

**January 17, 2011**

**Town of Lincoln – Planning Board**

**100 Old River Road**

**Lincoln, RI 02865**

**Dear Honorable Members,**

**On January 13, 2011, at 3:00 pm, the Technical Review Committee met to review the agenda items for the January 26, 2011 meeting of the Planning Board. In attendance were Al Ranaldi, John Faile, Peggy Weigner, Anthony DeSisto, and Michael Reilly. Below are the Committee's recommendations.**

**Major Land Development Review**

**a. MacColl Field YMCA AP 25 Lots 58,68,69,71 Public Hearing – 7:00 PM**

**- The YMCA of Pawtucket, Inc. Breakneck Hill Road Preliminary Plan Land**

**AP 25 Lots 58,68,69,71 Development Discussion/**

**Approval**

**This application is under the 2005 Subdivision Regulations and represents the development of a residential lot. The proposed project**

is a new 40,000 square foot YMCA recreational building with associated parking. The new YMCA recreational building will be serviced by public water and a private force main sewer. A use variance was granted by the Zoning Board on December 1, 2009. This project is in front of the Planning Board for a Public Hearing.

On August 18, 2010, 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 preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. Therefore, a decision on the preliminary plan review must be made by December 16, 2010, or within such further time as may be consented to by the applicant. The applicant verbally agreed to a time extension but has not submitted a formal letter to that effect.

The Technical Review Committee and the Engineering Division has reviewed the above proposed development according to the Land Development and Subdivision Regulations preliminary plan submission requirements and standard engineering practices. The submission includes a set of plans entitled "Overall Site – Planning Submission" dated January 2010 revised September 29, 2010 (sheets C-1.0 – C-8.9, pages 1 - 40), and an Insignificant Alteration Permit from Rhode Island Department of Environmental Management for property located on assessor's plat 25, lot 58 and dated October 25, 2010.

**The file included the following; “Landscape Planting Plan” dated January 29, 2010 (sheets LA-1 – LA-4), and “Overall Plan Lower Level Alternate 3” dated January 29, 2010 (sheets A1.1 – A1.2), “Exterior Elevations Alternate 3” dated January 29, 2010 (sheets A5.4.1 – A5.4.3), “Electrical Site Plan – Renovation” dated January 29, 2010 (sheet E-1.1), and an Insignificant Alteration Permit from Rhode Island Department of Environmental Management for property located on assessor’s plat 25, lot 58 and dated May 14, 2010, a letter dated October 19, 2010 from the RI Department of Transportation indicating that the YMCA MacColl Field PAP 100216 has been approved pending the posting of a bond, a letter dated August 23, 2010 from the Lincoln Water Commission indicating that the proposed water system has been given preliminary approval. Below are the comments and recommendations from the Technical Review Committee.**

### **Water Service**

**The applicant will need to expand their existing public water service. According to a letter sent to the YMCA in 2006, the development will need to meet new requirements for a master meter/ backflow installation. Preliminary approval from LWC was issued in the Commission’s letter dated August 23, 2010. Final approval for water service has to be reviewed and approved by the Lincoln Water Commission prior to construction.**

### **Sanitary Sewers**

**It is proposed to connect the entire complex to the public sewers via**

**an onsite pump station and forcemain running the entire length within the applicant's property up to the existing public gravity line in Breakneck Hill Road. The property owner's sanitary sewer system located within their property will be the sole responsibility of the property owner to construct, own, operate and maintain, not the Town. The Department of Environmental Management has reviewed the proposed sewer force main route with associated site alterations and has issued a permit of insignificant alteration in its letter dated October 25, 2010. A copy of the approved plans stamped by RIDEM has been given to the Town for the record.**

**This gravity sewer discharges to a pump station on East Butterfly Way. The Public Works Department requires the existing pump station on East Butterfly Way to be rebuilt in order to accommodate the flows from the project as a condition of approval. The pump station cannot accommodate the increased flows. The design plans for the East Butterfly Pump Station have been submitted. The Engineering Department comments have been addressed; however, final comment from the Town's Sewer Department is still forthcoming. The approved design plans for the pump station is required before Preliminary Plan approval can be granted.**

**Due to the complicated and costly offsite improvement required by the Town in order to make this project work, the TRC recommended at the December 2010 Planning Board meeting that the existing pump station at Butterfly Estates must be upgraded prior to the issuance of a building permit. The applicant expressed some construction timing concerns. In order to accommodate the applicant's scheduling**

concerns, the Town and the applicant agreed to develop an agreement that will outline the applicant's responsibility to provide the offsite improvement as a condition of approval. The applicant will also post a bond in the amount of the offsite improvement as part of the agreement. The proposed sewer system will require a sewer connection permit by the Town, approval from the Narragansett Bay Commission as a condition of preliminary plan approval. An approval from RIDOT to install the line in the state road will be required at the building permit stage.

### **Drainage/ Wetlands**

The site drains generally northwest away from Breakneck Hill Road, flowing eventually into the Moshassuck River. The applicant has proved that there is space on site to accommodate the required storm water mitigation structures. The applicant will be responsible for the operation and maintenance of the proposed storm water detention basins. A permit of insignificant alteration for the proposed project in its entirety was issued by the Department of Environmental Management in a letter dated May 14, 2010. A copy of the approved plans stamped by RIDEM was given to the Town for the record.

An Erosion and Sedimentation Permit must be obtained from the Engineering Department before the commencement of any site disturbance. A Stormwater Pollution Prevention Plan is required as part of the permit application submission. A copy of the RIPDES permit is required before the commencement of any site alteration.

## **Traffic/ Site Plan**

**There is a concern with traffic delays and accidents in this area. The Breakneck Hill Road (State Route 123) and Route 146 intersection is listed on the RI Department of Transportation (RIDOT) High Hazard Intersection Program. Vehicles access the YMCA from three points on Route 123, including the new driveway, a shared access with the adjacent office buildings. Buses also use a graveled parking area which has a wide separate opening onto the road.**

**The “Traffic Impact and Access Study” describes the poor levels of service on Route 123 at the intersections with the ramps for Route 146 north and south, as well as the conditions at the new driveway under proposed build out of both the YMCA and the adjoining office buildings. Analyses were made for three alternatives including off-site signalization at the ramps and the new driveway (by the office buildings) and a no off-site improvements alternative.**

**The final recommendations in the report only mention a signal at the new driveway, not at the ramps. Other recommendations include a daily scheduled closing of an interior road, tree trimming, a “signal ahead” sign, police traffic control at events, and interior circulation and signage.**

**The Technical Review Committee met with the traffic engineers during it September’s 2009 Technical Review Committee meeting. According to the traffic engineer, the RIDOT is in the process of evaluating the issues associated with the roadway and the options to mitigate these issues. However, the roadway configuration is complicated and will take time. It is estimated that it will take RIDOT 5**

**– 10 years before any work is done in this area. With this timeline in mind, the YMCA chose to develop the recommendations of an internal circulation plan that would include a daily scheduled closing of an interior road, tree trimming, a “signal ahead” sign, police traffic control at events, and interior circulation and signage. On September 4, 2009, the RIDOT concurred in writing with the above internal circulation plan proposed by the YMCA.**

**The development received a Physical Alteration Permit from Rhode Island Department of Transportation in a letter dated October 19, 2010. The Lime Rock Fire District reviewed and accepted the site plan as offering adequate access for fire equipment in a letter dated November 2, 2009.**

### **Remediation Bond**

**The Town Engineer calculated the amount of a remediation bond before he left. He recommended a cash bond of \$20,000 be posted as a condition of preliminary plan approval. The amount of materials calculated in the bond will enable the Town to secure any disturbed areas from washing out if this action becomes necessary. If the Planning Board agrees with this calculation, the Planning Board will need a separate vote to approve this remediation bond amount.**

**The applicant has been diligently working on all of the concerns brought out during the land development review process. However, the plans for the East Butterfly Pump Station has not been finalized and approved by the Town’s sewer supervisor. This offsite**

**improvement is a critical element to this project and it still remains open. Therefore, the Technical Review Committee recommends that the applicant addresses any concerns brought out at the public hearing and work to finalize the sewer pump station upgrade and return to the February Planning Board meeting for further review.**

### **Comprehensive Permit**

**a. The Residences at Stone Creek AP 20 Lot 15 Public Hearing – 7:00 PM**

**- Break Hill Development, Inc. Breakneck Hill Road Preliminary Plan Land Development Discussion/ Approval**

**This application is to be reviewed under the 2005 Subdivision Regulations, RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled “An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53”. It is in front of the Planning Board for a Public Hearing. On January 20, 2009, 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 preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of**

**Section 8. Many time extensions have been granted by the applicant. The most recent extension is until March 20, 2011, or within such further time as may be consented to by the applicant.**

**This application has once again been reconfigure. The reconfigured project represents the development of 54 residential condominium units including 14 affordable units for sale to age restricted residents of 55 years old and older. The private condominium complex will be made up of 12 duplex units and two (2) three unit buildings and six (6) four unit buildings with associated driveways and underground utilities. The complex will be serviced by public water and private Individual Sewer Disposal Systems (ISDS). The private looped roadway will be 1,920 linear feet long and 24 feet wide. The roadway will have asphalt curbing and four foot wide concrete sidewalks.**

**The development received several waivers from the subdivision regulations and zoning ordinance at the Master Plan approval stage. The Town ordinance entitled “An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53” authorizes the Planning Board to grant the requested relief if the proposed project meets the goals and objectives of the Lincoln Affordable Housing Production Plan, the Lincoln Comprehensive Plan, and RIGL 45-53 as amended. The applicant has updated the list of required waivers to reflect the reconfigured project.**

**The Town of Lincoln received a revised submission for The Residences at Stone Creek consisting of a set of plans entitled**

**“Overall Site Plan – The Residences at Stone Creek, Assessor’s Plat 20 Lot 15, Breakneck Hill Road, Lincoln, Rhode Island, prepared for Break Hill Development, Inc. 145 Phenix Avenue, Cranston, Rhode Island, by Advanced Civil Design, Inc., Inc. dated December 8, 2010, sheet 1. Sheet 2 of this plan set is entitled OWTS Design System #1 – The Residences at Stone Creek, Assessor’s Plat 20 Lot 15, Breakneck Hill Road, Lincoln, Rhode Island, prepared for Break Hill Development, Inc. 145 Phenix Avenue, Cranston, Rhode Island, by Advanced Civil Design, Inc., Inc. dated December 8, 2010. The applicant submitted a copy of the signed RIDEM wetlands permit plan stamped approved on March 24, 2010. The applicant submitted the approved Physical Alteration Permit Applicant dated April 29, 2010. Also submitted by the applicant and reviewed by the Town is an 8 page cut sheet package of the Orenco Systems, Inc. – Advantex Wastewater Treatment Systems.**

**The Technical Review Committee reviewed the above proposed overall site plan according to the 2005 Land Development and Subdivision Regulations preliminary plan requirements and standard engineering practices, RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled “An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53”. The following items were noted.**

## **Site Plan**

**The design of this project has evolved several times during the Planning Board's Master Plan Review and the Preliminary Plan Review. The TRC reviewed the new site plan and feel that the project does not represent a significant change from the past site design. This design actually represents scaled down version of the past design. The length of the roadway and the number of storm water detention basins has not been reduced. The most significant difference between the past site plan and this site plan is that the each unit will be serviced by a private individual sewer disposal system. Members of the TRC discussed this difference and felt that the abutting neighbors should have a chance to review this system. Ownership of all infrastructures in the proposed development will be held by a condominium association. The Town will not provide any municipal services such as trash removal, snow removal, or roadway improvements. The proposed private roadway width and type of curbing is not required to conform to the Town's standards for a public roadway. The road width, not including the berm, is 24 feet wide, not the 30 feet required in a conventional subdivision. The proposed road width and layout has received written approval from the Lime Rock Fire District. The list of waivers from the subdivision regulations and zoning ordinance granted at the Master Plan approval stage was updated to reflect the newly reconfigured project.**

## **Utilities**

**The water system received preliminary approval from the Lincoln**

**Water Commission per a letter dated June 5, 2008. This approval was updated by the applicant. Utility excavation permits will be required from RIDOT for the water line work in Breakneck Hill Road which is a State road. Heating fuel was discussed by the developer and the Town Planner. The type of heating fuel will be oil. The applicant submitted a letter stating that they will not be using propane as a heating source. The project will be serviced by private onsite waste water treatment systems. This private utility must be reviewed and approved by RIDEM. The engineer for the applicant has been in discussion with staff at DEM and assured the TRC that the department has few concerns about the proposal. An onsite waste water treatment systems permit will be required as a condition of preliminary plan approval.**

### **Storm Water Management**

**The development requires an updated permit from RIDEM Wetlands that reflects the reconfigured project as a condition of preliminary plan approval. Drainage is a critical concern. The site has considerable wetlands and shallow seasonal high groundwater. The drainage design includes one underground and one aboveground detention basins designed to mitigate degradation of water quality and quantity from storm water runoff. The Town's Engineer reviewed the most recent site plan, drainage design, and drainage report and found the plans and design to be acceptable based on the Town subdivision regulations and standard engineering practices.**

**The long term maintenance of the detention basins will be the**

**responsibility of developer/owner of the land development project initially, and ultimately the homeowners' association. The Town will not be responsible for maintenance of the detention basins or any of the infrastructures associated with the development. Language to this effect will have to be written into future deeds. This language must be reviewed and approved by the Town Solicitor as a condition of preliminary plan approval.**

### **Traffic**

**As stated previously, the proposed development requires a Physical Alteration Permit (PAP) from the RI Department of Transportation (RIDOT) for vehicular access to Breakneck Hill Road and for the drainage culverts under the State road. The traffic report submitted concluded that the impact would be insignificant and will not conflict with the activities at the YMCA across the street.**

### **Remediation Bond**

**The Town Engineer calculated the amount of a remediation bond before he left. He recommended a cash bond of \$21,000 be posted as a condition of preliminary plan approval. The amount of materials calculated in the bond will enable the Town to secure any disturbed areas from washing out if this action becomes necessary. If the Planning Board agrees with this calculation, the Planning Board will need a separate vote to approve this remediation bond amount.**

**Based on the updated and complete Preliminary Plan submission and**

**the TRC review, the Technical Review Committee feels that the applicant can address the above noted concerns. Barring any unforeseen concerns brought out at the public hearing, the TRC recommends Preliminary Plan Approval with Conditions. The TRC recommends the following conditions of approval:**

- 1. Approved RIDEM Wetlands permit reflecting the new project configuration**
- 2. Approved RIDEM permit for the onsite waste water treatment systems**
- 3. Approved detention basin maintenance agreement for the proposed stormwater facilities**
- 4. Applicant must post the recommended cash remediation bond**
- 5. The applicant must provide the Town with the appropriate deed restrictions language for the 14 affordable units – the deed restriction language must be approved by Rhode Island Housing prior to final plan approval.**
- 6. The applicant must provide the Town with the appropriate deed restriction language for the 55+ residential community for the entire development prior to final plan approval.**

### **Minor Subdivision Review**

**a. Truesdale Minor Subdivision AP 23 Lot 261 Preliminary Plan Discussion/**

**- George and Marcia Truesdale Great and Dexter Road Approval**

**This application is under the 2005 Subdivision Regulations and**

**represents the subdivision of one lot into two residential lots. All lots are accessed from an existing road. The proposed project is classified as a Minor Subdivision. On January 13, 2011, the Preliminary Plan submittal 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 19, 2011 or within such further time as may be consented to by the applicant.**

**The Technical Review Committee reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled “Minor Subdivision Plan” AP 22 Lot 75, Great Road, Lincoln, Rhode Island, prepared for Richard McManus by NRC Associates dated March 31, 2009. Below are the TRC comments.**

### **Site plan**

**One new lot will be accessed from Great Road is a State road. The applicant must obtain a Physical Alteration Permit from RIDOT for this proposed driveway. Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any**

**construction or earth disturbance is performed on either of the two proposed house lots. This plan will be required at the building permit stage. There is no apparent proposed disturbance of any wetlands shown on the plans. Drywells are proposed for each new house. The TRC recommends that Drywells be installed for each new house as a condition of the subdivision approval. The type and precise location of the drywells can be determined at the building permit application phase.**

### **Utilities**

**The new lots are shown to be connected to public water and sewer. The applicant must obtain a permit from Narragansett Bay Commission for new sewer discharges. Narragansett Bay Commission permits are required as a condition of preliminary plan approval.**

### **Record plan**

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

**Based on the Preliminary Plan submission, the Technical review Committee recommends Approval with Conditions of this Minor Subdivision Preliminary Plan application. According to the Town of Lincoln's Subdivision Regulations, the vesting period for a minor plan shall expire ninety (90) days from the date of approval unless within such period a plat or plan is submitted for signature and**

recording, in conformity with such approval, and as defined in these regulations in Section 9. Validity may be extended for a longer period, for cause shown if requested by the applicant in writing prior to the expiration of the period, and approved by the Planning Board. All required improvements shall be completed within one (1) year of the date of final approval. The Planning Board may, for good cause shown, and subject to the provisions of regulations for the reinstatement or extension of applications, extend the period of time for completion of all required improvements, if requested by the applicant in writing.

The following are the conditions of Preliminary Plan approval. These conditions will have to be satisfied before final plan can be recorded and the lots can be sold.

1. The applicant must obtain a permit from Narragansett Bay Commission for new sewer discharges.
2. The applicant must obtain a Physical Alteration Permit from RIDOT for the proposed driveway off of Great Road.
3. Granite bounds must be installed marking the location of the subdivision corners.
4. Drywells are recommended as a condition of the subdivision approval. The type and precise location of the drywells can be determined at the building permit application phase.
5. A sedimentation and erosion control plan must be submitted and approved for each house before any construction or earth disturbance is performed. This plan will be required at the building

**permit stage.**

## **Zoning Applications (\*) – February’s Zoning Applications**

**Vicki Casto, 90 Grandview Avenue, Lincoln, RI – Application for Dimensional Variance seeking relief for the construction of a second story to home that is non-conforming by dimension.**

**AP 8, Lot 111 Zoned: RS 12**

**(Continued from the January 4, 2011 meeting)**

**This application was continued from the January 4, 2011 Zoning Board hearing. The Board asked the applicant to provide additional floor plans. At the time of the Technical Review Committee meeting, the applicant had not delivered the requested plans to the Town. Therefore, the Technical Review Committee could not offer a new recommendation.**

**Original Recommendation - Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Denial of the application for a dimensional variance seeking relief for the construction of a second story to home that is non-conforming by dimension. The TRC would like to point out to the Board that the application does not identify the amount or location of the variances needed to correct the pre-existing non-conforming setback**

**dimensions or any new dimensional variances needed. The Technical Review Committee feels that the application does not meet any of the standards for relief of a dimensional variance as presented in the Zoning Ordinance. The applicant did not offer any compelling reasoning for their request within their application. Also, the submitted package does not include a professionally developed and stamped site plan according to State law. The Technical Review Committee feels that the current site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land.**

#### **Correspondence/Miscellaneous**

##### **a. Staff Reports**

**b. Mount Moriah Lodge/Charlotte Daly AP 29 Lots 7 and 12 Administrative Subdivision Approved**

**c. Angellin, LLC AP 45 Lots 447 & 446 Administrative Subdivision Approved**

**d. John Cullen AP 29 Lots 294 and 311 Administrative Subdivision Approved**

**e. Great Road Realty, LLC AP 23 Lot 51 Minor Subdivision Final Plan Approved**

**f. Leo J. Raymond Jr. AP 29 Lots 46 and 79 Administrative Subdivision Approved**

**g. Leo J. Raymond Jr. AP 29 Lots 46, 79, and 94 Administrative Subdivision Approved**

**Respectfully submitted,**

**Albert V. Ranaldi, Jr. AICP**

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**Administrative Officer to the Planning Board**