



100 Old River Road
P.O. Box 100
Lincoln, RI 02865
(401) 333.8433

OFFICE OF THE
TOWN PLANNER

May 20, 2022

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

Dear Honorable Members,

On Tuesday, May 17, 2022 at 3:00 PM, the Technical Review Committee met to review the agenda items for the May 25, 2022 meeting of the Planning Board. In attendance were Al Ranaldi, Russell Hervieux, Peggy Weigner, Michael Reilly, Michael Gagnon, Leslie Quish and Jeffrey Almond. Below are the Committee's recommendations.

PLEASE NOTE: The purpose of this report is to provide technical comments and recommendations on the projects listed below based on the Town of Lincoln's Zoning Ordinance and Land Development and Subdivision regulations. The comments expressed in this report shall not be interpreted as an approval or denial of any of the projects listed below.

Major Subdivision Review

The Fairgrounds Subdivision
- We Dig Investments, LLC

AP 42 Lots 12, 13, 42, 43, & 147
Kendall Drive

Public Hearing – 7:00 PM
Preliminary Plan Review

This application is under the 2016 Subdivision Regulations and represents the reconfiguration of five (5) lots into ten (10) residential lots accessed by a new roadway and cul-de-sac. One residential lot out of the reconfigured design has an existing house on it. The project is in front of the Planning Board at the Preliminary Plan Review stage.

On **April 19, 2022**, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within ninety days (90) days of certification of completeness or within such further time as may be consented to and obtain a written waiver

of the deadline from the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by **July 18, 2022**, or within such further time as may be consented and obtain a written waiver of the deadline from the applicant. This review approval has a **two (2) year approval-vesting period**.

The preliminary plan submission included the following:

- *The Fairgrounds, Major Subdivision, AP 42 Lots 12, 13, 42, 43, & 147, Jason Drive, Lincoln RI Preliminary Plan Submission*, prepared by Pare Engineering, dated March 18, 2022, revised April 22, 2022.
- *Stormwater Management Report, The Fairgrounds, AP 42, Lots 12, 13, 42, 43, and 147, Jason Drive, Lincoln Rhode Island*, prepared by Pare Engineering, dated March 18, 2022.
- *Stormwater Operation and Maintenance Plan, Long Term Pollution Prevention Plan, The Fairgrounds, AP 42, Lots 12, 13, 42, 43, and 147, Jason Drive, Lincoln Rhode Island*, prepared by Pare Engineering, dated March 18, 2022.
- *Soil Erosion and Sediment Control Plan, The Fairgrounds, AP 42, Lots 12, 13, 42, 43, and 147, Jason Drive, Lincoln Rhode Island*, prepared by Pare Engineering, and dated March 18, 2022.
- *Request for a Preliminary Determination, Supplemental Documentation from the Rhode Island Department of Environmental Management, regarding The Fairgrounds Major Subdivision, Lincoln, RI, and dated March 18, 2022.*
- *Traffic Impact Report, The Fairgrounds, AP 42, Lots 12, 13, 42, 43, and 147, Jason Drive, Lincoln Rhode Island*, prepared by Pare Engineering, dated March 18, 2022.
- *Traffic Impact Report- Supplemental Analysis, The Fairgrounds, AP 42, Lots 12, 13, 42, 43, and 147, Jason Drive, Lincoln Rhode Island*, prepared by Pare Engineering, dated April 4, 2022.

Site Layout

The project represents the reconfiguration of five (5) existing lots into ten (10) residential lots accessed by a new roadway and cul-de-sac. One residential lot out of the reconfigured design has an existing house on it. This lot (AP42 Lot 147) will be reduced in size. The reduced lot and the existing house continue to meet the Zoning Regulations.

The project is located off the existing cul-de-sac at the intersection of Kendall Drive and Jason Drive. The existing cul-de-sac will be removed and the intersection will be reconfigured. The applicant presented a revised intersection design that was reviewed by the Technical Review Committee.

The revised intersection requires the reconfiguration of two existing properties. During the Master Plan review stage, the applicant contacted the abutting property owners of AP 42 Lot 129 – 22 Kendall Drive regarding the reconfiguration. According to the applicant, in general the property owner is comfortable with the proposed design. A Letter of Acceptance from the property owners of 22 Kendall Drive (Diebold) acknowledges the proposed plans. The letter states that the property owner, “take no issue with the currently proposed plans for “the Fairgrounds Major Subdivision”...” Another Letter of Acceptance from the property owners of 19 Kendall Drive (Akanji) similarly acknowledges the proposed plans. The letter states that the property owner, “take no issue with the currently proposed plans for “the Fairgrounds Major Subdivision”...”

The submitted preliminary plans detail the new driveway for AP 42 Lot 129 – 22 Kendall Drive. The plans call out the construction methods and materials of the new driveway, lawn, sprinkler system (if applicable), fencing, lighting, mailbox, landscaping etc.

The original site plan called for the abandonment of Paul Street (a paper street) that is adjacent to the subject project. The applicant indicated that they will not be pursuing the abandonment. The plans have been revised according to the Zoning Ordinance. The new site plans shows a continuous evergreen buffer planting along the rear property lines of Lots 4, 5, and 6.

The proposed cul-de-sac is 911 feet long. The maximum cul-de-sac length in an RS-20 zone is 720 feet per Section 22.C.8 of the Land Development and Subdivision Regulations. A 911 foot cul-de-sac is proposed. A waiver was granted during the Master Plan review stage.

As a result of engineering this project to a preliminary plan level, the proposed design creates two (2) subdivision regulations waivers. Section 22.C.7 states that the grade within a cul-de-sac, and for a distance of thirty (30) feet prior to it, shall not exceed one percent. The proposed cul-de-sac is steeper than 3%. The applicant would like to request a waiver from Section 22.C.7 of the Land Development and Subdivision Regulations. The Town Engineer and the project engineer explored several design options to eliminate the need for this waiver request.

The second subdivision regulation waiver request is for relief from Section 22, Article C (2) Street centerlines. The regulations require at least one hundred and fifty (150) feet on the centerlines. The proposed roadway layout is one hundred and forty-five feet. The Town Engineer reviewed the proposed street layout and did not express any technical concerns.

The proposed subdivision abuts Bally's Twin River Lincoln Casino. An evergreen buffer is proposed along the property line. The Technical Review Committee felt that this buffer should be installed and noted in the house deeds of the three lots containing the buffer as well as the home owner's association documents, before the Final Plan is recorded.

Zoning

The property is zoned RS-20 (Residential Single Family). As presented, the proposed project meets the requirements of the Zoning Ordinance.

Affordable Housing Requirement

The Zoning Ordinance requires that twenty (20%) of the new units shall be designated as affordable units. During the Master Plan review, the application indicated that two house lots will be set aside as affordable. This statement satisfied the requirement for affordable housing at the Master Plan level. Additional details on how the affordable units will actually be created are usually presented at the Preliminary Plan review stage. At the Technical Review Committee meeting, the applicant indicated that they plan on selling the two lots set aside as affordable at market rate. The TRC had questions as to how this will create affordable housing units. Since the last Technical Review Committee and Planning Board meeting, the applicant decided to choose the fee in lieu option. This fee must be paid before the final plan is recorded.

Utilities

Public sewer and water are located within the Kendall and Jason Drive public rights-of-ways. The Town issued a letter of sewer availability was issued on November 18, 2021. The applicant has submitted the necessary information on the proposed water usage to the Lincoln Water Commission. A request for water connection was submitted to the Lincoln Water

Commission (LWC) in November 2021. A response was received on January 18, 2022 stating that a hydraulic model was being prepared to determine the availability of water throughout the Town which will take a few months. As such, individual wells are proposed at each of the lots to provide water supply in the event that the LWC is not able to.

The Technical Review Committee discussed the possibility of installing water laterals to each new house lot. The applicant agreed to discuss if the option on installing water laterals in anticipation of public water is acceptable to the Lincoln Water Commission.

Wetlands/Stormwater Runoff

A Stormwater Management Report and a Stormwater Operation and Maintenance Plan were developed to account for the proposed dwellings and driveways on the individual separate lots. The Town Engineer reviewed the plans and had a few minor engineering comments. These comments were addressed by the applicant's engineer. A RIDEM and NBC permits are required at Preliminary Plan review stage. A RIDEM application was submitted on March 21, 2022. A NBC permit was submitted in April 2022.

Based on the Preliminary Plan submission and Technical Review Committee review, the following items need to be addressed:

1. The Planning Board should review and discuss the two new waivers requested as a result of the project being fully engineered and determine if they are comfortable granting approval of the waivers.
2. The applicant must explore if installing water laterals in anticipation of public water is acceptable to the Lincoln Water Commission.

The application is in front of the Planning Board for a Preliminary Plan - Public Hearing. Barring any unforeseen concerns brought out at this hearing, the Technical Review Committee feels that the applicant has successfully addressed the technical requirements of the subdivision regulations at a Preliminary Plan review stage. If the Planning Board is satisfied with proposed subdivision, the Technical Review Committee identified the following conditions of approval,

1. Narragansett Bay Commission permit is required as a condition of Preliminary Plan approval.
2. Rhode Island Department of Environmental Management permit is required as a condition of Preliminary Plan approval.
3. Install vegetated buffer according to the submitted plans and note in the house deeds of the three lots containing the buffer as well as the home owner's association documents as a condition of Final Plan approval.
4. Pay the affordable housing fee in-lieu as a condition of final plan approval.
5. Submit all proposed easements for the review and approval of the Town as a condition of final plan approval.

The applicant indicated that they are prepared to start construction if the project is approved. Therefore, the Town Engineer calculated a remediation bond in the amount of \$38,700 for the Planning Board's review and approval.

Major Land Development

Residential Multi-Family Development
- Jorica Development

AP 06 Lot 213 Public Informational Meeting – 7:00 PM
Smithfield & Higginson Ave Master Plan Review

This application is under the 2016 Subdivision Regulations and represents the development of a 16,578 square foot vacant plot of land located at the corner of Smithfield and Higginson Avenues. The applicant is proposing to develop a five (5) unit townhouse style building and associated parking area. Stormwater management will be addressed by underground infiltration systems. No waivers of the Subdivision Regulations are requested. The project is in front of the Planning Board for a Master Plan Review stage – Public Informational Meeting.

On **April 19, 2022**, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within ninety days (90) days of certification of completeness or within such further time as may be consented to and obtain a written waiver of the deadline from 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 review must be made by **July 18, 2022**, or within such further time as may be consented and obtain a written waiver of the deadline from the applicant. This review approval has a **two (2) year approval-vesting period**.

The master plan submission included the following:

- *Residential Multi-Family Development, Jorica Development, Map 06, Parcel 213, 0 Smithfield Ave at Higginson Ave, Lincoln, RI 02865, prepared by Level Design Group, revised March 30, 2022.*
- *Report regarding Town of Lincoln Zoning Board of Review, Special Use Permit, Five-Unit Residential Development Analysis, 0 Smithfield Avenue/Higginson Avenue, Assessor's Map 6, Parcel 213, prepared for Jorica Development, prepared by Pimentel Consulting, Inc., dated April 30, 2022.*

Site Layout

This project represents the development of a 16,578 square foot vacant plot of land located at the corner of Smithfield and Higginson Avenues. The applicant is proposing to develop a five (5) unit townhouse style building and associated parking area. Stormwater management will be addressed with underground infiltration systems. Access to the property is proposed to be located off of Smithfield Avenue which is a State road. Therefore, a Physical Alteration Permit is required at Preliminary Plan stage. A lighting and landscape plan will be required at the Preliminary Plan review stage.

Due to the size of the property, the Town expressed concerns as to where future snow storage and the dumpster/s will be located. The submitted plan set successfully addresses these concerns and show areas set aside to accommodate the future snow storage and dumpster/s. The Town Engineer indicated that some portions of the existing sidewalk needs repair. Repairs to existing sidewalks along property frontage will be detailed at Preliminary Plan stage. This repair should be included in the application for a Physical Alteration Permit.

Zoning

The property is zoned VCMU (Village Commercial Mixed Use). Multi-family housing is allowed with a Special Use permit. According to our Subdivision and Land Development Regulations, Section 6A(2), a project requiring both Planning Board and Zoning approvals must first obtain an advisory recommendation from the Planning Board as well as conditional Planning Board approval for the first approval stage of the proposed project. To date, a Zoning application has not been submitted to the Zoning Official.

While the multi-family use requires a Special Use permit, a proposed project with five or more units must have a minimum of twenty (20%) of the total number of dwelling units as affordable units. This requirement has been brought up during several reviews with the applicant. The applicant's attorney indicated that the proposed development will contain two (2) deed restricted units. Affordability must be in accordance with the rules and regulations administrated by Rhode Island Housing. A letter of eligibility from RI Housing is required as a condition of Master Plan approval.

Utilities

Public sewer and water are located in Smithfield Avenue. The Town asked the applicant's engineer to research the feasibility of connecting into the existing sewer main in the opposite side of Smithfield Avenue. The submitted plan set successfully addresses the Town's concern. The plan set shows a proposed connection to a public water line in Smithfield Avenue. Due to the current water availability concerns, the applicant has been advised to speak with the Lincoln Water Commission as soon as possible. A water availability letter has not been submitted to the Administrative Officer.

The Director of Public Works stated that according to Town Policy, the Town of Lincoln will not provide garbage or recycling services to properties having four or more residential units. The applicant will be required to contract a private company for all garbage and recycling services. A note must be placed on the site plans indicating this policy.

Wetlands/Stormwater Runoff

No wetlands are shown on the submitted site plan. A note should be placed on the plans indicating that no wetlands exist on the site based on field observations. Stormwater management will be addressed by underground infiltration systems. A UIC Permit from RIDEM is required at the preliminary plan stage. The stormwater system must be designed in accordance with the RIDEMs Rhode Island Stormwater Design and Installation Standards Manual (RISDISM). Design details and analysis reports can be submitted at Preliminary Plan Stage. An NBC Permit is required at Preliminary Plan stage.

Based on the Master Plan submission and Technical Review Committee review, the Technical Review Committee feels that the applicant has addressed all of the technical requirements of the subdivision regulations except for water availability letter and a letter of eligibility from RI Housing. The applicant has been advised to speak with the Lincoln Water Commission as soon as possible.

27 Wellington Rd Expansion
27 Wellington LLC

AP 28 Lot 134
27 Wellington Road

Preliminary Plan Modification

This application is under the 2016 Subdivision Regulations and represents the addition of two additional commercial buildings, associated employee parking and stormwater management systems to an existing commercial parcel that currently contains one commercial building and associated employee parking. It received Preliminary Plan Approval on March 24, 2021. This review approval has a **two (2) year approval-vesting period**.

The preliminary plan modification submission included the following:

- *Preliminary Plan Modification to Previously Approved Plan for 27 Wellington Road, AP 28, Lot 134, 27 Wellington Road, Lincoln, RI*, prepared by Millstone Engineering, dated May 2022.

Site Layout

The project area consists of one lot with a total area of 5.403 acres. Currently, the site contains one commercial building and associated parking. A wetlands complex is located to the rear of the property. The approved project is to add two additional commercial buildings, associated employee parking and stormwater management systems to the parcel. Significant grading will be required and several tall retaining walls are proposed. The proposed buildings will be constructed in two (2) phases. The submitted plan set contains a phasing site plan successfully showing how the site grading will be developed between phases.

The application to modify the approved Preliminary Plan is to add a 5,070 square foot addition to the rear of the existing building and reconfigure the existing parking area. The Administrative Officer felt that the project should come before the Planning Board due to the complexity of the approved site layout and its proposed steep slopes.

The Town Engineer reviewed the submitted modifications and did not note any engineering concerns. She did note that the RIDEM permit should be updated to include the revised drainage design shown on the modification plan set.

Based on the approved Preliminary Plan submission and the submitted modification plan dated May 2022, the Technical Review Committee feels that the applicant has successfully addressed the technical requirements of the subdivision regulations for a Preliminary Plan review stage. The conditions of preliminary plan approval would remain valid. However, the Town Engineer will look for an updated RIDEM permit submission.

Zoning Applications (*) – June Zoning Applications

PLEASE NOTE: The recommendations below that are offered by the Technical Review Committee to the Planning Board are offered for the Board to consider. The Planning Board may elect to adopt the recommendations as presented or modify one or more of them.

Terry Lavoie, 5 Holiday Court, Lincoln, RI 02865 – Application for Dimensional Variance for lot coverage relief to install an above ground pool at single family residential located at 5 Holiday Court, Lincoln, RI 02865.

AP 11, Lot 126

Zoned: RS-12

Members of the Technical Review Committee reviewed the submitted plans and application seeking a Dimensional Variance for lot coverage relief to install an above ground pool at a single family residence located at 5 Holiday Court, Lincoln, RI 02865. The Technical Review Committee recommends **Approval** of this Dimensional Variance. According to the submitted site plan, the amount of lot coverage over the allowed 20% is a mere 3.2%. The Technical Review Committee feels that the application presents the least relief needed. The Technical Review Committee feels that granting these dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

John Santoro, 6 Bridle Dr., Lincoln RI 02865 – Application for Dimensional Variance for lot coverage relief for the installation of an in ground swimming pool at single family residential located at 6 Bridle Dr., Lincoln, RI 02865.

AP 26, Lot 132

Zoned: RA-40

Members of the Technical Review Committee reviewed the submitted plans and application seeking a Dimensional Variance for lot coverage relief to install an in ground swimming pool at a single family residence located at 6 Bridle Dr., Lincoln, RI 02865. The Technical Review Committee recommends **Approval** of this Dimensional Variance. According to the submitted site plan, the amount of lot coverage over the allowed 15% is a mere 1.62%. The Technical Review Committee feels that the application presents the least relief needed. The Technical Review Committee feels that granting these dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Edward R. D'Agostino, 14 David Dr., Lincoln RI 02865 – Application for Dimensional Variance for lot coverage relief for the installation of an in ground swimming pool at single family residential located at 14 David Dr., Lincoln, RI 02865.

AP 14, Lot 202

Zoned: RS-12

Members of the Technical Review Committee reviewed the submitted plans and application seeking a Dimensional Variance for lot coverage relief to install an in ground swimming pool at a single family residence located at 14 David Dr., Lincoln, RI 02865. The Technical Review Committee recommends **Approval** of this Dimensional Variance. According to the submitted site plan, the amount of lot coverage over the allowed 20% is a mere 3.95%. The Technical Review Committee feels that the application presents the least relief needed. The Technical Review Committee feels that granting these dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

BNB Enterprises, LLC, 25A Carrington St., Lincoln RI 02865 – Application for Special Use Permit. Permission to locate a musical and artistic performance space serving liquor and live and/or recorder entertainment at mixed use mill building located at 25A Carrington St., Lincoln RI 02865.

AP 5, Lot 62

Zoned: ML-05

Members of the Technical Review Committee reviewed the submitted plans and application seeking a Special Use Permit. Permission to locate a musical and artistic performance

space serving liquor and live and/or recorder entertainment at mixed use mill building located at 25A Carrington St., Lincoln RI 02865. The Technical Review Committee did not offer a recommendation on this request. The submitted application and site plan did not address life safety concerns such as parking, outdoor lighting and vehicular circulation. The Technical Review Committee would like to see a more detailed site plan that specifically addressed the above noted life safety concerns.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

Albert V. Ranaldi, Jr. AICP

Administrative Officer to the Planning Board