

December 9, 2005

Town of Lincoln – Planning Board

100 Old River Road

Lincoln, RI 02865

Dear Honorable Members,

On December 6, 2005 at 3:00 pm, the Technical Review Committee met to review the agenda items for the December 14, 2005 Planning Board meeting. In attendance were Al Ranaldi, Russell Hervieux, Peggy Weigner, and John Faile. Below are the Committee's recommendations:

Major Subdivision Review

a. Lincoln Meadows II AP 45, Lots 2, 181 & 353 Preliminary Plan Discussion/

Angellin, LLC Angell Road Approval

On June 23, 2004, the applicant received Master Plan approval for their twenty-one lot single family subdivision. According to Section 17-G for 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 drawing and supporting materials.” Unfortunately, the applicant did not realize that their Master Plan Approval ran out. On September 28, 2005, the Planning Board voted to extend the applicant’s Master Plan approval for one year starting from the original date of Master Plan approval. Therefore, the applicant has until June 23, 2006 to secure Preliminary Plan approval.

On October 18, 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 February 14, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2001 Land Development and Subdivision Regulations preliminary plan

requirements and standard engineering practices. The plans submitted are entitled "Preliminary Design Plan for Lincoln Meadows II", 20-Lot Subdivision, Zoned RS-20, AP 45 Lots 1, 2, 181, & 353 located at Angell Road, Lincoln Rhode Island, prepared for Angellin, LLC by Cataldo Associates, Inc., revision date November 29, 2005. A letter report has been received dated October 24, 2005 which addressed the sight distance issue. A "Drainage Report" revision dated August 2004 was previously reviewed. Below are the Technical Review Committee's recommendations.

Traffic/ Road Design - A letter report dated October 24, 2005 was received describing the stopping sight distances available at the proposed intersection of the proposed road across from Maple Avenue. According to this analysis, a section of brush located within the existing right of way and measuring approximately 100' by 20' will need to be removed to insure proper sight distance. This area needs to be shown and noted accordingly on the plans.

The Chief for the Limerock Fire Department in a communication with the Town Engineer stated that the largest vehicle that would pass over the bridge would be 80,000 lbs. For the final construction plans, the developer must submit detailed plans for the bridge that meets this condition and is certified by a professional engineer.

Groundwater and Storm Water - The section of roadway with 1% slope requires a regular grate, not a high capacity grate as is currently showed on the submitted plans. This pertains to CBs #14

and 15. Engineering recommends that as a condition of subdivision approval, no finished floors or basements shall be allowed to be constructed into the seasonal high groundwater elevation. A note to this effect must be added to the plans as a condition of the approval for this subdivision.

Lot Layout - Proposed Lot 18 uses a portion of what is presently preliminarily approved as Lot 7 in the subdivision Lincoln Meadows. Lot 18 was configured this way in order to comply with the minimum buildable area requirements. The preliminary approval of the seven lot subdivision must be amended in order to include the land in a different subdivision. Proposed Lot 16 contains a drainage outfall and infiltration swale. An easement to the Town for drainage must be shown for this lot as a condition of approval for this subdivision. The proposed easement language must be reviewed and approved by the Town.

Environmental - The developer has a pending application for an alteration of wetlands with RIDEM. Approval of this subdivision must be granted on the condition of receiving this approval with only minor changes to the proposed plans as presented.

Sanitary sewers - Public sewers are available to this project for gravity flow. However, only gravity sewers in the public road will be owned and maintained by the Town. Therefore, the developer will be responsible to design and provide a private sanitary sewer system.

The Town recommends either low pressure sewer with individual residential pumps or a private pumping station with conventional forcemains. Whichever solution the developer chooses, the system shall be owned and maintained by a private homeowners' association. Any proposed documents will have to be reviewed and approved by the Town.

Utilities - Public water is available to the proposed development. According to superintendent of the Lincoln Water Commission (LWC), the subdivision's water line has preliminary approval subject to final construction plan approval.

Final Construction Plans - The following will be required for approval of the final construction plans.

1. Plantings associated with the drainage shall be the responsibility of the developer as a condition of the subdivision construction. Other plantings required by the RIDEM Wetlands permit on individual lots will be the responsibility of the property owner under the building permit.

2. Final approval of the construction plans by the LW C.

3. For final construction plans the developer must submit detailed plans for the bridge meeting this condition as certified by a professional engineer.

4. An area of approximately 100' by 20' will need to be removed to insure proper sight distance. This area needs to be shown within the existing right of way on the plans.

5. The following notes must be added to the appropriate sections on sheet C1 in conformance with the standards required by the Storm Water Pollution Prevention Plan:

a. For erosion control during construction, temporary mulch shall be installed 14 days after earth disturbance has ceased unless activity is to resume no later than 21 days.

b. The contractor shall prevent the discharge of wastewater into storm water runoff.

c. The detention basins must be constructed in the initial phase of the site work in order to act as temporary siltation basins.

The Technical Review committee recommends that the applicant address the above noted concerns with special attention given to the sanitary sewer system. The TRC can not recommend moving forward in the Preliminary Plan process until these issues are resolved.

b. Lincoln Garden Estates AP 43 Lot 20 & 21 Master Plan Discussion /

- Steven, Stuart, & Cara Popovich Old Louisquisset Pike Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into four conventional single-family lots. The subject lot contains approximately 2.35 acres of land and is located in zoning district RS-20 (20,000 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 a Master Plan discussion and review.

On July 8, 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 November 07, 2005 or within such further time as may be consented to by the applicant. On October 28, 2005, a representative for the applicant submitted a request for a time extension. The request did not specify a specific time frame. Therefore, after reviewing the status of the project and the plans submitted, the Technical Review Committee recommends that the time extension for Master Plan approval be extended an additional 120 days to February 28, 2006.

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 set of plans reviewed were entitled "Major Subdivision Submission, Lincoln Garden Estates", Old Louisquisset Pike, AP 43 Lots 20 & 21, Lincoln, RI, prepared for Steven Popovich and Stuart & Cara Popovich, by Thalmann Engineering Co., Inc. The set of plans

are dated March 22, 2005; however the set of plans received by the Engineering Division are dated November 28, 2005 and differs from the previously reviewed sets of the same date. Also included in the previously reviewed submission was a document entitled, "Master Plan- Development Impact Narrative" prepared for Steven Popovich by the above engineer dated March 2005. Below are the Technical Review Committee's recommendations.

Site Plan - There is no indication of any existing wells or septic systems on or within 200 feet of the property. If any private wells or septic systems exist, they need to be located and shown on the plans, particularly any serving the existing residence on Lot 21. If none are found, then a note that no wells or septic systems were found within 200 feet must be listed on the plans. The plans do not present buildable lot calculations for each of the proposed lots. The buildable lot area shall not include marshes, swamps, bogs, brooks, ponds, rivers, river and stream flood plains and banks, and areas with average slope greater than 15%. The TRC has concerns regarding the buildable lot area for proposed lot number 3.

Utilities - The narrative report describes the proposed subdivision to be connected to public water and sewers via existing lines in Old Louisquisset Pike. The Lincoln Water Commission has reviewed the proposed plans and has indicated that the proposed plans meet with the requirements of the Lincoln Water Commission. Their final approval is required. The nearest public sanitary sewers are in Old

Louisquisset Pike. Gravity sanitary sewers are proposed. The sewer line is owned by the Narragansett Bay Commission. Their approval is required as to whether sewers are available to the project.

Roads/Traffic - Access is proposed from Old Louisquisset Pike, a State highway. The location of the entrance must be approved by RIDOT. A Physical Alteration Permit from RI Department of Transportation (RIDOT) is required. Please note that this is also the agency that will need to approve any road opening permit, not the Town. The nearest intersection is at Evergreen Road which appears to be more than 150 feet away. The road crown is shown as 3%. The standard in Lincoln is 2%. No sidewalks are proposed. These two items must be addressed with either a request for a waiver or added to the plan.

Wetlands and Drainage - The proposed detention basin for the development would discharge towards a wetland behind the existing house on Lot 20, next to the proposed subdivision. The report contains a letter from RIDEM stating that no wetland was found on or immediately adjacent to Lot 21. The wetland verification received from the RIDEM was for Lot 21 only since no work was proposed on Lot 20. Since work is now proposed on lot 20 with a discharge into the wetlands, RIDEM approval will be required.

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. This must be put in a note on the plans. The soil evaluation was witnessed by the Town Engineer. The proposed grades for the houses appear to meet that condition.

Erosion controls - A separate erosion and sediment control plan will be required. If this plan is also required by RIDEM, the same plan would be submitted to the Town.

The Technical Review committee recommends that the applicant address the above noted concerns with special attention given to the buildable lot area of lot number 3 and the detention basin. The TRC can not recommend moving forward in the Master Plan process until these issues are resolved.

January Zoning Applications

Spiro & Mary Dionisopoulos, 5 Bayberry Court, Lincoln, RI – Dimensional Variance for the rear yard for a residential addition.

AP 45, Lot 192 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the submitted site plan, floor plan, and application. Based on the submitted plans, the proposed addition can only be placed on the right side of the house due to the existing floor layout. The Committee recommends Approval of this dimensional variance. The

TRC feels that this plan represents the least relief required, will not alter the general character of the surrounding area nor impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

New Cingular Wireless, 640 River Road, Lincoln, RI – Use Variance for the construction of a telecommunication tower.

AP 23, Lot 173 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Denial of this application for a Use Variance.

The TRC feels that the proposed site plan and application does not meet any of the standards for a Use Variance as presented in the Zoning Ordinance, does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The Technical Review Committee also feels that this application will result in greater financial gain for the applicant and the property owner by providing an additional rental income to the property owner. The subject land has already yield beneficial use that conforms to the provisions of the zoning ordinance. The TRC feels that the proposed structure will alter the general character of the surrounding area and impair the intent and purpose of the Zoning Ordinance and the Comprehensive Plan.

New Cingular Wireless, 640 River Road, Lincoln, RI – Dimensional

Variance for the rear, side, and height setbacks for the construction of a telecommunication tower.

AP 23, Lot 173 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Denial of this application for a Dimensional Variance. The TRC feels that the proposed site plan and application does not meet any of the standards for a Dimensional Variance as presented in the Zoning Ordinance, does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The Technical Review Committee also feels that this application will result in greater financial gain for the applicant and the property owner by providing an additional rental income to the property owner. The TRC feels that the Town has existing structures and towers that the applicant can locate onto with minimal zoning relief. The TRC feels that the proposed structure will alter the general character of the surrounding area and impair the intent and purpose of the Zoning Ordinance and the Comprehensive Plan.

New Cingular Wireless, 610 River Road, Lincoln, RI – Use Variance for the construction of a telecommunication tower.

AP 23, Lot 25 Zoned: RA 40

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

Committee recommends Denial of this application for a Use Variance.

The TRC feels that the proposed site plan and application does not meet any of the standards for a Use Variance as presented in the Zoning Ordinance, does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The Technical Review Committee also feels that this application will result in greater financial gain for the applicant and the property owner by providing an additional rental income to the property owner. The subject land has already yield beneficial use that conforms to the provisions of the zoning ordinance. The TRC feels that the proposed structure will alter the general character of the surrounding area and impair the intent and purpose of the Zoning Ordinance and the Comprehensive Plan.

New Cingular Wireless, 610 River Road, Lincoln, RI – Dimensional Variance for the rear and side yard setbacks for the construction of a telecommunication tower.

AP 23, Lot 25 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Denial of this application for a Dimensional Variance. The TRC feels that the proposed site plan and application does not meet any of the standards for a Dimensional Variance as presented in the Zoning Ordinance, does not represent the least relief necessary and is not due to the unique characteristics of the subject

land. The Technical Review Committee also feels that this application will result in greater financial gain for the applicant and the property owner by providing an additional rental income to the property owner.

The TRC feels that the Town has existing structures and towers that the applicant can locate onto with minimal zoning relief. The TRC feels that the proposed structure will alter the general character of the surrounding area and impair the intent and purpose of the Zoning Ordinance and the Comprehensive Plan.

**H.L. George Development Corp, Albion Road, Lincoln, RI – Special Use Permit to conduct a special care residence for Alzheimer patients on property located on Albion Road, Lincoln, RI
AP 41, Lot 44 Zoned: BL 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 this application for a special use permit. Members of the Technical Review Committee have met several times with the developer and conclude that the requested special use permit and the submitted site plan will not have any adverse effects of the surrounding properties. The Technical Review Committee 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.

H.L. George Development Corp, Albion Road – Dimensional Variance

to reduce number of parking spaces for a special care residence for Alzheimer patients on property located on Albion Road, Lincoln, RI AP 41, Lot 44 Zoned: BL 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 this application for a dimensional variance. Members of the Technical Review Committee have met several times in the past with the developer and conclude that the requested dimensional variance and the submitted site plan will meet the parking requirements of the proposed development and will not have any adverse effects of the surrounding properties. The Technical Review Committee 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.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

Administrative Officer to the Planning Board