

December 14, 2006

Town of Lincoln – Planning Board

100 Old River Road

Lincoln, RI 02865

Dear Honorable Members,

On December 12, 2006 at 2:30 pm, the Technical Review Committee met to review the agenda items for the December 20, 2006 meeting of the Planning Board. In attendance were Al Ranaldi, Kim Wiegand, Diane Hopkins, Russ Hervieux, John Faile, John MacQueen, and Peggy Weigner. Below are the Committee's recommendations:

Major Land Development Review

- a. Drive-Thru Establishment AP 41 Lot 69 Public Hearing – 7:15 PM**
- Jason M. Ruotolo George Washington Hwy Preliminary Plan
Land Development
Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the commercial development of a single lot containing approximately 1.242 acres. The review stages were combined during the October Planning Board meeting. Therefore this project is in

front of the Planning Board for a Preliminary Plan Land Development Review and a Public Hearing. On October 16, 2006, the project submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Preliminary Plan review must be made by February 13, 2007 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations preliminary plan requirements and standard engineering practices. The plans reviewed were entitled "Preliminary Plan Submission, Drive Thru Establishment, AP 41 Lot 69", Lincoln, Rhode Island, sheets 1-7, prepared for the applicant, Jason Ruotolo by Thalmann Engineering Co., Inc., dated September 2006. Also received were the following documents: Drainage Report & Calculations prepared for Jason Ruotolo by Thalmann Engineering Co., Inc. dated October 20, 2006 and Traffic Impact Study Route 116 Commercial Development prepared for Thalmann Engineering, Inc. by RAB Professional Engineers, Inc. dated October 2006. In addition, a report entitled "Drive Thru Establishment, George Washington Highway AP 41 Lot

69, Master Plan-Development Impact Narrative”, dated September 2006 had been reviewed prior to the preliminary submission. Below are the Technical Review Committee’s comments.

Traffic/Road/Site

Access to the site is from a State Highway, Route 116, George Washington Highway. The project will require a Physical Alteration Permit (PAP) from RIDOT for access to the property for preliminary plan approval. A memo from RIDOT regarding the project was received December 12, 2006. This memo contained two comments relevant to the site plan. One comment addressed the adequacy of space for the stacking of vehicles queuing in the drive thru. The RIDOT requires minimum space for ten vehicles measured back from the order board. The other comment concerns the exit. According to the Traffic Impact Report, two exit lanes are recommended; one for turning left and one for turning right. The RIDOT memo specified limiting the exit to one lane. The engineer has shown accordingly, one exit lane with an island between it and the entrance lane. This would allow a left turn lane to be constructed in the future, should it be needed. This redesign was shown on the most recently revised plan set. It appears that the guard rail by retaining wall at the access road should be extended further to where the grade differential is less than three feet. The TRC also recommends that the Albion Fire Department review the plans for fire and rescue service safety and submit a letter on their conclusions. This project is also located close to the North Central Airport. The TRC recommends that the

applicant submit to the FAA for a review.

Sanitary Sewers

The development is proposed to flow to the Narragansett Bay Commission (NBC) interceptor on Route 116. Approval from NBC will be required as a condition for preliminary approval.

Public Water Service

The Lincoln Water Commission (LWC) has confirmed the availability of public water service in a letter dated December 7, 2006. Final approval from LWC must be a condition of approval for the land development. The water line will be required to be extended from Lincoln, or alternatively, water service could be sought from the Town of Smithfield. Since the development is in Lincoln, approval would be required from the LWC as well as the water authority in Smithfield.

Environmental/Drainage

The existing site drains mainly to wetlands on the property. The wetlands have been located in the field and verified by RIDEM. Preliminary approval will require a permit from RIDEM Wetlands to cross the wetlands. The plans show an underground detention system which will discharge into the wetlands. The drainage facilities are proposed to include mitigation of storm water flows for both rate of flow and volume. The underground system includes some infiltration of storm water from not only the roof but also pavement. The system design allows a minimum of one foot separation from the

seasonal high groundwater elevation. While this design is the standard for a conventional detention basin, it does not meet the requirement for an underground injection control (UIC) system which requires a minimum three foot separation. It is recommended that the developer receive an opinion from RIDEM as to whether this system requires a UIC permit. The wetlands are connected under the State highway to the wetlands on the south side of Route 116 by a drainage pipe that appears to be flat or adversely sloped. The invert of the pipe is also currently obscured by debris and/or dirt. This is a concern that should be addressed in the PAP application, since it potentially impacts not only the State highway and drainage system, but also the access way to the Tennessee gas line facility. Location of any existing wells and/or septic systems within 200 feet of the property must be shown on the plan. Any onsite wells or septic systems will need to be properly closed and/or removed.

This project is in front of the Planning Board for a public hearing. The TRC recommends that the applicant address the above noted concerns and any concerns generated during the public hearing and return to the Planning Board in January.

Major Subdivision Review

a. Rivers Subdivision AP 23 Lots 30 and 119 Preliminary Plan Discussion /

- Estate of Anna M. Rivers Old River & Lower River Road 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 two phases. Phase one will consist of three lots fronting Old River Road and Phase Two will consist of two lots fronting Lower River Road. This review is for Phase One only. 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. 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 Lots 30 & 119, Old River Road & Lower River Road, prepared for Estate of Anna Rivers c/o Brian Balsofiore, Executor by Thalmann Engineering Co., Inc. revision dated 10/17/06. A report entitled "Drainage Report & Calculations" dated 7/3/06 for the above applicant by the above engineers was reviewed. 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 Sight Distance Analysis was prepared for the proposed subdivision by RAB Professional Engineers, Inc. dated May 25, 2005.**

The Technical Review committee reviewed the preliminary submission and the following was noted.

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. The site has a significant amount of visible ledge. 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. The information presented on the site plan indicates the buildable area for each lot. It is questionable whether proposed lot 4 meets minimum buildable area. More precise numbers are required. Phase One house lots have been specifically designed and layout with specific grading and 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.

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. As noted in the report, some clearing along the frontage of Lower River Road will be necessary to achieve this view. This area of clearing needs to be shown on the preliminary plans for Phase Two.

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 existing drainage problems and any proposed solutions will be reviewed in Phase Two. The engineer has designed the lots with associated grading so as to mitigate any impact from the development by incorporating infiltration systems, yard drains, and drainage swales. The proposed drainage systems located on individual lots will have to be noted as a condition of preliminary plan approval.

Wetlands

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

The TRC recommends that the applicant address the above noted concerns and proceed to the public hearing stage of the process in January.

b. Albion Road Subdivision AP 40 Lots 30 and 31 Pre-Application Discussion

- R.H. Jergensen Construction Co. Albion Road

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations pre-application plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled “The Hills of Monticello, Albion Road”, AP 40, Lots 30 & 31, in Lincoln, Rhode Island, prepared for R.H. Jergensen Construction Co. by Pare Engineering Corp. dated October 2006. Below are the TRC recommendations for this project.

Site Plan

There are several parcels of land marked “open space”. The ownership and responsibility for the proposed open space parcels are not clear. Isolated open space that is non-contiguous to public land is not acceptable to the Town. The Public Works Department is concerned with the extensive retaining walls required within the public right of way to support the road. Retaining walls of this proposed magnitude will not be acceptable to the Public Works Department.

For future submissions, the Technical Review Committee would like to see a chart that outlines the buildable lot area, wetlands area, steep slopes area and easement area for each proposed lot. The buildable area is that area remaining after wetlands, steep slopes and other physical constraints, such as easements are excluded. The TRC would also like to see an existing constraints map that displays existing wetlands and buffer areas, steep slopes, easements, etc... It

is a policy of the Public Works Department that all drainage facilities outside of the public right of way must be shown within easements on individually owned lots not within “open space”. All detention basins must be privately owned and accessible from a public right of way. It is not clear whether retention or detention basins are proposed.

The TRC also wonders if this project is going to be a phased development. If so, this aspect should be incorporated into future submissions.

Traffic

Albion Road is a State road. The access to the subdivision will require a Physical Alteration Permit from RIDOT.

Wetlands/Groundwater

There are numerous wetlands within this proposal. The proposed subdivision must obtain a RIDEM Wetlands permit for all proposed alterations to the wetlands. A certified soil evaluator must determine the seasonal high ground water elevations at the locations associated with proposed detention basins and other critical areas on the property. The Town Engineer must witness the excavation of test pits. No detention basins are to be constructed into the elevation of the seasonal high ground water.

The TRC has serious concerns regarding the cul de sac proposed to the northwest off the proposed looped road. The development of the proposed cul de sac involves a stream crossing. This is a significant

wetlands alteration. In addition, this portion of the subdivision and the other cul de sac would require an extensive removal of earth and blasting of ledge in order to be buildable. The impact to the groundwater hydrology is likely to be critically impacted. In addition, no mitigation of storm water runoff appears to be proposed for the northwestern cul de sac.

Utilities

The plan shows public water and sewer connections to the proposed lots. Sewer availability must be sought from the Lincoln sewer supervisor. Gravity sewers are proposed except for the northwestern cul de sac. In this area a low pressure sewer forcemain has been proposed. This type of forcemain is not acceptable by the Public Works Department.

The superintendent of the Lincoln Water Commission (LWC) has communicated to the Town Engineer that public water service is available to this project. However, the water line must be looped to meet the LWC requirements. No dead ended public water lines are allowed.

Drainage

The Public Works Department has observed severe existing drainage problems over the years in this area, particularly on Albion Road. Drainage design for the subdivision must include no increase of storm water peak rate of flow or volume from the subdivision onto the

properties on Albion Road or into the wetlands connected to the brook that flows under Albion Road so as not to exacerbate existing drainage problems in the Meadowbrook neighborhood. This section of Albion Road is an existing low spot in the roadway and experiences numerous flooding. The Town would also like to meet with the engineers to explore if off site improvements can be incorporated into the project to help resolve drainage problems along this section of the roadway.

c. Angell Road Subdivision AP 44 Lots 12, 32 Preliminary Plan Extension

- Angell Road Development Co. Angell Road, Whipple Road

This project represents the subdivision of one lot into thirteen conventional single-family lots. The project received Preliminary Plan approval on December 14, 2004 and was extended for an additional year on January 25, 2006. The applicant has until December 14, 2006 to complete the project and obtain final plan approval. The applicant has completed significant public improvements on the project. The applicant has also amended the original project to include two additional lots. Due to weather conditions, the applicant was unable to complete the public improvements for the new section. They are requesting a one year extension to complete the project. The TRC has reviewed the application and recommends approval of this request.

d. Forest Park AP 20 Lot 15 Preliminary Plan Extension

- LPD Development, LLC Breakneck Hill Road

This project represents the subdivision of one lot into thirteen conventional single-family lots. The project received Preliminary Plan approval on July 28, 2004. On July 23, 2005, the Planning Board granted a one year extension to July 23, 2006. The applicant settled the law suits and purchased the property in April of 2006. Upon purchasing this parcel, the applicant had only three months remaining on the Preliminary Plan approval. The applicant sought and received a six month extension from July 23, 2006 to January 23, 2007.

The applicant is in front of the Planning Board for an additional six months. In the applicant's letter requesting a time extension, he describes his efforts to develop the site and simultaneously marketing the project for sale. Several prospective purchasers have indicated their unwillingness to proceed with a purchase agreement given the short amount of time remaining on the Preliminary Plan.

The Planning Department still has an outstanding balance of \$145.14 remaining on this project for advertisement. The TRC has reviewed the application and recommends approval of this request for a six month extension. As a condition of this approval, the TRC recommends that the applicant pay the outstanding balance.

Minor Subdivision Review

a. Carriage Drive Subdivision AP 16 Lot 9 Preliminary Plan Review /

- Little Max Realty LLC Carriage Drive 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 subject lots are located in zoning district RS-12 (12,000 square feet – Residential Single Family). The proposed project is classified as a Minor Subdivision.

On December 11, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations – Section 14(G), “if no street creation or extension is required, the Planning Board shall approve, deny, or approve with conditions, the preliminary plan within sixty five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board, according to the requirements of Section 8 herein. Therefore, a decision on the Preliminary Plan review must be made by February 14, 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 submission includes a plan entitled “Minor Subdivision” AP 16 Lot 9, Carriage Drive in Lincoln, Rhode Island, prepared for Robert Ray, c/o Little Max Realty, LLC by Waterman Engineering Co., dated October 25, 2006. Below are the TRC recommendations for this project.

Groundwater/ Drainage/ Wetlands

No wetlands appear to be present on the property. However the area is subject to seasonal high groundwater. Therefore 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. Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved and bonded before any construction or earth disturbance is performed on site.

Utilities

The new lot is shown to be connected to public water and sewer. The sewer supervisor has confirmed that public sewers are available. The applicant must obtain a permit from Narragansett Bay Commission for sewer discharge. The applicant has received approval for water service to the proposed new lot from the Lincoln Water Commission (LWC). The existing lot is on a private well. According to the letter from the LWC, the applicant must connect both lots to public water. When the well on site is abandoned, it must be closed according to the appropriate RIDEM regulations.

Site plan

The location of the proposed driveway for the new house must be

shown. The northern existing curb opening and driveway must be removed and/or relocated onto one lot. Any new curbing including curb returns must be granite. The proposed subdivision is dependent on the moving of the existing house. Therefore, the TRC recommends that as a condition of approval, the existing house must be moved before final plan can be issued.

Record plan

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

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 is requested.**
- 2. The developer must obtain approval for the Narragansett Bay Commission for the additional indirect discharge.**
- 3. A note must be added to the plans stating that when the existing well on site is abandoned, it must be closed according to the appropriate RIDEM regulations.**
- 4. The existing house must be moved before final plan can be granted.**
- 5. A note must be added to the plans stating that no finished floors or basements shall be constructed at or below the seasonal high**

groundwater elevation.

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

Zoning Applications (*) – January Zoning Applications

Omnipoint Communications, Inc., 50 Vision Boulevard, East Providence, RI/St. James Church Corp., 33 Division Street, Manville, RI – Dimensional Variance for front and rear yard setback and height relief for the installation, operation and maintenance of a wireless communications facility on property located at 33 Division Street, Manville, RI. –

AP 37, Lot 198 Zoned: RG 7

The proposed dimensional variances are to clear up the pre-existing nonconformance of this parcel of land. This lot and existing buildings were platted and developed before present day zoning regulations. 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. 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.

Inland American Retail Management LLC, 2901 Butterfield Road, Oakbrook, IL – Special Use Permit to increase tenant and ownership

square footage signage on exterior of property located at 622 George Washington Highway, Lincoln, RI.

AP 41, Lot 7 Zoned: BL 05

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The updated application presented the number, size, type, and location of the proposed signs of this application. Based on a review of the existing signage and proposed signage and in light of the retail nature of this parcel, the TRC feels that applicant can successfully meet their objectives with an additional 375 square feet of signage. Therefore, the TRC recommends Approval of an additional 375 square feet of signage for the Lincoln Mall complex.

H.L. George Development Corp., c/o Richard Ackerman, Esquire, 800 Clinton Street, Woonsocket, RI/First Facility Lincoln, LLC, /o Richard Ackerman, Esquire, 800 Clinton Street, Woonsocket, RI – Request for one year extension of Decision rendered on January 3, 2006 for Dimensional Variance and Special Use Variance.

AP 41, Lot 44 Zoned: BL 0.5

This project represents the commercial development of one lot. Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of a request for a one year time extension. The applicant has detailed their efforts to date and the

time extension appears reasonable.

Gray's Point Investments, LLC, 50 South Main Street, Providence, RI/AT Cross Company, 1 Albion Road, Lincoln, RI – Special Use Permit for signage for multi-tenant corporate office and existing manufacturing for property located at 1 Albion Place, Lincoln, RI.

AP 28, Lot 41 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 the addition of eight new signs to define the building use, to provide signage for new proposed tenants, and to identify areas of additional parking. The site plans specifically details the location and type of the new proposed signage. The TRC feels that due to the unique nature of the building and more specifically the layout of the facility, that the requested signage will clarify pedestrian and vehicular entrances and traffic flow.

Kenneth Demers, 135 Jenckes Hill Road, Lincoln, RI – Special Use Permit to convert building located at 10/15 Chapel Lane, Lincoln into six (6) apartments.

AP 3, Lot 89 Zoned:BL 05/RG 7

Members of the Technical Review Committee visited the site and

reviewed the submitted plans and application. The Technical Review Committee could not make a recommendation due to the very limited information provided in the submission. Therefore, a proper evaluation could not be conducted.

Kenneth Demers, 135 Jenckes Hill Road, Lincoln, RI – Use Variance to convert building located at 10 Chapel Lane into four (4) two bedroom apartments.

AP 3, Lot 89 Zoned:BL 05/RG 7

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee could not make a recommendation due to the very limited information provided in the submission. Therefore, a proper evaluation could not be conducted.

Kenneth Demers, 135 Jenckes Hill Road, Lincoln, RI – Dimensional Variance for front yard setback for property located at 10/15 Chapel Lane, Lincoln, RI.

AP 3, Lot 89 Zoned:BL 05/RG 7

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee could not make a recommendation due to the very limited information provided in the submission. Therefore, a proper

evaluation could not be conducted.

**Kenneth Demers, 135 Jenckes Hill Road, Lincoln, RI – Application for Relief Under Mapped Street Ordinance for property located at 10/15 Chapel Lane, Lincoln, RI
AP 3, Lot 89 Zoned:BL 05/RG 7**

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee could not make a recommendation due to the very limited information provided in the submission. Therefore, a proper evaluation could not be conducted.

**Kenneth Demers, 135 Jenckes Hill Road, Lincoln, RI – Use Variance to convert building located at 4 Chapel Lane into two (3) apartments.
AP 3, Lot 179 Zoned:BL 05/RG 7**

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee could not make a recommendation due to the very limited information provided in the submission. Therefore, a proper evaluation could not be conducted.

Correspondence/Miscellaneous (*)

1. Bank of Rhode Island AP28 Lot 51 Re-Amended Final Plan

This represents a re-amendment to the amended final plan

recorded on July 20, 2006.

2. Winterberry Estates AP45 Lot 335 Final Plan Approval

This represented the subdivision of one into seven single family lots. On December 4, 2006, the applicant successfully addressed all of the preliminary plan approval conditions. Therefore, final plan was issued and the final plan was recorded.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

Administrative Officer to the Planning Board