

LINCOLN PLANNING BOARD
NOVEMBER 17, 2021

APPROVED

The regular meeting of the Planning Board was held November 17, 2021. This meeting was at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Bostic called the meeting to order at 7:00 p.m. The following members were present: Tom Tuytschaevers, Jeff Almond, Tom Salvatore, Ken Bostic, Mike Reilly, and Ned London. Member DelGrande was absent.

Also in attendance were Town Planner Al Ranaldi and Town Engineer Leslie Quish and Town Solicitor Anthony DeSisto.

CONSENT AGENDA

Chairman Bostic reminded that the consent agenda is normally voted on in total unless a member motions to remove an item.

Motion was made by Member Reilly, second by Member Almond to accept the consent agenda as presented. Motion was approved by all members present.

4. Major Subdivision Review

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|--------------------------------|---------------------------------|--------------------|
| a. The Fairgrounds Subdivision | AP 42 Lots 12, 13, 42, 43 & 147 | Master Plan Review |
| -We Dig Investments, LLC | Kendall Drive | |

Town Planner Ranaldi: The proposed project as per the Technical Review Committee meeting of November 9th, 2021 (attached).

Nicholas Papiano: Attorney for the applicant.

Victoria Howland: Pare Corp. Describes the project in detail.

Chairman Bostic: Ask about the plan for the infrastructure and how long it will be a disturbance to the neighbors. And also if this will be a conforming lot.

Chrisatfulli: Details the infrastructure and states there will be little disturbance to the neighbors and it will be a conforming lot.

Town Solicitor DeSisto: See on the plan that there is some moving of the lot line.

Papiano: States they have been in touch with the property owner and explains.

Member Reilly: States that he were the owner of the property he wouldn't want to have anyone touch his property.

Town Solicitor DeSisto: There should be a conveyance or at least an agreement in writing with the property owner.

Town Engineer Quish: States and they would be the facilitators and not the Town of Lincoln.

Christafulli: 22 Kendall Drive can keep the address and will make it whole in detail at the Public Hearing.

Pampiano: It will a better evolution for safety and take care of any needs. And will work to get the consent.

Howland: Details the safety.

Pampiano: Explains the cul de sac.

Town Solicitor DeSisto: Do not involve Al or any town official to partake not appropriate.

Motion to move the project to a Public Hearing with the condition that there is an agreement with the property owner at 22 Kendall, second by Member Almond. Motion approved by all members present.

b. Lantern Road Subdivision
-Brian Beck

AP 44 Lot 08
35 Lantern Road

Pre-application Review

Town Planner Ranaldi: presents the proposed project per the Technical Review Committee meeting of November 9th, 2021(attached).

Nicholas Pampiano: Attorney for the applicant details the plans. There were two TRC meeting and states this project is pretty straightforward. The applicant and the Engineer are the meeting. He would appreciate feedback from the Board.

Joe Duhamel: DePrete Engineering: Presents the site plan.

Chairman Bostic: We are really are not going to make any recommendations at Pre-application. We want you put a project in front of us and this is the best that we can do.

Duhamel: It is a state requirement. It is a unique situation.

Chairman Bostic: Board is not in the business to do recommendations. Give a bone fide project for the Board to look at. Also could you explain the dimensional regulations. You have an asterisk could you elaborate on that.

Duhamel: Reads the explanation of the asterisk.

Discussion regarding frontage and zoning ordinance follows.

Chairman Bostic: Reads the zoning regulations. More than 90% is in RA 40. Asks for clarification.

Solicitor DeSisto: Clarifies.

Chairman Bostic: It is predominantly RA 40 and that is what we are going to follow. This is pre-application.

Town Solicitor DeSisto: No need to make a decision now.

Chairman Bostic: Mentions concerns from the neighbors in letter submitted.

Town Planner Ranaldi: Reads the letter labeled, Neighbors Against 35 Lantern Road Development.

c. Kirkbrae Ledges – Phase II	AP 32 :Lot 45	Bond Review
-Kirkbrae Ledges, LLC	Lancers Lane & Hemlock Road	

Town Planner Ranaldi: Describes the bond and reduction.

Chairman Bostic: Sates concern that there is no calculation.

Town Engineer Quish: Has the calculation and reads them.

Member Reilly makes motion to reduce the bond with the stipulation that the fencing is completed (\$115,000.00) , second by Member London Motion approved by all members present.

Secretary's Report

Motion to dispense with the reading of the Secretary's Report of September 22, 2021 by member Reilly, second by Member Almond. Motion approved by al members present.

Motion to approve the minutes of the Secretary's Report of September 22, 2021 by Member Reilly, second by Member Almond. Motion approved by all members present.

Solicitor's Report

Town Solicitor DeSisto gives an update on Break Hill.

Motion to adjourn by Member Reilly, second by Member Tuyschevers. Motion approved by all members present.

Meeting adjourned at 8:45 pm.

Respectfully submitted,

Elizabeth A. Gagnon
Secretary to the Planning Board

Technical Review Committee Report

November 12, 2021

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

Dear Honorable Members,

On Tuesday, November 09, 2021 at 3:00 PM, the Technical Review Committee met to review the agenda items for the November 17, 2021 meeting of the Planning Board. In attendance were Al Ranaldi, Peggy Weigner, Michael Gagnon, Leslie Quish, Jeffery Almond, Russell Hervieux, Michael Reilly, and Francine Jackson. 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 Master Plan Review
Kendall Drive

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 Master Plan Review stage.

On **November 09, 2021**, 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 **February 09, 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:

- *The Fairgrounds, Major Subdivision, AP 42 Lots 12, 13, 42, 43, & 147, Diesel Drive, Lincoln RI Master Plan Submission*, prepared by Pare Engineering, dated October 8, 2021
- Report entitled, *Master Plan Report for the Fairgrounds Major Subdivision, Assessor's Plat AP 42 Lots 12, 13, 42, 43, & 147, Diesel Drive and Kendell Drive, Lincoln RI Prepared for: We Dig Investments, LLC, 23 Business Park Drive, Smithfield, RI*; prepared by Pare Engineering, dated October 8, 2021

Site Layout

The project 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. 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 Kendell Drive and Jason Drive. The existing cul-de-sac will be removed and the intersection will be reconfigured. As shown in the submitted plan set, a proposed driveway to the existing house (AP 42 Lot 129) that abuts AP42 Lot 147 is shown to pass in front of another existing house. This design is unacceptable and the Technical Review Committee asked the applicant to redesign this proposed intersection. The TRC and the applicant feel confident that a better design is possible. Once the applicant presents an acceptable design, the plans must detail the new driveway and front yard changes on AP 42 Lot 129 including construction methods and materials of the driveway, lawn, sprinkler system (if applicable), fencing, lighting, mailbox, landscaping etc. No burden can be placed on this property owner.

The Technical Review Committee noted that the plans call for the abandonment of Paul Street (a paper street) that is adjacent to the subject project. The plans show that all of the abandoned property will be transferred to the subject parcel. According to Town Ordinance, when a road is abandoned, half the resulting property is transferred to each abutting property. The northwestern half of Paul Street should be transferred to AP 42 Lot 42, 47, and 48 where applicable. The Applicant's Engineer has stated that they are working with the abutting property owners (the casino) to acquire the full width. If successful, the applicant will plant an evergreen buffer where the existing paper roadway is located.

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. Therefore, a waiver is required.

Zoning

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

Utilities

Public sewer and water are located within the Kendell and Jason Drive public rights-of-ways. The applicant must provide water and sewer availability letters at Master Plan stage.

Wetlands/Stormwater Runoff

Each proposed house lot will control its own stormwater runoff with individual stormwater management areas. Approximate dwelling footprints and these separate stormwater management systems for each individual lot must be designed and permitted at the Preliminary Plan stage. Applicable RIDEM and NBC permits are required at the Preliminary Plan stage.

Based on the Master Plan submission and Technical Review Committee review, the requested roadway length waiver is the only outstanding item to address. If the Planning Board approves this waiver, the Technical Review Committee feels that the applicant has successfully addressed the technical requirements of the subdivision regulations for a Master Plan review stage. The next stage in the review process is a Public Informational meeting.

This application is in front of the Planning Board for a Pre-Application Discussion under the 2016 Subdivision Regulations. There is no review time frame associated with this submission. Pre-Application meetings with the Planning Board aim to encourage information sharing and discussion of the project concepts among the participants. The intent of this meeting is for guidance of the applicant and shall not be considered approval of a project or its elements.

The pre-application submission included the following:

- *Pre-Application Submission 35 Lantern Road Major Subdivision*, prepared by DiPrete Engineering, dated October 29, 2021.

This application represents the subdivision of one residential lot into two residential lots. The original lot consist of 11.73 acres. The proposed new lot will be 5.74 acres and the original lot will be reduced to 5.99 acres. The proposed new lot will be served by a private well and Onsite Wastewater Treatment System (OWTS). While the proposed lot has frontage along Whipple Road and Lantern Road, access to the lot will be from Lantern Road. Utilities such as electronic and cable will come from Lantern Road. The applicant is requesting two subdivision waivers. The requested waivers are to exceed the 2 ½ to 1 Lot Depth to Lot Width requirement and not to install curbing and sidewalks along the existing public rights-of-ways (Lantern Road and Whipple Road).

The Technical Review Committee identified and discussed the following concerns with the applicant:

1. The proposed gravel driveway will directly abut the backyards (rear property line) of two existing residential homes. Members of the TRC expressed concerns about the level of safety this will create for the existing residents. The TRC also noted that due to the location of the driveway and proposed garage, the existing residents may experience swiping headlights into their backyard during the night time. According to Section 1 of the Subdivision Regulations, the stated General Purpose of the Land Development and Subdivision Regulations is to, "Promote high quality and appropriate design...". Members of the TRC felt that the proposed site layout did not comply with this General Purpose.
2. The proposed driveway will be constructed out of gravel due to the extensive wetlands complexes and an approved RIDEM Wetlands Permit. The TRC expressed concerns that in the future, future residents may replace the gravel driveway with an asphalt driveway. An asphalt driveway is not allowed per the RIDEM Wetlands Permit. The TRC expressed concerns over enforcing this RIDEM Wetlands Permit requirement. The TRC also expressed concerns that if the driveway becomes a solid surface, the abutting wetland complexes may be negatively impacted. According to Section 1 of the Subdivision Regulations, another stated General Purpose of the Land Development and Subdivision Regulations is to, "Promote the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment". Members of the TRC felt that the proposed site design did not comply with this General Purpose.
3. The submitted plans show significant wetland complexes on the entire lot. The plans do not indicate the upland square footage of the existing and proposed lots.

4. The applicant is requesting two subdivision waivers. The requested waivers are to exceed the 2 ½ to 1 Lot Depth to Lot Width requirement and not to install curbing and sidewalks along the existing public rights-of-ways (Lantern Road and Whipple Road).

Kirkbrae Ledges – Phase 11
- Kirkbrae Ledges, LLC

AP 32 Lot 45
Lancers Lane & Hemlock Road

Bond Review

On June 23, 2021, a guarantee bond in the amount of \$171,523 was reviewed and approved by the Planning Board. The applicant posted the bond and recorded the final plan for the above noted major subdivision. The applicant has diligently worked to complete the outstanding public improvements according to the submitted construction plans.

To date, the required fencing has been installed and the surface course of pavement within the Timberland Drive and the existing portion of Lancers Lane has been installed. Construction was overseen by the Town Engineer (Leslie Quish) and the Public Works Director (Michael Gagnon). Multiple site inspections were conducted throughout the construction. The owner/developer requests to reduce the bond by \$56,523 which represents the cost of the completed improvements. The remaining guarantee bond amount will be \$115,000.

Zoning Applications (*) – November 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.

Terrapin Properties, LLC, 8 Davis Street, Cumberland, RI 02895 – Application for Special Use Permit to convert church building into a four unit residential building located at 1568 Lonsdale Avenue.

AP 4, Lot 53 Zoned: RG-7

Members of the Technical Review Committee reviewed the submitted plans and application seeking a Special Use Permit to convert an existing church building to a four unit residential building located at 1568 Lonsdale Ave, Lincoln, RI. 02865. The applicant is not proposing any new exterior construction. The Technical Review Committee could not offer a recommendation for this application. The Technical Review Committee struggled with the proposed parking design. The TRC wonders how this design will successfully work for the new residents. The site plan did not indicate areas for snow removal or trash dumpster.

PLEASE NOTE: 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.

Antonio and Alice Duarte, 1 Winterberry Rd., Lincoln, RI. 02865 - Application for Dimensional Variance for front set back relief located at 1 Winterberry Rd, Lincoln, RI 02865.

AP 45, Lot 386 Zoned: RA-40

(Continued from September 4, 2021 Zoning Board hearing – No new information was provided by the applicant)

Members of the Technical Review Committee reviewed the submitted plans and application seeking front setback relief located at 1 Winterberry Rd, Lincoln, RI 02865. The property is located at the end of a cul-de-sac. Setbacks for the property curve with the radius of the cul-de-sac causing a need to request a dimensional variance. The Technical Review Committee recommends **Approval** of this Dimensional Variance. The Technical Review Committee feels that if the house was located on a straight throughway rather than at the end of a cul-de-sac, a dimensional variance would not be required. The proposed addition is needed to relocate the kitchen per the submitted plans. The proposed location of the addition compliments the existing functionality of the residence. The Technical Review Committee feels that the application presents the least relief needed. The Technical Review Committee feels that granting the dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Byron Orellana, 1612-1614 Lonsdale Ave, Lincoln, RI. 02865 -Application for Dimensional Variance for area lot relief for a four unit residential building located at 1612-1614 Lonsdale Ave, Lincoln, RI. 02865.

AP 4, Lot 60 Zoned: RG-7

(Continued from November 2, 2021 Zoning Board hearing – No new information was provided by the applicant)

Members of the Technical Review Committee reviewed the submitted plans and application seeking a Dimensional Variance for area lot relief for a four unit residential building located at 1612-1614 Lonsdale Ave, Lincoln, RI. 02865. The applicant is not proposing any new exterior construction. The Technical Review Committee recommends **Approval** of this application for Dimensional Variance for area lot relief. The Technical Review Committee feels that the application presents the least relief needed and is consistent with the surrounding neighborhood. The Technical Review Committee feels that granting the dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

PLEASE NOTE: 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.

Byron Orellana, 1612-1614 Lonsdale Ave, Lincoln, RI. 02865 - Application for Special Use Permit to convert a mixed-use building to a four unit residential building located at 1612-1614 Lonsdale Ave, Lincoln, RI. 02865.

AP 4, Lot 60 Zoned: RG-7

(Continued from November 2, 2021 Zoning Board hearing – No new information was provided by the applicant)

Members of the Technical Review Committee reviewed the submitted plans and application seeking a Special Use Permit to convert a mixed-use building to a four unit residential building located at 1612-1614 Lonsdale Ave, Lincoln, RI. 02865. The applicant is not proposing any new exterior construction. The Technical Review Committee recommends **Approval** of this application for a Special Use Permit. The Technical Review Committee feels that granting the Special Use Permit is a less intense use of the property and will not impair the intent or purpose of the Zoning

Ordinance, nor the Comprehensive Plan.

PLEASE NOTE: 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.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

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Administrative Officer to the Planning Board