

September 22, 2005

**Town of Lincoln – Planning Board
100 Old River Road
Lincoln, RI 02865**

Dear Honorable Members,

On September 20, 2005 at 3:00 pm the Technical Review Committee met to review the agenda items for the September 28, 2005 Planning Board meeting. In attendance were Al Ranaldi, Kim Wiegand, Russell Hervieux, and Peggy Weigner. Below are the Committee's recommendations:

Major Land Development Review

- a. Nafta Mills AP 34 Lot 34 Preliminary Plan Land Development
- A.F. Homes Old River Road Discussion / Approval**

This application is under the 2005 Subdivision Regulations and represents the residential development of up to 44 condominium units. The subject lot contains approximately 7.66 acres of land and is located in zoning district RG-7 (Residential General). The proposed

condominium project is to be serviced by public water and sewer. The buildings will be serviced by a private driveway. No new roadway is proposed.

On August 12, 2005, 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 review must be made by December 10, 2005 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 requirements and standard engineering practices. The plans reviewed were entitled "Preliminary Design Plan for Nafta Mills, 41 Condominium Development, AP 34 Lot 14", Lincoln Rhode Island, prepared for A.F. Homes by Cataldo Associates, Inc., dated September 8, 2005. Previously reviewed information includes a report entitled "Traffic Impact Study for the Proposed Nafta Mills Condominium Development", prepared for A.F. Homes, prepared by Cataldo Associates, Inc. November 15, 2004, revised April 26, 2005, a report entitled "Site Investigation Work Plan – Former Nafta Textile Mill, 315 Old River Road", prepared for RIDEM – Office of Waste

Management, prepared by VHB/Vanasse Hangen Brustlin, Inc., October 2001.

Environmental - The property has a Settlement Agreement approved by RIDEM to remediate contamination left by the former mill; however, this Agreement allows reuse of the property as an industrial or commercial site. For residential use, the developers are required to obtain a new Settlement Agreement with RIDEM. This Agreement must be approved by RIDEM as a condition of preliminary plan approval. Without this Agreement, the Town cannot determine whether the required site remediation is consistent with the proposed site development. Representatives from this project met with the Town Planner and Engineer and informed them of the pending approval from RIDEM. Another condition of Preliminary Plan approval will be the requirement of a RIDEM Wetlands permit.

Location of any existing wells and/or septic systems within 200 feet of the property must be shown on the plan. Two abutting properties, AP 34 Lots 13 and 243 do not have sewer connection permits. The location of their septic systems and wells, if any, need to be shown on the plans.

Traffic - Access to the site is from a State Highway, Old River Road. The project will require a Physical Alteration Permit from RIDOT for access to the property as a condition of Preliminary Plan approval. The above noted traffic report was reviewed. The sight distance appears to be adequate.

Sanitary Sewers - As noted on the plans, the existing flow metering station will be removed. The sewer easement must be kept clear of

trees, shrubs, fences and/or other structures in order to provide clear access to the sewer for maintenance and repair. In addition, the existing line must be televised, evaluated and repairs made to it as necessary in order to ensure its proper functioning. The development is required to obtain approval from the Narragansett Bay Commission as a condition of preliminary approval from the Town.

Water - The Lincoln Water Commission (LWC) has been contacted. A letter from the superintendent states that public water is available, subject to final project approval.

Drainage - The site drains to Mussey Brook, which has experienced localized flooding problems. The preliminary plan shows surface runoff from the development directed to two “underground retention storage” (URS) areas for storm water detention. The two URSs discharge to Mussey Brook. The drainage facilities include mitigation of water quality and peak rate of flow. URS-2 is proposed to be located adjacent to the Town’s sanitary sewer easement. The developer must ensure that during construction that there is no damage long or short term to the sewer line.

The seasonal high groundwater elevation was determined by a certificated soil evaluator. This information was included with the drainage report. The Engineering Office staff was notified and able to witness the two test pit sites and soil evaluation. Engineering was not given an opportunity to witness the test pit site at the relocated URS-2. It is recommended that the finished floors and basements of the condominiums units be required to be constructed above the elevation of the seasonal high ground water.

The proposal for storm water runoff mitigation is a unique, nonstandard solution for the Town of Lincoln. The systems will be owned and maintained by the condominium association. The URS systems incorporate impervious geotech fabric enclosing stone beds with perforated pipes. The URS-1 system outlets below the existing ground elevation. As currently designed, in order for the system's outlet pipe to freely drain, a trench must be excavated from the level towards Mussey Brook.

According to the data from the certified soil evaluator, the seasonal high groundwater elevation will be below the bottom elevation of the two systems. However, if field conditions found during construction dictate otherwise, there will be a need to revise the design to counter the effects from buoyancy.

Since this is an unusual design, constant supervision will be required during installation of the URS. It is recommended that the developer be required to provide this construction oversight by an independent professional engineer. The contractor must have an engineer review and approve the geotech fabric before installation. The installation of this material must be specified and constantly supervised during construction.

Zoning Approval Conditions – Several conditions were placed on the zone change of this lot. The applicant has addressed each of the conditions. The TRC and the Planning Department have reviewed the preliminary landscape plan for the project and recommend that under story planting be incorporated into the buffer area required along Old River Road. The under story plants should be placed out of the field

of vision area associated with the complex's entrance.

Based on the presented information, the Technical Review Committee finds that the applicant has successfully addressed all of the significant concerns of the TRC. Therefore, the Committee recommends that the project proceed to a public hearing in October.

Major Subdivision Review

a. Riverfront Major Subdivision AP 45 Lot 53 Master Plan Discussion /

- DOSCO Inc. Angell Road Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into five conventional single-family lots. The subject lot contains approximately 6.36 acres of land and is located in zoning district RA-40 (40,000 square feet – Residential Single Family). The proposed homes are to be serviced by a public cul-de-sac road and public water and sewer. This project is in front of the Planning Board for Master Plan Discussion/Approval.

On June 10, 2005, the Master Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the 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 Master Plan review must be made by October 8, 2005 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above-proposed development according to the 2005 Land Development and Subdivision Regulation's Master Plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Master Plan Submission for Riverfront Major Subdivision", Portion of AP 45, portion of Lot 53, in Lincoln, Rhode Island, prepared for the applicant Dosco Inc. by Commonwealth Engineers & Consultants, Inc., dated June 2005. The site plans have not changed from the last Planning Board meeting. Below are the comments from the July TRC report.

Site Plan - The location of the drainage easement to access the detention basin should be as close to the entrance road immediately off Angell Road as possible. A waiver is required for the proposed road to be less than 150 feet from the unimproved Rum Road, a paper street. The Technical Review Committee and the Engineering Division would prefer that this paper street not be improved for public vehicular access due to sight distance issues. The site plan also presents a public right of way to the existing Town of Lincoln's public open space property surrounding the site. The TRC recommends that this right of way be delineated by fencing and granite bounds at both ends of the easement. The fencing will create visual demarcation to the public open space. A sign should also be

installed to indicate to the public that this is a public access point.

Groundwater - The applicant previously submitted Site Evaluation Forms for the groundwater and soil performed by a certified soil evaluator. There is a note on the plan specifying that finished floors or basements must be set above the seasonal high ground water elevation. This must be a condition of approval for the subdivision.

Wetlands - The applicant previously submitted a letter from Mason & Associates, Inc. a wetlands biologist. The proposed subdivision must obtain a RIDEM Wetlands Preliminary Determination permit as a condition of approval for subdivision.

Utilities - The plan shows public water and sewer connections to the proposed lots. There is an existing letter in the file dated (3/10/05) from the sewer supervisor stating that sewers are available to the property. The Lincoln Water Commission (LWC) has communicated to the Town that public water service is available to this project and can receive preliminary approval for water line design. The water line is proposed to be looped through an existing public right of way, Rum Road, which meets LWC requirements

Drainage - The Town Engineer and the Director of Public Works observed existing drainage conditions during a recent, high-intensity rainfall event. The road is crowned in the area of the proposed intersection giving access onto Angell Road, so the storm water flows along both sides of the road. There does not appear to be a drainage swale or eroded edge in the area of the proposed intersection. No accumulation of water was observed. However, at the lower portion of Angell Road below the subdivision where the

brook crosses the road, storm water accumulation was observed on the sides of the road. This was observed mostly on the northeast side. Drainage design for the subdivision must include no increase of storm water from the subdivision onto the road so as not to exacerbate any drainage problems lower down on Angell Road.

Based on the presented information, the Technical Review Committee finds that the applicant has successfully addressed all of the significant concerns of the TRC for the Master Plan stage. Therefore, the Committee recommends Master Plan Approval with Conditions of this project. The conditions of approval are listed below:

- 1. The location of the proposed drainage easement to access the detention basin should be as close to the entrance road immediately off Angell Road as possible.**
- 2. A waiver from the Subdivision regulations for the proposed road to be less than 150 feet from the unimproved Rum Road, a paper street is to be granted.**
- 3. The proposed public right of way to the existing Town of Lincoln's public open space property surrounding the site is to be delineated by fencing and granite bounds at both ends of the easement. A sign should also be installed to indicate to the public that this is a public access point.**
- 4. A note is to be placed on the Master and Preliminary plans specifying that finished floors or basements must be set above the seasonal high ground water elevation.**
- 5. The proposed subdivision must obtain a RIDEM Wetlands**

Preliminary Determination permit as a condition of Preliminary Plan approval.

6. The proposed water line is looped through an existing public right of way, Rum Road, to meet the LWC requirements.

7. Special consideration should be given to the drainage design for the subdivision so that no increase of storm water results from the subdivision onto the existing road so as not to exacerbate any drainage problems lower down on Angell Road.

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

On March 24, 2004, the applicant received Preliminary Plan approval for their seven lot single family subdivision. According to Section 18-G of the 2001 Subdivision Regulations, “Vesting. The approved preliminary plan shall be vested for a period of one (1) year from the preliminary plan approval date. The vested preliminary plan approval can be extended for one additional year upon the written request and vesting may be extended for a longer period, for good cause shown, if requested in writing by the applicant prior to the expiration of the deadline, and approved by the Planning Board. The vesting of the preliminary plan approval shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting materials.”

Construction began shortly after they received their approval. The majority of the public improvements are installed. In addition to this

project, the applicant has been working on their adjacent 21 lot single family project (see below). Unfortunately, the applicant did not realize that their Preliminary Plan Approval ran out. The Technical Review Committee reviewed the status of the project and discussed the progress with the applicant. At this time, the TRC recommends a one year extension of the Preliminary Plan Approval from the original date of March 24, 2004.

c. Lincoln Meadows II AP 45 Lots 2, 181, & 353 Master Plan Extension

- Angellin, LLC Angell Road

On June 23, 2004, the applicant received Master Plan approval for their twenty-one lot single family subdivision. According to Section 17-G of the 2001 Subdivision Regulations, “Vesting. The approved master plan shall be vested for a period of one (1) year, with a one (1) year extension possible upon the written request of the applicant, who must appear before the Planning Board for an annual review. Vesting may be extended for a longer period, for good cause shown, if requested by the applicant prior to the expiration of the deadline, in writing, and approved by the Planning Board. Master Plan vesting shall include the zoning requirements, conceptual layout and all conditions as shown on the approved plan drawings and supporting materials.”

Unfortunately, the applicant did not realize that their Master Plan Approval ran out. This requirement was pointed out to the applicant

when they submitted the plans for Preliminary Plan review. The Technical Review Committee reviewed the status of the project and discussed the progress with the applicant. At this time, the TRC recommends a one year extension of the Master Plan Approval from the original date of June 23, 2004.

Minor Subdivision Review

a. Villella Minor Subdivision AP 45 Lot 227 Preliminary Plan Discussion /

- Frank and Carmella Villella Angell Road Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two conventional single-family lots. The subject lot contains approximately 14.72 acres of land and is located in zoning district RS-20 (20,000 square feet – Residential Single Family). The proposed house is to be serviced by public water and sewer. There is no proposed street creation or extension needed. This project is in front of the Planning Board for Preliminary Plan Discussion/Approval.

On September 15, 2005, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, if no street creation or extension is required, the Planning Board shall, within sixty five (65) 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 review must be made by November 19, 2005 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above-proposed development according to the 2005 Land Development and Subdivision Regulation's Preliminary Plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Preliminary Minor Subdivision of Land", prepared for Frank & Carmella Villella AP 454 Lot 227 by Marsh Surveying Inc. dated August 18, 2005. The Town also received letters from the RIDEM dated September 1, 2005, the Lincoln Water Commission and the Lincoln Sewer Department.

Based on the submitted application, the Technical Review Committee finds that the application successfully meets all of the Town's subdivision requirements. The proposed minor subdivision is for one house lot and does not require onsite drainage controls. The RIDEM reviewed the land for wetlands and determined that due to the location of the proposed house, no existing wetland will be affected. Therefore, the TRC recommends Preliminary Plan Approval of this project. The TRC also recommends that Final Plan approval be delegated to the Administrative Officer.

October Zoning Applications

Dmitry & Elena Litmanovich, 20 Linfield Circle, Lincoln, RI -

Dimensional Variance for front yard setback for the construction of an addition at 20 Linfield Circle, Lincoln, RI.

AP 45, Lot 205

Zoned: RS 20

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends Approval of this application. The Committee finds that the dimensional variance is consistent with the neighborhood, will not alter the general character of the surrounding area and will not impair the intent or purpose of the zoning ordinance, or the Comprehensive Plan.

John Picozzi, 1571 Lonsdale Avenue, Lincoln, RI – Special Use Permit for the operation of an office within the home.

AP 4, Lot 64

Zoned: RG 7

Members of the Technical Review Committee visited the site and reviewed the submitted site plan and application. The submitted site plan adequately addresses zoning requirements such as parking and safety concerns. The Technical Review Committee recommends Approval with Conditions of this special use permit. The TRC feels that the proposed special use permit will not alter the general character of the surrounding area and will not impair the intent or purpose of the Zoning Ordinance or the Lincoln Comprehensive Plan.

As a condition of approval, the TRC recommends that the applicant be limited to one sign to be located on the building. This sign should

not be any larger than 12 square feet in size.

Alan Costantino, 10 Dennell Drive, Lincoln, RI – Dimensional Variance for side yard setback for the construction of a 2-car garage.

AP 42, Lot 77

Zoned: RS 20

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends Denial of this application. The Committee examined the submitted plan and setback requirements and feels that the application does not meet any of the requirements for a dimensional variance and is not the least relief required. The applicant already has a two car garage and the application does not explain why they require another one. The TRC feels that the granting a dimensional variance will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance.

Harry Myers, 3 Myers Drive, Lincoln, RI – Dimensional Variance for side yard setback for property located at 297 Angell Road, Lincoln RI.

AP 45, Lot 243

Zoned: RS 20

The proposed dimensional variance is to clear up the pre-existing nonconformance of this parcel of land. This lot was platted before present day zoning regulations. The Technical Review Committee recommends Approval of this application. The TRC finds that the relief requested will not alter the general character of the surrounding

area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.

Miguel & Elizabeth Simao, 11Riverside Drive, Lincoln, RI – Dimensional Variance for front yard setback for the construction of a second story and farmer’s porch.

AP 13, Lot 92

Zoned: RL 9

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends Denial of this application. The Committee examined the submitted plan and setback requirements and feels that the application does not meet the requirements for a dimensional variance, does not conform to the surrounding neighborhood, and is not the least relief required.

Respectfully Submitted,

Albert V. Ranaldi, Jr. AICP

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Administrative Officer to the Planning Board