Roger Lemieux of Cataldo Associates stated that excavation is required for a retaining wall footing. He is not sure what exists in the ELUR area. Minimal excavation is required – 1-2' below the soil for the wall. Mr. Mercurio asked if the retaining wall was germane to the structure that is being converted. Mr. Lemieux replied no. Mr. Mercurio stated that if the wall is a problem, eliminate it. Mr. Lemieux

stated that the wall is needed to grade the parking lot – the existing grade is 10%. Mr. Lemieux stated the ELUR is shown as a landscape area; the area is now broken up asphalt. The area needs to be capped. Mr. Mercurio stated that any issues with the structure should be addressed. Mr. Ranaldi stated that the retaining wall is needed for the parking lot and the parking is required for the residential use. Mr. Reilly stated that he does not have any issues with the building and the conversion, or the parking. His concern is the environmental issue and the impact of disturbing the soil.

Mr. Mancini stated that the issue is environmental; all other concerns have been addressed. Their environmental consultant has one opinion and the Board does not have the jurisdiction to decide whose opinion is correct. Mr. Olean interjected and stated that according to Mr. Mancini, the Board does not have authority over this project – that is wrong. You have a difference of opinion than the Town Engineer; the Board will make the decision.

Mr. Mancini clarified that the question is whether or not the ELUR applies to the entire project or solely the area that has been identified.

Only RIDEM can determine what the ELUR applies to. The Board does not have the jurisdiction to determine whether the applicant or Town is correct in defining where the restriction lies. It is not unreasonable to ask for a conditional approval to get a letter from RIDEM that clarifies where the ELUR lies – if it lies on the entire property. If it lies on the entire property, they must go through a

different process with RIDEM.

Ms. Wiegand stated that RIDEM could come back and tell how the ELUR is used. She would like to see the entire Phase I report. The Board is just not looking at dimensional variances, numbers of units, or parking spaces. One requirement in the Subdivision Regulations is environmental - health and safety. She would like to see what the full report says and so would RIDEM, and not just the executive summary. She thinks this is a great project and would like to see go forward in the right way. Mr. Mercurio asked if there was any damage in granting Master Plan approval with conditions or even Master and Preliminary Plan approval with conditions. Ms. Wiegand stated that she had no problem giving Master Plan approval. Mr. Ranaldi stated that a public hearing is required before giving Master Plan or Preliminary Plan approval. Mr. Mercurio asked if the Board was precluded from giving both approvals. Mr. Mancini clarified that Master Plan requires a public informational hearing; Preliminary Plan requires a full-blown public hearing. They are asking for Master Plan approval and to be placed on next month's agenda for a public hearing for Preliminary Plan. They are not opposed to going to RIDEM. His opinion is based upon his environmental consultant. They will ask RIDEM to discern where the ELUR is. Approval is needed to obtain financing for the project.

Mr. Bostic commented that RIDEM is not saying this is the problem area, they are saying no residential use. Mr. Mancini stated that he is

relying on the Phase I report done by consultant. Mr. Mercurio stated that he is reading it as the contaminated site meaning other than the demised structure itself, i.e. parking lot and associated areas. Mr. Krieger stated that it how the ELUR is identified by RIDEM. He further stated that Mr. Mancini keeps talking about the consultant's report, yet Mr. Ranaldi and Ms. Wiegand have not seen the report. Could he provide the report to them? Mr. Mancini stated that he has the report but is under confidentiality. Most owners do not want to know if they have issues with their property. There are certain requirements that come with that. He needs to get approval to give it to the public, but he will provide it to RIDEM. The property is under a purchase and sales agreement. In reading the recorded documents, the terms "property" and "contaminated site" are defined terms. If the ELUR was for the entire property, it would have been sufficient to just note "property", but they make it clear that it applies to 90 Industrial Circle, Plat 2, Lot 82, then delineate the contaminated site. The contaminated site and property are not one in the same. He suggests a conditional approval allowing them time to go to RIDEM and obtain a letter discerning what they are allowed to do and not allowed to do. Mr. Mercurio's concern is that in waiting for RIDEM approval delays beget further delays. He has no problem with the structure. Mr. Reilly stated that you have to look at the entire project – building, parking, landscaping, and retaining wall. Mr. Mercurio does not disagree but does not see doing any prejudice to the Board or process in granting approval with conditions. Mr. Olean stated that the Board has until May 15, 2007 to make a decision. There is a

report that the Town is not privy to. Let RIDEM explain the ELUR. Mr. Mercurio asked if Mr. Ranaldi or Ms. Wiegand had a problem granting Master Plan approval. Mr. Ranaldi stated that a public informational hearing is required before granting Master Plan approval. Mr. Mancini stated that two public informational hearings have already been held. Mr. Reilly stated that per the regulations, a public informational hearing requires an ad in the newspaper and notification to the abutters. Mr. Mercurio asked if the Board could advance this to a public informational hearing next month and grant approval the same night. Also, at that meeting, if the developer can get RIDEM information, can Master Plan and Preliminary Plan be combined? Mr. Ranaldi stated that after Master Plan is Preliminary Plan. The applicant wants to combine stages, eliminating one public hearing. You can go from Master Plan and combine stages, then have one public hearing. Mr. Mercurio commented that the Board couldn't consider a vote tonight. Mr. Ranaldi asked the Board to wait another month for the RIDEM information. Mr. Mancini stated that there are time concerns on the purchase and sales agreement and needs Master Plan approval to go forward. Mr. Ranaldi asked if they could work towards having a public informational meeting next month. Mr. Mancini stated that the public informational hearing must be advertised seven days prior to hearing; the agenda is posted in the newspaper. The agenda is not posted in the newspaper. Mr. Mercurio asked if the Town would be averse to moving to a public informational meeting at the Master Plan level. Mr. Ranaldi stated they are at that level.

Mr. Mercurio made a motion to move to a Master Plan public informational hearing at next month's meeting with the conditions that it cannot continue beyond the public informational hearing until the RIDEM issues are answered to the satisfaction of the Town Planner and Town Engineer. Mr. Reilly seconded motion for discussion. Mr. Reilly does not have a concern moving to a public informational hearing, but he would like to see as much information as possible from RIDEM as to what can happen to this site as well as an answer to his question of how you can build a retaining wall without disturbing the soil. Mr. Mercurio will amend his motion to include Mr. Reilly's comments.

Mr. Mancini asked if the Board required RIDEM approval as a condition of Master Plan approval. Mr. Reilly stated that since the public will be present, he would like as much information from RIDEM as possible. Mr. Bostic stated that he would like to see the RIDEM information. The Board has until May 15th to make a decision. It is important information needed for a residential site with children. There are a lot of penetrations in the ground. He asked about the landscape islands in front of the building. The landscape islands are outside the area of the ELUR.

Ms. Wiegand stated that transformers used to have PCB's, which was right in front of the building. These areas were not investigated in the previous report; hopefully, they were investigated in the current

report. Mr. Mercurio asked how long it would take to get approval to release the report and Mr. Mancini replied that he was not sure that he could release the report. Mr. Bostic commented that the developer is not willing to give up his information but is asking the Board to give this the nod. Mr. Mancini stated that RIDEM would make the determination on the ELUR. Mr. Olean stated that he also has a concern with the environmental issue; as Chairman Mancini would say, "This is a show stopper."

Mr. Mercurio wanted to be clear that the motion he made is to advance to public informational hearing with the conditions that it cannot continue beyond the public informational hearing until the RIDEM issues are answered to the satisfaction of the Town Planner and Town Engineer. Mr. Olean asked what that does to the timetable if the information is not received from RIDEM. Mr. Reilly seconded motion. Motion passed unanimously.

Mr. Olean commented that any environmental questions that may come up at the hearing that can be answered would be helpful. Mr. Mercurio asked Mr. Mancini to let the Board know if the seller will release the report.

Armand Ferland of A.F. Homes stated that no one spoke against them at the last meeting. The tanks were removed prior to the current owner buying the property in 1998. Mr. Olean stated that they have documentation that would be helpful to the Board. Mr. Mercurio

stated that the RIDEM letter is confusing. Mr. Olean stated that everyone would like to see the project move forward, but does not want something to come up. Mr. Mercurio asked if something is not fit for people to live in, how is it fit to work in. Ms. Wiegand stated that there are different criteria.

There being no further business to discuss, on a motion made by Mr. Reilly and seconded by Mr. Mercurio, it was unanimously voted to adjourn. Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Margaret Weigner

Attached February TRC Report:

On February 20, 2007 at 2:30 pm, the Technical Review Committee met to review the agenda items for the February 28, 2007 meeting of the Planning Board. In attendance were Al Ranaldi, Kim Wiegand, Michael Reilly, Russ Hervieux, Smoky Olean, and Peggy Weigner. Below are the Committee's recommendations:

Major Subdivision Review

a. Rivers Subdivision AP 23 Lot 119 Public Hearing – 7:15 PM

- Estate of Anna M. Rivers Old River & Lower River Road Preliminary Plan Discussion / 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 one phase. 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. The application is in front of the Planning Board for a Public Hearing. 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 Lot 119, Old River Road & Lower River Road,

prepared for Estate of Anna Rivers c/o Brian Balsiore, Executor by Thalmann Engineering Co., Inc. revision dated 12/11/06. An additional detail of the swale proposed for lot 4 was received 1/12/07. 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 entitled "Sight Distance Analysis" was prepared for the proposed subdivision by RAB Professional Engineers, Inc. dated May 25, 2005.
3. A report entitled "Drainage Report & Calculations" dated 7/3/06 for the above applicant by the above engineers.

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. Since the area is subject to seasonal high groundwater 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. The site has a significant amount of ledge visible. 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.

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. The area required to be cleared along the frontage of Old River Road has been shown on the preliminary plans.

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 engineer has designed all of the lots with associated grading and proposed house location so as to mitigate any impact from the development by incorporating infiltration systems and drainage swales. The plans include additional details for construction of the swales. The drainage swale parallel to Lower River Road has been moved to be more on the property. Details for the proposed retaining wall have been shown on the plans. 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. As a condition of approval, a note must be placed on the plans stating that future home owners must locate the future house in the spot indicated and install the associated grading and infiltration system as presented on the approved plans. This condition must also be included in the deeds of the new lots.

Wetlands

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

The TRC recommends that the applicant address the above noted

concerns and any other concerns presented during the Public Hearing and come back to the Planning Board in March for further review.

b. Hien Subdivision AP 8 Lot 23 Public Hearing – 7:45 PM

**- Patti Hien Grandview Avenue Preliminary Plan Discussion /
Approval**

This application is under the 2005 Subdivision Regulations and represents the subdivision of one residential lot into two single-family residential lots. All lots are accessed from existing roadways. The subject lot is located in zoning district RS-12 (12,000 square feet – Residential Single Family). This application is classified as a Major Subdivision due to its need for a dimensional variance for lot width of the proposed lot. On January 16, 2007, the 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. At the January 24, 2007 Planning Board meeting, this application was elevated up to the Preliminary Plan stage. Therefore, a decision on the Preliminary Plan review must be made by May 15, 2007 or within such further time as may be consented to by the applicant. On February 6, 2007, the Zoning Board granted dimensional relief for the

lot width of the proposed lot. The application is in front of the Planning Board for a Public Hearing.

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 plan reviewed was entitled “Major Subdivision” 65 Grandview Ave. Major Subdivision, Lincoln, RI, AP 8 Lot 23, Lakeview and Grandview Avenues, prepared for Patti A. Hien by Paul S. Rampone, P.E. dated December 20, 2006. Other documents submitted as listed in a letter dated December 20, 2006 from Mr. Rampone to the Town Planner. Below are the TRC recommendations for this project.

Site Plan

The site plan shows two frontage lots from one. The information presented on the site plan indicates that there is adequate buildable area for each lot. A final plan must be prepared by a registered land surveyor. The current plan is based on an existing survey plan stamped by a registered engineer and therefore the dimensions appear to be accurately depicted. The plan notes that there does not appear to be any wetlands on or adjacent to the site. The developer must submit a sedimentation and erosion control plan to Engineering for approval at the time a building permit is requested for the new lot if the zoning relief is granted.

Utilities

A plan shows that the applicant proposes public water and sewers connections via existing lines in Lakeview Avenue. The Lincoln Water Commission (LWC) has stated in writing that water service is available. The LWC's approval must be a condition of any approval for subdivision. The sewer supervisor has given notice that public sanitary sewers are available to the project. There is an existing sewer service stub to the property where it fronts on Lakeview Avenue. The developer must obtain approval for the Narragansett Bay Commission for the additional indirect discharge.

Drainage

The proposed lots drain to the road. The drainage system on Lakeview Avenue is minimal. In order to prevent any adverse impact, 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. This condition must be met at the time that the building permit is to be obtained.

The TRC recommends that the applicant address the above noted concerns and any other concerns presented during the Public Hearing and come back to the Planning Board in March for further review.

**c. Lincoln Meadows AP 45 Lot 1 Preliminary Plan Extension
- Angellin, LLC Angell Road**

This project represents the subdivision of one lot into seven

conventional single-family lots. The project received Preliminary Plan approval on March 22, 2006. Therefore, the applicant has until March 22, 2007 to complete the project and obtain final plan approval. The applicant has been working on the project and has stated that they are 90% complete on the public improvements. Due to weather conditions, the applicant was unable to finish these improvements. The applicant is requesting a one year extension to complete the project. The TRC has reviewed the application and recommends approval of this request.

**d. Riverfront Estates AP 45 Lot 436 Preliminary Plan Extension
- Dosco, Inc. Angell Road**

This project represents the subdivision of one lot into five conventional single-family lots. The project received Preliminary Plan approval on March 22, 2006. Therefore, the applicant has until March 22, 2007 to complete the project and obtain final plan approval. Due to weather conditions and other obligations, the applicant was unable to start the public improvements. The applicant is requesting a one year extension to start and complete the project. The TRC has reviewed the application and recommends approval of this request.

**e. Holiday Preserve AP 14 Lot 90 Maintenance Bond Release -
- Seminole Development LLC Holiday Drive/Christian
Court Recommendation to Town Council**

This project represents the subdivision of one lot into five

conventional single-family lots. The public improvements has been installed and approved. Final Plan has been approved. The one year maintenance period has passed. The Town is holding a maintenance bond. The Technical Review Committee has review the applicants request and recommends that the maintenance bond be released back to the developer and that a positive recommendation be offered to the Town Council that they accept the public street, Christian Court, into the Town Highway system.

Major Land Development Review

a. **90 Industrial Circle AP 2 Lot 82 Master Plan Land Development**

- A. F. Homes Walker Street & Industrial Circle Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the residential development of a single lot containing approximately 1.9045 acres. The property is located in a MG-0.5 (Manufacturing General) zoning district and received a use variance for 48 residential condominium units with 5% designated as affordable. This project is in front of the Planning Board for a Master Plan Land Development Review. On January 16, 2007, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master

plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan review must be made by May 15, 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 development according to the Land Development and Subdivision Regulations standards and requirements and standard engineering. The most recent submission includes a set of plans entitled “Master/Preliminary Plan Submission” for AP 2 Lot 82, Walker Street and Industrial Circle, Lincoln, Rhode Island, prepared for the applicant A.F. Homes by Cataldo Associates Inc., dated February 13, 2007. Also included was a report “Soil Erosion & Sediment Control and Stormwater Management Report” prepared by the above consulting engineer for the above developer. A “Traffic Impact Study for the Proposed Condominium Development” prepared by the above consultants for applicant, dated June 16, 2006 was previously reviewed. The following are concerns were noted by the Technical Review Committee for the proposed development.

Site Plan

The site plan shows onsite parking and access to Industrial Circle. In order to provide egress, the developer proposes to eliminate a narrow traffic island opposite the access way. The developer also proposes to stripe and mark the stop bar on Industrial Circle. It is recommended that the other narrow traffic island be removed as well and the area repaved before re-striping.

Utilities

The applicant has contacted the Lincoln Water Commission (LWC) regarding public water for the development. The Lincoln Water Commission (LWC) must approve the water service. Preliminary Plan approval will be contingent on receipt of a letter from the LWC stating that there is sufficient public water for the project and that the plans are acceptable. The Saylesville Fire Department must approve the development's water supply service and access for fire suppression as well as the location of any fire hydrants.

The existing location and discharge points for the building's sanitary sewerage may not be properly connected to the sewers, according to current standards and regulations. However, the development proposes to connect with a new lateral to the existing sewer in Industrial Circle, ensuring that new flows will be properly treated. The plans note that existing sewer connections will be capped. The project will also be required to obtain approval from the Narragansett Bay Commission for the sanitary sewer discharge. It is recommended that the structure labeled cesspool on the south side of the building be removed and/or filled and closed.

The property has several utilities on and across it, including but not limited to water, sewers and drains. These utilities are subject to easements in the Land Evidence Records. It is advised that the developer work with the Town and the LWC (and others, as necessary) to clarify the location, current use, ownership and responsibility for the utilities in the easements. The developer has

also been advised that there are old, (greater 100 years) vitrified clay sewers in and cross the area that are to be avoided, as they are fragile and likely to break/fracture easily.

Drainage

The site drains generally east towards Industrial Circle. It is proposed to direct runoff from the parking area into an onsite infiltration system with overflow to the existing storm drainage system which discharges dually to Saylesville Bleachery Pond and the Moshassuck River. The developer will be responsible for the operation and maintenance of the storm drainage system which includes the onsite catch basins and the infiltration system. The development will require an Underground Injection Control permit from RIDEM. The UIC system and catch basins will improve the current water quality of the storm water runoff as well as mitigate any future impacts from the development. The outlet from the onsite storm water system is proposed to connect to drainage in Industrial Circle. It is recommended therefore, that the curb inlet and drainage manhole on the eastern side of Industrial Circle which appears to drain into the pond, be rehabilitated with a grated inlet and deep sump catch basin.

Environmental

The site was a former industrial building. There is an area designated as an Environmental Land Use Restriction (ELUR) on the property due to a previous finding of contamination from the past industrial

use. This area is shown on the plans. The property was given a “variance” for continued industrial use. The restriction recorded in the Land Use Evidence Record states that “No residential use of the contaminated site shall be permitted.” The site will need to be in conformance with the RIDEM’s Direct Exposure Criteria for residential use. An environmental site investigation would determine what, if any, other restrictions or remediation are required. Before preliminary approval can be granted, the Planning Board needs confirmation as to how the property will be brought up to residential standards.

Traffic

The Traffic Impact Study findings indicated that the project will not significantly impact the safety or levels of service on the roadways. The study analyzed the existing and future development conditions at several intersections. An important element of this analysis is the RIDOT’s proposed Smithfield Avenue improvements which are scheduled to begin construction in March 2007. The improvements include a traffic signal at the intersection of Walker Street, Woodland Avenue and Smithfield Avenue. The analysis states that there is adequate sight distance at the location of the proposed entrance to the site, as well as at the intersection of Industrial Circle and Walker Street.

Based on the above noted concerns, the TRC recommends that the applicant address the above noted concerns and return to the

Planning Board for further review in March. More specifically, the TRC is looking for a resolution to the environmental concerns stated above.

Minor Subdivision Review

a. Roberts Minor Subdivision AP 23 Lot 68 Preliminary Plan Review

/

- Robert Family Trust Great Road & Sherman Ave Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into three residential lots. All lots are accessed from an existing road. The proposed project is classified as a Minor Subdivision. On January 16, 2007, 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 March 21, 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 set reviewed (sheets 1-3) was entitled "Roberts Minor Subdivision", Lincoln, RI, AP 23 Lot 68, Sherman Avenue & Great Road, prepared for Roberts Family Trust by Thalmann Engineering Co., Inc. revision date January 2007. The submission included site evaluation forms describing the soils found in test pits relative to proposed dry wells. A letter from Lincoln Water Commission (LWC) was received as well as a letter from Natural Resources Services regarding the wetlands on site. The development has received a physical alteration permit from RIDOT. A prior application (04-0068) reviewed by RIDEM Wetlands determined that no alteration to the wetlands was proposed. A letter dated February 9, 2007 from David Cabral, P.E. was received regarding sight distance analysis. Below are the TRC recommendations for this project.

Site Plan

The site plan shows three frontage lots from one. The information presented on the site plan indicates that there is adequate buildable area for each lot. The lot #1 has a considerable amount of ledge. Blasting or drilling is a concern as there could be an impact on adjacent structures and the existing hydrology. It is recommended that a condition of subdivision approval that for any blasting for construction on this site, the blaster must conduct a pre-blast survey of adjacent properties. The engineer has designed all of the lots with associated grading and proposed house location so as to mitigate any impact from the development by incorporating 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. As a condition of approval, a note must be placed on the plans stating that future home owners must locate the future house in the spot indicated and install the associated grading and infiltration system as presented on the approved plans. This condition must also be included in the deeds of the new lots.

Utilities

A plan shows that the applicant proposes public water and sewers connections via existing lines in Sherman Avenue and Great Road. The LWC has stated in a letter dated May 30, 2006 that public water service is available to the development. The LWC's final approval must be a condition of for subdivision approval. The latest plan note that the existing water service connection for the existing house is off Sherman Avenue. According to the field card from the LWC this connection would appear to be under the proposed new residence; at the very least necessitating an easement on lot #3. It is recommended that the existing house relocate the water service to a new connection on Great Road, not on lot #3.

The applicant must apply to the sewer supervisor for availability of public sanitary sewers to the project. There is one existing connection to the lot, now labeled lot #2. The existing house is proposed to reconnect to public sewers on Great Road. The

developer must obtain indirect discharge permits from Narragansett Bay Commission as a condition of the subdivision.

Traffic

The applicant has obtained a Physical Alteration Permit (#060605) from RI Department of Transportation for regarding within the ROW and one proposed driveway onto Great Road. The sight distance analysis prepared by Mr. Cabral found that adequate sight distance exists along Great Road and Sherman Avenue, with the recommendation that boulders and rocks must be cleared along the property frontage on Sherman Avenue.

Drainage

The proposed lots drain to the road. There is no drainage infrastructure in the roads. Drainage currently flows to a low point on the corner within the right of way where it collects. In order to prevent any adverse impact, the lots with proposed new houses have proposed onsite drainage attenuation, dry wells, to capture the roof runoff. A condition of any approval should also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as determined by a certified soil evaluator. A note referring to this condition has been included on the plans. The plans also include locations, specifications and details for the dry well systems for the new residences. These systems must be included as a part of the approval for the subdivision.

Wetlands

A prior application (04-0068) reviewed by RIDEM Wetlands determined that no alteration to the wetlands was proposed. The subdivision received a letter of Non-Jurisdiction from RIDEM Wetlands dated May 10, 2004. The plan as proposed does not appear to have an impact on the wetlands.

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 for each additional house.**
- 2. If any blasting for construction on this site is required, the blaster must conduct a pre-blast survey of adjacent properties.**
- 3. The developer must obtain approval for the Narragansett Bay Commission for the additional indirect discharge.**
- 4. Final Water Plan approval must be granted from the Lincoln Water Commission.**
- 5. A note must be added to the final recorded plans stating that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.**
- 6. A note must be added to the final recorded plans stating that the zoning setbacks shown on the recorded plans are for reference only. Actual setbacks to be determined at the time of**

construction/development of the land.

7. The applicant must apply to the sewer supervisor for availability of public sanitary sewers to the project.

8. A note must be added to the final recorded plans stating that the proposed new houses must have dry wells installed to capture the roof runoff.

9. A note must be added to the final recorded plans stating that the existing boulders and rocks must be cleared along the property frontage on Sherman Avenue.

10. A note must be placed on the plans stating that future home owners must locate the future house in the spot indicated and install the associated grading and infiltration system as presented on the approved plans. This condition must also be included in the deeds of the new lots.

11. Granite bounds must be installed and shown on the final recorded plans marking the location of all property corners.

Zoning Applications (*) – March Zoning Applications

Wojciech Marczak, 43 Mark Drive, Lincoln, RI – Dimensional Variance for rear yard setback for the construction of an addition.

AP 19, Lot 87 Zoned: RS 20

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. During the January

Zoning Board meeting, the applicant was asked to revise their plans and resubmit them to the Zoning Official for further review. The Zoning Official did not receive revised plans. Therefore, the TRC recommends Denial of the application for a dimensional variance. The Committee feels that the application does not meet any of the standards for relief of a dimensional variance as presented in the Zoning Ordinance. More specifically, the TRC feels that the site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The TRC feels that the applicant has sufficient room to the side of the property to locate an addition without having to request a variance. The Technical Review Committee feels that the dimensional variance will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Dolores Guglielmi, 108 Orchard Meadows Road, Smithfield, RI – Application for Extension of Decision granted March 7, 2006 for a Dimensional Variance for property located at Lennon Road, Lincoln, RI.

AP 42, Lot 81 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. The Committee feels that the applicant presented a valid reason for the

delay of the project.

Edward and Linda Sliney, 1159 Smithfield Avenue, Lincoln, RI – Application for Use Variance for the construction of a 40' x 26' two-family home on a vacant lot located at Branch Avenue, Lincoln, RI.

AP 2, Lot 103 Zoned: RG 7 and MG 0.5

Members of the Technical Review Committee visited the site and reviewed the submitted site plan and application. Based on the submitted plans, the proposed use variance for the construction of a two family house is due to the split zoning of the parcel. The Technical Review Committee feels that requested use variance is appropriate but the application does not address some critical issues such as access and off street parking for the adjacent house. The applicant owns the subject lot and the abutting lot number 33. This lot has two houses on it and offers no off street parking. Currently, there is a gravel driveway that provides access and parking to the house located on Lot 33. The submitted plans do not address this concern. The TRC feels that a recommendation can not be offered until these issues are addressed. The TRC would like to review the revised plans in order to offer a recommendation to the Zoning Board.

Edward and Linda Sliney, 1159 Smithfield Avenue, Lincoln, RI – Application for Dimensional Variance seeking lot width relief and rear

yard setbacks for the construction of a 40' x 26' two-family home on a vacant lot located at Branch Avenue, Lincoln, RI.

AP 2, Lot 103 Zoned: RG 7 and MG 0.5

Members of the Technical Review Committee visited the site and reviewed the submitted site plan and application. Based on the submitted plans, the proposed dimensional variances for lot width relief and rear yard setback relief are for the construction of a two family house. The Technical Review Committee feels that requested dimensional variances are appropriate but the application does not address some critical issues such as access and off street parking for the adjacent house. The applicant owns the subject lot and the abutting lot number 33. This lot has two houses on it and offers no off street parking. Currently, there is a gravel driveway that provides access and parking to the house located on Lot 33. The submitted plans do not address this concern. The TRC feels that a recommendation can not be offered until these issues are addressed. The TRC would like to review the revised plans in order to offer a recommendation to the Zoning Board.

Polseno Properties Mgmt, 29 Swan Road, Smithfield, RI – Application for Special Use Permit for signage relief under Article 5 (D)(1) and 5 (D)(2) for property located at 600 George Washington Highway, Lincoln, RI.

AP 41, Lot 58 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 additional signage to define the location and occupancy of the proposed building. The site plans specifically details the location and type of the new proposed signage. The Technical Review Committee feels that due to the unique nature of the property and the setback of the facility, that the requested signage will clarify vehicular entrances and traffic flow.

**JCM, LLC, 3434 Mendon Road, Cumberland, RI – Application for Dimensional Variance seeking lot width relief for the purpose of subdividing property located at Jenckes Hill Road, Lincoln, RI.
AP 26, AP 2 Zoned: RA-40**

Currently, there are no submitted subdivision plans for review by the Planning Board. Therefore, the request for a dimensional variance is premature. No recommendation is offered.

Correspondence/Miscellaneous (*)

- a. Manville Crossing AP 37 Lot 73 Comprehensive Permit Final**
- Jerry Sahagian Central and Spring Street Plan Approved and Recorded

This represented the subdivision of one lot into three residential lots via the comprehensive permit process. On January 24, 2007, the applicant successfully addressed all of the preliminary plan approval conditions. Therefore, final plan was issued and the final plan was recorded.