

September 22, 2006

Town of Lincoln – Planning Board

100 Old River Road

Lincoln, RI 02865

Dear Honorable Members,

On September 19, 2006 at 2:30 pm, the Technical Review Committee met to review the agenda items for the September 27, 2006 Planning Board meeting. In attendance were Al Ranaldi, Russell Hervieux, Kim Wiegand, John Faile, Peggy Weigner, and Diane Hopkins. Below are the Committee's recommendations:

Major Land Development Review

a. A. G. Morrow Investment Building AP 28 Lot 135 Public Hearing – 7:15 PM

- A. G. Morrow Investment Co., LLC Wellington Road Preliminary Land Development

Plan Discussion / Approval

Please Note: This application was not heard in August due to a lack of a quorum. Please refer to your August Planning Board packet for plans on this project.

This application is under the 2005 Subdivision Regulations and represents the development of one vacant commercial parcel of land. The proposed project is to develop a 21,164 square foot commercial building with associated parking. This development will be serviced by public water and sewers. On July 17, 2006, 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 master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan must be made by November 14, 2006 or within such further time as may be consented to by the applicant. This project was elevated to the Preliminary Plan stage by the Planning Board during their July 2006 meeting. This project is before the Planning Board for a public hearing.

The Technical Review Committee and the Engineering Division reviewed the above proposed development according to the Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The submission includes a set of plans entitled "Proposed Industrial Building", AP 28 Lot 135, North Central Industrial Air Park, Wellington Road, Lincoln, Rhode Island, prepared for the applicant A.G. Morrow Investment Co. by Thalmann Engineering Co., Inc., dated

May 2006. Also included in the submission is a Drainage Report & Calculations prepared by the above consultants for applicant, dated June 1, 2006. Below are the TRC concerns.

Site Plan

The site plan shows loading docks but does not have the grades to make the docks possible. According to the engineer, no loading docks are planned; the architectural plans should be revised to show this change. This commercial project is required to be reviewed by the Area of Planning Concern Committee. This committee will examine items such as proposed signage, evergreen buffer along the back property line which abuts a residential neighborhood, and lighting. A signage plan will also be required and reviewed at this meeting.

Utilities

The applicant must contact the Lincoln Water Commission (LWC) regarding service to the development. The LWC must certify that water service is available. The Lincoln Water Commission (LWC) must approve the water service. Preliminary Plan approval will be contingent on receipt of a letter from the LWC stating that there is sufficient public water for the project and that the plans are acceptable. The Limerock Fire Department must approve the development's water supply service for fire suppression. The project must obtain approval from the Narragansett Bay Commission for sanitary sewer discharge.

Drainage

The site drains generally northeast into existing wetlands. It is proposed to mitigate peak runoff in an onsite retention basin as well as through an infiltration system. The drainage plans route existing drainage from the upgradient site around the proposed development. The applicant will be responsible for the operation and maintenance of the storm drainage system which includes the basin and the infiltration system on the site. The development will require an Underground Injection Control permit from RIDEM.

Wetlands

The development will require approval from RIDEM Wetlands.

Traffic

The development requires a letter from a professional traffic engineer stating that there is adequate sight distance at the location of the proposed entrance to the site.

Based on the minor concerns presented above, the Technical Review Committee recommends that the applicant address any public concerns expressed during the Public Hearing. These concerns should be incorporated with the concerns presented above and the site plans amended. The applicant should present the amendments at the regularly scheduled October meeting.

Comprehensive Permit

- a. **Albion Place AP 32 Lot 44 Comprehensive Permit Review,
- Albion Place LLC Main Street Discussion / Approval**

Please Note: This application was not heard in August due to a lack of a quorum. Please refer to your August Planning Board packet for plans on this project.

This application is to be reviewed under 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”.

This application represents the development of an additional six (6) dwelling units, two (2) of which are proposed to be established as affordable dwelling units. The proposed units will be added to the existing condominium structure on three floor levels with associated off-street parking. The proposed project will meet all existing dimensional and parking requirements. The present zoning district of BL-0.5 (Business Limited) however does not permit multi-family residential uses either by right or by special use permit. If the applicant applied for relief of this requirement under the existing zoning regulations, a use variance would be required in order to develop this project.

On June 19, 2006, the application received a Certificate of Completion. According to RI General Law 45-53-4 Section IV, the local review board shall hold a public hearing on the master plan and shall, within one hundred and twenty (120) days of the issuance of the certificate of completeness, or within such further amount of time as may be agreed to by the local review board and the applicant, render a decision. Therefore, the Planning Board shall render a decision by October 17, 2006. Below are the TRC recommendations. On July 26, 2006, a public hearing was held on this application.

The Technical Review Committee and the Engineering Division have reviewed the above proposed project according to 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 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a set of five sheets entitled “Albion Place Condominium”, AP 32 Lot 44, Lincoln, Rhode Island, prepared for the applicant, Albion Place LLC, by Waterman Engineering Co., dated June 2006. Included as well in the submission is a Drainage Report prepared by the above consultants for the applicant, dated June 2006 and a Traffic Safety Assessment prepared by RAB Professional Engineers, Inc. dated June 12, 2006 for Waterman Engineering. Based on the TRC

review of the submitted plans and report and the above noted State law and Town ordinances, the following concerns are presented below.

Utilities

The existing building is currently supplied with public water. The applicant must contact the Lincoln Water Commission (LWC) regarding service to the development. The LWC must certify that additional water service is available. The LWC's approval must be a condition of approval for development. The Albion Fire Department must approve the development plan for fire suppression.

The existing building is currently connected to public sewers. The applicant must also request positive availability of public sewers from the Town of Lincoln Sewer Division. The applicant is required to apply to Narragansett Bay Commission for approval of the additional sanitary sewer discharge. The plans must show existing and proposed connections to the public sewer. The developer is responsible for any improvements to the sanitary sewer line or connections, if required by the Sewer Division.

Drainage

All proposed new development is required to mitigate peak runoff using onsite infiltration structures to capture roof runoff. Although this mitigation is mentioned in the drainage report, no calculations were given and no structures were shown on the plans. The applicant

will need to perform soil evaluations in the proposed locations for the underground systems and design the structures to mitigate water quantity increases for storms up to the 25 year frequency. Plans and details of the infiltration structures are required to be shown on the plans. The property owners will be responsible for the operation and maintenance of the infiltration system and the storm drainage system on the site.

Traffic

The Traffic Safety Assessment analyzed sight distance, traffic volumes and road safety. The assessment states that requirements for sight distance are met in both directions from the access to the property. According to the assessment, the traffic volume differential is insignificant. There did not appear to be any major road alignment conditions impairing road safety. However, the variable road width in the area of the project is a concern. The TRC recommends eliminating some of the asphalt to make a consistent edge in front of the property. Also, the TRC recommends that in order to better define and stabilize the entrance to the property, curbing should be installed on the radius and/or along some of the frontage. Alternatively, just the radius could be curbed and the shoulder/ pavement edge stabilized with riprap.

Site Plan

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

has existing vegetative screening along Main Street which helps reduce the visual impact of the existing building. The TRC recommends that additional under story planting be added to the existing screening to further reduce the visual impact of the building. The project proposes to add parallel parking along the northern side of the parcel. This area is next to a steep slope. The TRC recommends that a wooden guard rail be installed along the property line in order to prevent cars from traveling down the sloped area.

The Zoning Board of Review submitted a positive recommendation for this Comprehensive Permit and found that the recommended conditions of approval as presented by the TRC were appropriate. Therefore, based on the submitted application and the positive recommendation of the Zoning Board, the TRC recommends Approval with the following conditions.

- 1. The LWC must certify that additional water service is available and approve the proposed water service for the new units.**
- 2. The Albion Fire Department must approve the development plan for fire suppression.**
- 3. The applicant must also request positive availability of public sewers from the Town of Lincoln Sewer Division. The plans must show existing and proposed connections to the public sewer. The developer is responsible for any improvements to the sanitary sewer line or connections, if required by the Sewer Division.**
- 4. A Narragansett Bay Commission permit for the additional sanitary sewer discharge.**

5. The proposed development is required to mitigate peak runoff using onsite infiltration structures to capture roof runoff. The applicant will need to perform soil evaluations in the proposed locations for the underground systems and design the structures to mitigate water quantity increases for storms up to the 25 year frequency. Plans and details of the infiltration structures are required to be shown on the plans. The property owners will be responsible for the operation and maintenance of the infiltration system and the storm drainage system on the site.

6. The applicant shall eliminate some of the asphalt to make a consistent edge in front of the property.

7. The applicant shall install granite curbing on the radius of the entrance to the property and the shoulder/ pavement edge stabilized with riprap.

8. The applicant shall install additional under story planting to the existing screening to further reduce the visual impact of the building.

9. The applicant shall install a wooden guard rail along the property line in order to prevent cars from traveling down the sloped area.

Major Subdivision Review

- a. JCM Estates AP 26 Lot 2 Master Plan Discussion /
- JCM, LLC Jenckes Hill Road Approval**

Please Note: This application was not heard in August due to a lack of a quorum. Please refer to your August Planning Board packet for plans on this project.

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The proposed project is classified as a Major Subdivision due to the project's request for several subdivision regulation waivers. On May 11, 2006, 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 master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan must be made by September 8, 2006 or within such further time as may be consented to by the applicant. On August 23, 2006, the applicant consented to a one month extension due to the lack of quorum of the Planning Board.

The Technical Review Committee and the Engineering Division have 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 "Master Plan Submission for JCM Estates Major Subdivision," on Jenckes Hill Road AP 26 Lot 2, in Lincoln, Rhode Island, prepared for JCM, LLC by Commonwealth Engineers & Consultants, dated December 2005, revision date July 12, 2006. Other information received included a letter of water service availability from the Lincoln Water Commission

dated July 11, 2006. The applicant had previously submitted an “Environmental and Community Impact Report” prepared by the above engineer dated December 2005, a letter from Natural Resource Services, Inc. dated April 30, 2004 and a letter from Ecotones, Inc dated May 23, 2005 for the above project. Below are the TRC recommendations for this project.

Wetlands/ Drainage

Natural Resource Services, Inc. performed a wetlands delineation for the project area. According to their letter, there are no RIDEM jurisdictional wetlands located on site. This is not the same as a verification of wetlands from RIDEM. A letter of non-jurisdiction or an approved permit from RIDEM is required as a condition of the subdivision approval.

Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site. Due to the known seasonal high groundwater in this area, a condition of any approval must include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as located by a certified soil evaluator. A certified seasonal high groundwater elevation must be established prior to the release of any building permit. Drainage from the roadway is proposed to be infiltrated into the ground through an underground system. An Underground Injection Control permit from RIDEM is required as a condition of the subdivision approval. In addition, roof drainage is

proposed to be directed to an underground infiltration unit. This property is at a low point on Jenckes Hill Road. Storm water runoff from the road is designed to flow into an existing storm drain in the Jenckes Hill Road right of way by way of a culvert under the proposed road. The drainage infrastructure in the State road must be included in the Physical Alteration Permit.

Utilities

The new lot is shown to be connected to public water and sewer; the existing house is already served by these public utilities. According to a letter dated July 11, 2006 from the Lincoln Water Commission, public water is available and the proposed water service for the new lot, per a July 7, 2006 revised plan, is acceptable. Sanitary sewer service is already available to AP 26 Lot 2, for the existing house on the lot. In response to a letter from the engineers and a drawing dated July 6, 2006, the sewer supervisor has determined that the design for the sewer is not acceptable. An eight inch line is required in the street, not a six inch line. The developer would also be required to obtain a permit from Narragansett Bay Commission for the additional connection to the public sewer as a condition of this subdivision.

Site Plan/ Traffic

Jenckes Hill Road is a State road and requires a Physical Alteration Permit from RIDOT for any new access or new land use as well as the construction of drainage infrastructure in the State right of way. A permit must be obtained as a condition of this subdivision. The

regulations require sidewalks. One side of the proposed road indicates a ten foot wide sidewalk. This is not the standard width. A standard width sidewalk is required.

Consistency with the Comprehensive Plan and Land Development and Subdivision Regulations

The Technical Review Committee feels that the project is inconsistent with the Lincoln Comprehensive Plan. The general and town wide goals, objectives and policies presented in the Comprehensive Plan have created the basis for the development and establishment of the Town's Land Development and Subdivision Regulations (the Regulations). As presented in the Land Use element of the Comprehensive Plan, the Town of Lincoln has been successful at managing its land use development by following the Comprehensive Plan and the Zoning and Subdivision Regulations. The 2003 Comprehensive Plan Update points out that the pressure to deviate from these plans will become greater as the amount of available vacant land decreases. This project is a clear indication of the pressures the Town will be confronted with in the future (2003 Comprehensive Plan – Land Use Element).

Within Section 1 of the Subdivision Regulations, the general purposes of the regulations are presented. The regulations were developed and are maintained in accordance with RIGL 45-23 and the Lincoln Comprehensive Plan (which complies with RIGL 45.22.2) and the Lincoln Zoning Ordinance (which complies with RIGL 45.24-27 et seq.). The TRC reviewed the purposes that the regulations are

intended to address and feel that this project does not promote or address several of these purposes. Specifically, the TRC feels that this project does not promote or address subdivision purposes number 2 – 5 (2005 Land Development and Subdivision Regulations, page 3).

- Purpose (2) - Promote high quality and appropriate design and construction of land development and subdivision - The project “does not promote high quality and appropriate design and construction of land development and subdivision”. It is not appropriate to accept the maintenance for a public road constructed for the sole purpose of creating one new house lot.**

- Purpose (4) - Promote design of land development and subdivisions that are well integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can allow the best support for the appropriate uses by reason of natural characteristics and existing infrastructure - The project does not “encourage local design and improvement standards to reflect the intent of with regard to the physical character of the various neighborhoods and districts of the Town”. Limerock village is an area where the Town “seeks ways to use less land” for development.**

- Purpose (5) - Encourage local design and improvement standards to reflect the intent of the Lincoln Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the town – The project does not “Encourage local design and improvement standards to reflect the intent of the Lincoln**

Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the town”. The project is for the development of one road for one new house and one existing house. Limerock village is made up of neighborhoods. This project does not represent a neighborhood.

The Lincoln Comprehensive Plan states that the Lincoln Land Development and Subdivision Regulations (the Regulations) must be followed. In the Regulations, Section 1 relates the purposes for the regulations. Specifically the following purpose is not positively addressed:

- The project “does not promote high quality and appropriate design and construction of land development and subdivision”. It is not appropriate to accept the maintenance for a public road constructed for the sole purpose of creating one new house lot.**

While the applicant has successfully met all of the Land Development and Subdivision Regulations, the Technical Review Committee feels that the project does not meet the goals and objectives of the Comprehensive Plan. Therefore, the Technical Review Committee recommends that this Master Plan application be denied.

b. Kirkbrae Ledges Subdivision – Phase 11 AP 32 Lot 33 Master Plan Discussion

- Kirkbrae Ledges, LLC Lancers Lane & Hemlock Road Approval

Please Note: This application was not heard in August due to a lack of a quorum. Please refer to your August Planning Board packet for plans on this project.

This Revised Master Plan (08-03-06) application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into 11 single-family residential lots. The project is proposed to be reviewed in one phase. One house lot is proposed to be developed at the end of Hemlock Road. Ten house lots are proposed to be developed off of an extension of Lancers Lane. This extension will have two new cul-de-sacs. On July 17, 2006, 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 master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan must be made by November 14, 2006 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 have reviewed the above proposed subdivision according to the Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Kirkbrae Ledges Subdivision,

Phase 11”, AP 32, Lot 45, in Lincoln, Rhode Island, prepared for Kirkbrae Ledges LLC by Pare Engineering Corp., dated June 2006, amended August 3, 2006. Also received was a document entitled “Master Plan Report Kirkbrae Ledges Subdivision- Phase 11” prepared for the above applicant by the above engineers dated June 2006. Below are the TRC concerns.

Site Plan

Based on the revised master plan submission dated August 8, 2006, the applicant is requesting six subdivision regulation waivers. The requested waivers are as follows;

- The maximum allowed road is 720 feet long for this zone. The southwestern most cul de sac off Lancers Lane is greater than 720 feet. The proposed cul de sac is 1040 feet long.**

Roadway Length: The RIDEM has worked with the developer and LWC to get an easement for use of supplying water to the southbound rest stop/ Blackstone Valley Gateway center proposed on Interstate Route 295 (I-295). The construction and access to the easement is facilitated by the longer than standard road in this development. The easement would be granted free of cost. Since the water line requiring this easement has benefits to the Town and the State, the TRC feels that the variance for a longer road is acceptable.

- Sidewalks. The applicant is requesting a waiver of sidewalks due to the fact that the existing neighborhood does not have sidewalks. Any new sidewalks would not connect to an existing pedestrian system.**

- Buildable area. The buildable area for each lot is calculated and**

presented in a graph. Four lots would require waivers. The lots are number 1, 5, 12, and 13. Lots numbered 1 and 5 do not conform to the minimum buildable lot area due to steep slopes. Lots numbered 12 and 13 do not conform to the minimum buildable lot area due to 200' riverbank area.

Proposed lots 1 and 5: less than 20,000 SF due to steep slopes. The existing contours of these lots contain several humps. In the particular situation for these variances, it does not appear that any extraordinary construction measures or engineering technology would be required to bring the proposed lots into conformance with the standards. No excessive blasting, retaining walls or cliff-like features would result from re-grading; therefore these variances are acceptable, in this case.

Proposed lots 12 and 13: less than 20,000 SF due to wetlands. Riverbanks are excluded from the buildable lot area. The two houses are proposed to be located entirely in the 200 foot riverbank wetlands. No soil evaluation or seasonal high ground water information is available for either of these areas. The TRC does not generally recommend approving any major construction in a wetland area. Of the two lots requiring a variance, the Engineering Office cannot give a positive recommendation to accepting lot 13. Particularly, the proposed extension of Hemlock Drive as a cul de sac and the associated storm water basin required for the house on lot 13 are in an especially marginal location. Public Works' concerns are with the

proximity of the house and detention basin to existing, down gradient houses, the seasonal high water table and adjacent stream. Public Works cannot control how a home owner redirects drainage flow from roof drains, accessory structures, landscaping after a certificate of occupancy has been granted.

Groundwater

A certified soil evaluator estimated the seasonal high ground water elevations at various locations on the property. The Town Engineer witnessed the excavation of test pits. This data is not shown on the plans. In general, the seasonal high ground water elevations are within a few feet of the surface. Because of existing drainage problems in the area and the lack of any alternative drainage site for ground water brought to the surface, it is recommended that a condition of approval for the subdivision be that finished floors or basements must be set above the seasonal high ground water elevation. In addition, for the same reason, it is recommended that no detention basins be constructed into the elevation of the seasonal high ground water.

Wetlands

The proposed subdivision must obtain a RIDEM Wetlands Preliminary Determination permit as a condition of approval for subdivision. Riverbanks are excluded from the buildable lot area. The house proposed off Hemlock Drive is located entirely in riverbank wetlands. A letter verifying the location and type of some of the wetlands on the

property did describe an isolated wetlands which would not have an associated perimeter wetlands. It is not likely that the findings in this letter, despite having expired, would be significantly different. However, the letter does not appear to have verified the type of wetlands between lots 7 and 9.

Utilities

The plan shows public water and sewer connections to the proposed lots. Gravity sewers are proposed. Written conformation of the availability of public sewers and the ability of the receiving pump station to accommodate the addition flow must be submitted. The Lincoln Water Commission (LWC) has communicated to the Town that public water service is available to this project. The water line is proposed to be looped through an easement to meet LWC requirements.

Drainage

The Town has observed severe, existing drainage problems over the years in this area. Drainage design for the subdivision must include no increase of stormwater peak rate of flow or volume from the subdivision onto the properties on Kirkbrae or Timberland Drives, Lancers Lane or into the wetlands connected to the brook that flows under Timberland Drive. This is recommended so as not to exacerbate existing drainage problems in the Kirkbrae neighborhood.

Based on the revised Master Plan submission dated August 3, 2006,

the number of proposed house lots and waivers have dropped from 13 house lots to 11 and from 12 waivers to 6. Again, the Technical Review Committee wrestled with the number of subdivision waivers required by this project. This concern was expressed to the developer which in turn presented several noteworthy off site improvements he will do in coordination with this subdivision. At this time, the TRC recommends to the Planning Board that they weigh the number of waivers against the proposed off site improvements and discuss the likelihood of this project moving ahead to a successful outcome with the developer. The TRC feels that the off site improvements and the benefits that they will provide to the Town and the State outweigh the associated waivers. The TRC feels that the project should move to the public informational stage of the process.

**c. Sables Road Subdivision – Phase 2 AP 44 Lot 33 Preliminary
Plan Discussion /**

- Leslie W. Sables Lantern and East Lantern Road Approval

Please Note: This application was not heard in August due to a lack of a quorum. Please refer to your August Planning Board packet for plans on this project.

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into 17 single-family residential lots. The project is proposed to be reviewed in two phases. Phase one represents the development of 9 single-family residential lots and

one new cul-de-sac. Phase two represents the development of 8 single-family residential lots. One subdivision waiver is requested. The Planning Board is reviewing Phase 2.

On August 1, 2006, the Phase 2 - 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 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 Phase two of the Preliminary Plan must be made by November 28, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division reviewed the proposed development according to the Lincoln Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The latest submission included a set of 14 sheets entitled "Preliminary Plan Submission for Phase 2, Sables Road Subdivision", Lincoln Rhode Island, AP 44 Lot 33, prepared for Leslie W. Sables by Commonwealth Engineers & Consultants, Inc., dated July 7, 2006. Additional material previously received included a report entitled "Stormwater Management Analysis" revision date October 28, 2005 prepared by the above consultant for the above applicant. Soil evaluation logs performed by a certified soil evaluator were previously reviewed as well. A copy of the RIDEM Wetlands stamped

approved plans have been received by the Engineering Office. Below are the TRC recommendations for this project.

Wetlands

The proposed subdivision has received an approval from Department of Environmental Management (RIDEM) Wetlands dated July 19, 2006 which included improvements to East Lantern Road and Lantern Road in Lincoln. The RIDEM Wetlands permit included both Phases 1 and 2.

Drainage

There are existing drainage problems and seasonal high groundwater in the area of the project. The Town reviewed the drainage report for the proposed development. Phase 2 contains a swale in front of the proposed lots on East Lantern Road to be maintained by the individual property owners as a restriction on their deeds. This deed restriction must be approved by the Town DPW and solicitor.

Groundwater

Groundwater is a significant problem in this area. No form of subdrains will be allowed to drain onto the road or abutting properties. A certified soil evaluator will be required in order to obtain information so that the houses are set above the seasonal high ground water elevation. A condition of any approval must also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation. A

note was shown on the plan addressing this issue.

Sanitary Sewers

The design as well as the ownership, maintenance and operation of the proposed pumping station will be through a private homeownership association. The association agreement must be approved by the Town solicitor as a condition for approval. The design and specifications for the pump station must be approved by the sewer supervisor and the Public Works Department. The force main and gravity sewers in the public road and utility easements are proposed to be owned and maintained by the homeowners association, but accessible to the Town in case of an emergency. The developer must also provide a generator for the Rollingwood pump station, as agreed in discussions May 2006 between the Public Works Department, the applicant and his attorney, as a part of mitigating the impact to the existing area collection system. This item was included in Phase 1 but has not yet been completed. Preliminary Plan approval will require approval from Narragansett Bay Commission for sewer discharges as a condition of approval.

Public Water Service

John Faile, superintendent of the Lincoln Water Commission (LWC) stated that he is in the process of negotiating a waterline design with the developer. The homeowners association will be responsible for water lines within the development. The Town has not yet received any written approval for the project from the LWC. Preliminary

approval will require approval from the LWC as a condition of approval.

Traffic

Phase 2 includes improvements to Lantern and East Lantern Roads and an easement to provide adequate sight distance for vehicles turning the corner on Lantern Road at East Lantern Road. The easement description must describe the property owners' and the Town's responsibilities.

Site Design

One subdivision waiver is requested for Lot 10 which contains less than 40,000 square feet, the minimum buildable area, due to wetlands and sewer and water easements. One of the easements is the sight distance clearance. This is not an area which would be built on in any case. The other easement, for water and sewer, was moved out of the perimeter wetlands in accordance with RIDEM comments on the permit application. The TRC recommends granting a waiver for buildable area for this particular situation due to the Town's request for sight distance clearance at the corner of the existing road.

Based on the above noted request for a waiver and minor concerns, the TRC feels that the application fulfills the requirements of a preliminary plan submission. Therefore, the TRC recommends that the application proceed to a public hearing. An updated abutter's list is required for notification.

d. Meadow View Subdivision AP 29 Lot 3 Master Plan Approval Extension

- Meridian Real Estate Services, Inc. Great Road

Please Note: This application was not heard in August due to a lack of a quorum. Please refer to your August Planning Board packet the letter requesting a time extension for this project.

This application is under the 2001 Subdivision Regulations and represents the subdivision of one lot into fifteen conventional single-family lots. The subject lot contains approximately 13.0 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 public water and sewers. On August 24, 2005, the project received Master Plan approval with conditions. The applicant is requesting a one year extension of the Master Plan vesting period due to an extended RIDEM permitting process and associated preliminary plan engineering. The Technical Review Committee reviewed this request and recommends a Master Plan extension of one year.

e. Angell Road – Modification AP 44 Lots 12, 90 Preliminary Plan Discussion /

- Angell Road Development Co. Angell Road, Whipple Road Approval

This application is under the 2005 Subdivision Regulations and represents the addition of two new single family lots into a recently approved subdivision of thirteen single family residential lots. Lot #10 and 11 will be reconfigured to allow a new cul-de-sac to pass by them. The new lots #14 and 15 will be located at the end of this cul-de-sac. The two new proposed lots will be serviced with public sewer and water. The subject lots are located in zoning district RS-20 (20,000 square feet – Residential Single Family).

The proposed project is classified as a Modification according to Section 10 (C) of the Subdivision Regulations that states, “Major changes to a land development or subdivision plan may be approved only by the Planning Board and must follow the same review and public hearing process required for approval of preliminary plans as described herein. For the purpose of these regulations, the term “major changes” shall mean any change that, in the opinion of the Administrative Officer, is clearly contrary to the intent of the original approval. Such major changes shall include, but are not necessarily limited to the following: (1) Changes that would have the effect of creating additional lots for development or dwelling units”.

On August 16, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations – Section 14(G), “If a street extension or creation is required, the Planning Board shall hold a public hearing prior to approval according to the requirements of these regulations at Section 18(c) & (d) and shall approve, deny, or approve with conditions, the preliminary plan with conditions within ninety five (95)

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 27". Therefore, a decision on the Preliminary Plan review must be made by November 19, 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 2005 Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The submission includes a set of plans entitled "Modification to an Approved Subdivision for Angell Road Subdivision – AP44 Lot 12 and 90", prepared for E.A.M. Properties, LLC by Commonwealth Engineers and Consultants, dated July 21, 2006. The submitted plans successfully address all of the regulation requirements. The existing detention basin has been enlarged to accommodate the increased stormwater runoff and the newly installed pump station can handle the increases. Therefore, the TRC recommends that the application proceed to a public hearing.

Minor Subdivision Review

a. Cullen Avenue Subdivision AP 11 Lots 49 and 85 Preliminary Plan Discussion /

- Steven Freitas & Jerry Pokorny Cullen Avenue Approval

Please Note: This application was not heard in August due to a lack of a quorum. Please refer to your August Planning Board packet for

plans on this project.

This application is under the 2005 Subdivision Regulations and represents the subdivision of two lots into three residential lots. All lots are accessed from an existing road. The subject lots are located in zoning district RL-9 (9,000 square feet – Residential Limited). The proposed project is classified as a Minor Subdivision.

On August 1, 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 October 4, 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 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a set of plans entitled “Pre-Application Minor Subdivision Plan – AP11 Lot 49 and 85”, prepared for Steven M. Freitas and Jerry and Donna Pokorny by David M. Garrigan PLS#1580, dated June 29, 2006 and revised on August 17, 2006.

Wetlands/ Drainage

No wetlands appear to be present on the property and none were located by the surveyor. In order to prevent any adverse impact to the existing properties and the road, the Engineering Division recommends that the new house must have onsite drainage attenuation such as dry wells to capture the roof runoff as a condition of any approval. Building plans will need to show the manufacturer's installation specifications and detail. 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 located by a certified soil evaluator.

Erosion controls

Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site. Any construction entrances will also need to have stone construction pad, unless the existing asphalt driveways are used as entrances.

Utilities

The new lot is proposed to be connected to public water and sewer. Letters to the availabilities of these two utilities have been submitted. The applicant must obtain a permit from Narragansett Bay Commission for sewer discharge as a condition of approval.

Site Plan

1. Granite bounds must be shown on the site plan and the final record plan marking the location of the new property corners.

Based on the above noted minor concerns, the TRC recommends Approval with Conditions as stated above. The TRC also recommends that Final Plan approval be delegated to the Administrative Officer.

b. Westwood Road Subdivision AP 16 Lot 10 Preliminary Plan Discussion /

- Gary R. and Lori A. Rosa Westwood Rd. and Carriage Dr. 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. In addition to the Planning Board review, this application will require Zoning Board review and approval. The existing house and detached garage will require one Use Variance (two family dwelling unit in a single family zone) and a Dimensional Variance (front yard setback relief for the existing house, and side yard setback relief for the existing garage). The zoning applications are scheduled to be heard on

October 3, 2006.

On September 15, 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 November 19, 2006 or within such further time as may be consented to by the applicant. According to Section 6 (A)(1) of the Subdivision Regulations, “Where an applicant requires both a variance from the zoning ordinance and Planning Board approval, the applicant shall first obtain an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous; then obtain conditional zoning relief, then return to the Planning Board for subsequent required approval(s).”

Due to the fact that subdivision of this property is dependent on zoning approvals and that the subdivision is creating the need for zoning relief, the Technical Review Committee reviewed this application from three different review points. The TRC reviewed the project from a purely technical subdivision point, a land development and Comprehensive Plan point, and from a zoning perspective. Below are the three review comments.

• **Technical Subdivision Review - The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled “Minor Subdivision” AP16 Lot 10, Westwood Road and Carriage Drive in Lincoln, Rhode Island, prepared for Gary & Lori Rosa by Marsh Surveying Inc., dated April 5, 2006.**

Groundwater/ Drainage/ Wetlands

No wetlands appear to be present on the property. However, seasonal groundwater may be a concern. Therefore as a condition of approval, the TRC recommends that no finished floors or basements shall be constructed at or below the seasonal high groundwater, as located by a certified soil evaluator. The plan also shows a proposed location for a dry well to be installed. This detail 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 before any construction or earth disturbance is performed on site. Any unused wells on site must be closed according to the appropriate RIDEM regulations.

Utilities

The sewer supervisor must confirm that public sewers are available. The applicant must obtain a permit from Narragansett Bay Commission for sewer discharge. The applicant must receive

approval for water service to the proposed new lot from the Lincoln Water Commission.

Site plan

The location of the proposed driveway for the new house is acceptable.

Record plan

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

- Land Development and Comprehensive Plan point – The existing residential dwelling units is a two family house located within a single family area. Zoning relief is needed. The TRC feel that this two family house is inconsistent with the surrounding single family houses in the area. Subdivision of this property would enable three dwelling units to be located in an area that is zoned for only two dwelling units.**

- Zoning Perceptive – In general, the Technical Review Committee recommends denial of two of the three zoning variances requested. The TRC feels that the variance for the two family unit is inconsistent with the surrounding area and will result in greater financial gain and the variance for the garage would be the result of an action of the applicant by requesting a subdivision. See the full zoning review below.**

As stated above, this application for subdivision will require three variances. The subdivision regulations require that the Planning Board issue an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project. Therefore, based on the technical aspects of this application, the subdivision works but it will only work with zoning approval. Therefore, the TRC recommends that the applicant proceed to the Zoning Board for review. If the variances are approved, the applicant can come back to the Planning Board in October.

Correspondence/Miscellaneous (*)

a. Staff Reports

b. Bank of Rhode Island AP28 Lot 51 Final Plan Approved and Recorded

This project represents the subdivision of two commercial lots into three lots. On July 20, 2006, the applicant successfully addressed all of the preliminary plan approval conditions. Therefore, final plan was issued and the final plan was recorded.

c. Special Care Facility AP41 Lot44 Final Plan Approved

This project represents the commercial development of one lot. On August 3, 2006, the applicant successfully addressed all of the preliminary plan approval conditions. Therefore, a letter was issued that final plan approval has been issued.

d. Winterberry Estates AP45 Lot335 Maintenance Bond Approval

This project represents the subdivision of one residential lot into seven lots. On August 8, 2006, the applicant successfully completed the public infrastructure. In order to proceed to Final Plan, a maintenance bond must be established. The TRC has reviewed the bond amount determined by the engineering department and recommend approval of this amount.

e. Lincoln Meadows II AP45 Lots 1,2, 181, & 335 Remediation Bond Approval

This project represents the subdivision of three lots into twenty residential lots. During the month of July, the applicant successfully completed the preliminary plan conditions. In order to proceed with the construction of the public infrastructures, a remediation bond must be set. The authority to approve a bond amount was delegated to the Administrative Officer of the Planning Board. On August 3, 2006, a remediation bond of \$26,000.00 was established. This amount was given to the applicant.

f. Lincoln Garden Estates AP 43 Lots 20 & 21 Remediation Bond

Approval

This project represents the subdivision of two lots into five residential lots. During the month of August, the applicant successfully completed the preliminary plan conditions. In order to proceed with the construction of the public infrastructures, a remediation bond must be set. A remediation bond of \$7,600.00 was established. This amount was given to the applicant.

g. Ernest Yelle & Susan Dean AP 29 Lot 80 Final Plan Approved and Recorded

This project represents the subdivision of one lot into two residential lots. On August 11, 2006, the applicant successfully addressed all of the preliminary plan approval conditions. Therefore, final plan was issued and the final plan was recorded.

h. Alice Raymond AP 13 Lot 31 Final Plan Approved and Recorded

This project represents the subdivision of one lot into two residential lots. On August 10, 2006, the applicant successfully addressed all of the preliminary plan approval conditions. Therefore, final plan was issued and the final plan was recorded.

i. Riverfront Subdivision AP 44 Lot 436 Remediation Bond Approved

This project represents the subdivision of one lot into five residential lots. During the month of August, the applicant successfully completed the preliminary plan conditions. In order to proceed with

the construction of the public infrastructures, a remediation bond must be set. The authority to approve a bond amount was delegated to the Administrative Officer of the Planning Board. A remediation bond of \$16,400.00 was established. This amount was given to the applicant.

j. Bank of Rhode Island AP28 Lot 51 Amended Final Plan Approved and

Recorded

This represents an amendment to the final plan recorded on July 20, 2006.

Zoning Applications (*) - October Zoning Applications

A.F. Homes, P.O. Box 2312, Pawtucket, RI – Application for Use Variance to convert vacant existing mill building into 48 condominium units on property located at 90 Industrial Circle, Lincoln, RI

AP 2, Lot 82 Zoned: MG 0.5

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends approval with conditions of this use variance. The TRC feels that the proposed application is consistent with the housing, land use, economic development, and growth

management sections of the Town of Lincoln's Comprehensive Plan (pg. 80). The Comprehensive Plan specifically notes that, "use of mill buildings in the Saylesville industrial park must be encouraged", (pg 81). The proposed mix-use of this now vacant property will be a less intensive use of the parcel. Residential and light business uses currently surround this area and the proposed development will compliment the established residential neighborhood across the street. Based on the Comprehensive Plan's objectives, the Town developed a proposed zoning ordinance amendment for mill conversion. This amendment would establish the conversions of existing mill buildings into residential use as a special use permit. There is one difference that this application does not provide for but the proposed amendment requires and that is the requirement of affordable units. The affordable housing requirement is noted in the Affordable Housing Production Plan. Other than this difference, this application could easily fit within the objectives and standards of the proposed amendment.

The recommended conditions of approval are; the applicant establish 25% of the proposed units as affordable as discussed in the Town's Affordable Housing Production Plan, the applicant come before the Zoning Board to address the pre-existing setback conflicts of the building, and, the applicant research, locate and document on the plans the existing drainage line easement that originates at Ballou Avenue and transverse through the property to the abutting pond.

The TRC also wanted to inform the applicant that this application would be considered as a major land development and therefore

would have to be reviewed by the Planning Board. Below are several concerns that the TRC would be considering during this review. The TRC and the Planning Board will review items such as: existing and proposed utilities, fire department accessibility, traffic conditions, and proposed landscaping. The TRC is also interested in what is proposed for the rear of the building and the existing load dock and covered area.

Thomas & Joyce Burlingame, 37 Kilburn Avenue, Lincoln, RI – Dimensional Variance for front yard setback for the construction of an addition.

AP 10, Lot 292 Zoned: RG 7

Members of the TRC visited the site and reviewed the submitted plans and application. The TRC recommends approval of the application for a dimensional variance. The TRC feels that due to the unique characteristics of the structure, and the limiting size of the property, the application meets the standards of relief for a dimensional variance. The 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.

Gary & Lori Rosa, 34 Westwood Road, Lincoln, RI –Use Variance for the reduction of lot size for new subdivision.

AP 16, Lot 10 Zoned: RS 12

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Denial of this use variance. The TRC feels that the use variance for the two-family unit is inconsistent with the surrounding area and inconsistent with the Comprehensive Plan. The Committee feels that the application does not meet any of the standards for relief of a use variance as presented in the Zoning Ordinance. More specifically, the TRC feels that the site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The Technical Review Committee feels that the use variance will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Gary & Lori Rosa, 34 Westwood Road, Lincoln, RI –Dimensional Variance for front and side yard setback.

AP 16, Lot 10 Zoned: RS 12

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Denial of this dimensional variance. The TRC feels that the dimensional variance for the two-family unit and associated detached garage is inconsistent with the surrounding area and inconsistent with the Comprehensive Plan. The Committee feels

that the application does not meet any of the standards for relief of a dimensional variance as presented in the Zoning Ordinance. More specifically, the TRC feels that the site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The Technical Review Committee feels that the dimensional variance will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Sayles Mill Realty, 85 Industrial Circle, Lincoln, RI – Use Variance for the operation of a personal trainer/fitness center.

AP 2, Lot 88 Zoned: MG 05

Members of the Technical Review Committee visited the site and reviewed the submitted site plan and application. The TRC recommends Approval with Conditions on this use variance application. On August 2, 2005, a use variance was granted for similar uses in the same building. The approval was granted with several conditions to improve pedestrian safety. While the conditions were successfully incorporated into the site, the TRC feels that additional efforts should be made to improve pedestrian safety. For example, the TRC feels that the striping of the parking lot and crosswalk has faded and should be redone. The TRC recommends using thermo plastic reflective striping. Also, the current lighting is not significant. Several clients of the new businesses have noted the

dark conditions of the site. Signage has not been addressed. The TRC feels that the applicant needs to provide some type of signage to direct people around the site. Future signage needs of other tenants should also be taken into consideration. The Technical Review Committee in general likes the reuse of the building but stresses the need to improve pedestrian safety. The TRC would appreciate the opportunity to review a more detailed site plan and application that addresses these concerns.

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 Technical Review Committee could not make a recommendation due to the very limited information provided in the submission. The number, size, type, and location of the proposed signs are not detailed on a site plan or within the application. Therefore, a proper evaluation could not be conducted. The TRC could not determine if the new signs are for existing businesses or new businesses. The TRC could not determine if the proposed signs fall within the required square footage per the zoning ordinance.

Sandy Sidoti/AT Cross, One Albion Road, Lincoln, RI – Special Use Permit for the installation of signage.

AP 28, Lot 41 Zoned: ML 05

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 six new signs to define the location of the existing building use and the location of the new retail use. 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.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

Administrative Officer to the Planning Board