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OFFICE OF THE
TOWN PLANNER

August 24, 2022

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

Dear Honorable Members,

On Tuesday, August 16, 2022 at 3:00 PM, the Technical Review Committee (TRC) met to review the agenda items for the August 24, 2022 meeting of the Planning Board. In attendance were Jeffrey Almond, Michael Reilly, Peggy Weigner, Michael Gagnon, Leslie Quish, Francine Jackson, and Michael Gamage as well as Town Solicitor Anthony DeSisto. 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 Land Development

a. Edgewood Estates
Edgewood Developer, LLC

AP 34 Lot 460
New River Road

Master Plan Application

This application is under the 2016 Subdivision Regulations and represents the subdivision of one (1) lots into seven (7) residential lots accessed by a new roadway with cul-de-sac. The project is in front of the Planning Board at the Master Plan Review stage and received a Certificate of Completeness on **August 16, 2022**. According to our Subdivision Regulations, the Planning Board shall, within 120 days 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 **December 14, 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:

- *Edgewood Estates Subdivision, Master Plan Submission, AP 34 Lots 460, New River Road, Lincoln, RI*, prepared by R.A. Cataldo & Associates, dated August 17, 2022

Site Layout

The project is located off New River Road, between Northern Elementary School and the intersection with Mussey Brook Road. The project represents the subdivision of one (1) lot into seven (7) residential lots accessed by a new roadway and cul-de-sac. The proposed cul-de-sac is 322 feet long.

The TRC previously requested the Applicant include curbing and sidewalk along New River Road due to the properties close proximity to Northern Elementary School. The Applicant's Engineer has stated that the property is located within a low point of New River Road and there is no drainage system within the street resulting in road runoff flowing onto the subject parcel. They further stated that installing curbing and sidewalk would create a ponding issue in the street. As an alternative, the Applicant is proposing a flat grass area along New River Road for pedestrian use.

Zoning

Currently, the property is zoned RS-20 which requires minimum lot areas of 20,000 sf, 120 feet of frontage, and various setbacks. The applicant is proposing to change the property's zone to RG-7 which allows single family dwellings with minimum lot areas of 7,000 sf, 100 feet of frontage, and various setbacks. All zone changes are under the jurisdiction of the Town Council. According to Article C, Section 6(B) of the Land Development and Subdivision Regulations "(B) Town Council. Where an applicant requires both Planning Board approval and Town Council approval for a zoning ordinance or zoning map change, the applicant shall first obtain an advisory recommendation for the zoning change 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 a conditional zoning change from the Council, and then return to the Planning Board for subsequent required approval(s)."

The Technical Review Committee discussed the process in which this project should follow and recommends that the project be reviewed simultaneously as a Major Land Development project and a Zone Change recommendation. The applicant is prepared to address the Master Plan design elements as well as present their reasoning why the proposed zone change and project conforms to the Town's Comprehensive Plan at the Planning Board Meeting.

According to the Town of Lincoln Land Development and Subdivision Regulations, Section 1, Article A, the Planning Board shall review all land development and subdivision projects for conformance with the Town's Comprehensive Plan as well as make positive findings of the standards set out in Article C, Section 5 of the Land Development and Subdivision Regulations

Affordable Housing

According to the Town's Inclusionary Zoning ordinance, five or more new housing units require that 20% be designated as affordable according to RI Housing regulations. The applicant was made aware of this requirement.

Utilities

Public water is located within New River Road and the Lincoln Water Commission has reviewed the project. The Lincoln Water Commission has stated that a hydraulic analysis and evaluation is required to determine if there is sufficient capacity for domestic connection to the public water system at this time. The water main can only be utilized for fire protection until such a time that there is sufficient capacity in the system and individual wells will most likely be needed for domestic supply until that time. The TRC requests a service connection be installed up to the property line for each proposed lot for future condition.

Public sewer is available and a sewer availability letter from the Town of Lincoln has been provided. The sewer in this location crosses through the subject parcel in an easement. The applicant has proposed to relocate a portion of the public sewer to within the proposed cul-de-sac and eliminate a portion of the easement that would run through proposed lots 5, 6, and 7. The Town of Lincoln's Engineering and Public Works Departments approve this concept; however, the portion of the sewer to be abandoned must be camera inspected by the applicant to ensure there are no connections to the sewer being abandoned. The applicant must include any connections found in future design plans.

Wetlands/Stormwater Runoff

Natural Resource Services delineated a shrub wetland and the Mussey Brook River just south of the subject property. Both the wetland and the river have buffers and jurisdictional areas which extend onto the subject property. Applicable RIDEM permits will be required at the Preliminary Plan stage. A conceptual stormwater basin is depicted on the plan near New River Road. Full stormwater design will be required at the Preliminary Plan stage.

Based on the Master Plan submission and review, the Technical Review Committee agreed that the applicant has successfully addressed the requirements of the subdivision regulations for a Master Plan review stage. The Technical Review Committee recommends that this application proceed to a Public Informational Hearing at the next Planning Board meeting.

Major Land Development

The Fairgrounds	AP 42 Lots 12, 13, 42, 43, & 147	Preliminary Plan Modification
- We Dig Investments	Kendall Drive	

This application is under the 2016 Subdivision Regulations and received preliminary plan approval on May 25, 2022. The project represents the reconfiguration of five (5) lots into ten (10) residential lots accessed by a new roadway and cul-de-sac.

The applicant is before the board requesting a waiver from installing granite curbing within the portion of the road that contains the existing cul-de-sac. The Applicant has expressed that

obtaining granite curbing is very difficult due to industry wide supply chain issues and that he cannot obtain the granite curbing until 2023. The Applicant further expressed that he committed to the owners of the two properties with existing dwellings on them, located at 20 and 22 Kendell Drive, that the cul-de-sac and associated landscaping work would be completed as soon as possible. As a result, the Applicant is requesting a waiver to install concrete curbing within the footprint of the existing cul-de-sac which would allow the Applicant to complete the necessary landscaping improvements on their lots.

Based on the submitted material, the TRC found that the request is acceptable based on the following finding of facts:

- 1) There are supply chain issues with obtaining granite curbing that the Town of Lincoln has also been faced with causing delays in projects
- 2) There is concrete curbing along the frontage of 20 and 22 Kendell Drive , as well as within the existing cul-de-sac, and the Applicant is only requesting to install concrete curbing within the existing cul-de-sac to satisfy commitments he made to the affected property owners. Once beyond the footprint of the existing cul-de-sac, the curbing will transition to granite curbing.

Minor Subdivision Review

Lower River Road
- Cezar Nehme

AP 29 Lot 80
Lower River Road

-Preliminary Plan Review
-Request for Classification as
Minor Subdivision

The preliminary plan submission included the following plan:

- *“Major Subdivision prepared for 838 Lower River Road, A.P 29, Lot 80, Lincoln, Rhode Island, prepared by Douglas Design Group dated March 3, 2022 and certified on May 2, 2022.*

This project received a Certificate of Completeness on **August 16, 2022**. This application is under the 2016 Subdivision Regulations. As further detailed below, the Applicant is requesting that the application be classified as a Minor Subdivision. According to our Subdivision Regulations, the Planning Board shall, within 65 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. A decision on the preliminary plan review must be made by **October 20, 2022**, or within such further time as may be consented and obtain a written waiver of the deadline from the applicant if the Planning Board agrees to classify the subdivision a minor subdivision. Should the Planning Board not agree to classify this as a minor subdivision and classifies it as a major subdivision, a decision must be made within 120 days of the certificate of completeness or **December 14, 2022**. The TRC would like to point out to the Applicant and the Board that **minor subdivisions have a 90-day approval-vesting period and major subdivisions have a 2-year vesting period.**

Site Layout

The project represents the subdivision of one existing residential lot into two (2) residential lots. A house already exists on this lot with access from Lower River Road. The additional lot will have access from Avenue A. The applicant is requesting a waiver from the requirements of installing granite curbing and concrete sidewalks. While there is minimal sidewalk and curbing along Lower River Road, the frontage along Lower River Road of the subject parcel has a bituminous sidewalk installed flush with the road elevation with no curbing. The TRC felt that the physical characteristics of the surrounding area do not warrant curbing or sidewalk and that installation of curbing would effectively reduce the width of an already narrow road. While waivers are being requested, the Applicant is requesting that the Application be classified as a Minor Subdivision

Zoning

The property is located in a RS-20 zone. Proposed lot 2, which is vacant, will meet the requirements of the Zoning Ordinance. The existing dwelling on the lot, however, has an existing deck along the southern property line that falls within the setback area. This lot is a corner lot and has front setback lines along Lower River Road and Avenue A and the remaining two setbacks lines are the average of the rear and side setbacks which equals 27.5 feet for this application. The existing deck is only 17 feet from the property line. The matter of whether or not dimensional relief is required from the Zoning Board for the existing nonconformance was referred to the Town Solicitor to be addressed at the Planning Board meeting.

Utilities

The existing dwelling is already serviced by utilities. The proposed new lot, which will include the new dwelling, will connect to water and sewer in Avenue A. A sewer availability letter from the Town of Lincoln and a Water Availability Letter from the Lincoln Water Commission were provided.

Wetlands/Stormwater Runoff

McCue Environmental conducted a wetland investigation and determined that there were no wetlands on or within 200 feet of the subject parcel.

Based on the submitted material and the TRC review, the TRC finds the following:

1. The nonconformance of the existing deck is referred to the Town Solicitor to determine if dimensional relief is required.
2. The requested waiver for curbing and sidewalk relief is minor in nature and the TRC supports the application being classified as a minor subdivision for this issue should the Town Solicitor determine that zoning approval is not required for the nonconformance of the existing deck.
3. The applicant has successfully addressed the technical requirements of the subdivision regulations for a Preliminary Plan review stage for a minor subdivision.
4. The applicant must submit a water availability letter from the Lincoln Water Commission for all proposed lots.

5. The proposed driveway be located a minimum of 30 feet from the end of the paved road on Avenue A to allow for snow storage.
6. The new location of the existing shed, which is identified on the plan to be relocated, must comply with all Zoning Requirements.
7. A stormwater management system for proposed roof and driveway runoff will be required at the Building Permit stage.

Minor Subdivision Review

Pascale Drive

- The Seaview Realty Corp

AP 11 Lot 63

Pascale Drive

-Preliminary Plan Approval
Extension

This project received Preliminary Plan approval on February 23, 2022 as a minor subdivision which has a 90-day approval vesting period. The Planning Board decision was appealed on March 29, 2022, which paused the vesting period, and the Zoning Board upheld the Planning Boards decision. The Zoning Board decision was recorded on June 13, 2022 unpausing the vesting period. The 90-day vesting period, including the pause for the appeal, ended on August 9, 2022. The Applicant submitted a request to extend the vesting period on August 2, 2022 so the public improvements can be completed. As of the August 17, 2022, the water and sewer laterals were installed, and the sidewalk area had been excavated. Outstanding items of work include the pouring of the concrete sidewalk, the installation of the granite curb returns, and the installation of the vegetative buffer. The Application expects this work to be completed this fall and requests an extension of 60 days.

The TRC finds that the request for the 60 day extension is acceptable.

Zoning Applications (*) – September Zoning Applications

PLEASE NOTE: The recommendations below that are offered by the TRC 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.

Matt Fraioli, 1843 Old Louisquisset Pike – Application for Dimensional Variance for side setback relief- AP 25, Lot 132

This project includes a request for side setback relief for the construction of an addition on a single family dwelling located at 1843 Old Louisquisset Pike. The property is located within a RA-40 zone which requires a 35 foot side setback. The applicant is requesting a 19.62 foot side setback resulting in a request of 15.38 feet of relief.

Members of the TRC reviewed the submitted plans, application, and the surrounding area. The TRC felt that the shape of the abutting property (parcel 25-018) and the location of the dwelling on parcel 25-018 would minimize the impact of the requested relief. Barring any objections from the abutting parcel owners, the TRC recommends **Approval** of the side setback relief.

Thomas and Pamela Ryan, 19 Memorial Ave – Application for Dimensional Variance for front setback relief- AP 9, Lot 129

This project includes a request for front setback relief for the construction of a front porch located at 19 Memorial Avenue. The property is located within a RG-7 zone which requires a 20 foot front setback.

Members of the TRC reviewed the submitted plans and application and finds that while the overall concept is acceptable, a recommendation cannot be made because the requested relief is not clearly depicted on the plans or submitted material.