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OFFICE OF THE
TOWN PLANNER

September 23, 2022

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

Dear Honorable Members,

On Wednesday, September 21, 2022 at 1:00 PM, the Technical Review Committee (TRC) met to review the agenda items for the July 27, 2022 meeting of the Planning Board. TRC members in attendance were Joshua Berry, Jeffrey Almond, Leslie Quish, Francine Jackson, and Russell Hervieux. Also in attendance was Planning staff member Peggy Weigner. 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, Comprehensive Plan and Land Development and Subdivision regulations. The TRC review is advisory in nature, and in no case shall the recommendations of the TRC be binding on the Planning Board in its activities or decisions.

CONSENT AGENDA

a. Zoning Applications (*) – July Zoning Applications

PLEASE NOTE: The recommendations below by the TRC to the Planning Board are advisory in nature. The Planning Board may elect to adopt the recommendations as presented or modify one or more of them.

1. North Bridge Development, LLC* AP 30 Lot 59 Special Use Permit
13 Blackstone Valley Pl

Summary:

Application for a Special Use Permit to allow a roof mounted Utility Scale solar installation on an existing commercial building.

Analysis:

This proposed <0.5 MW DC roof mounted solar installation would not change the existing use (a warehouse facility for Original Pizza of Boston). The arrays are not within the setbacks and do not exceed the maximum height requirements. The associated equipment is going to be located within the building with the exception of anything that is required to be outside of the building. The site is located within an industrial zone (ML-0.5) and has no residential abutters.

Recommendation:

Members of the TRC reviewed the submitted plans and application for the special use permit and recommends that the Planning Board make a **positive recommendation** on this application to the Zoning Board of Review.

MINOR SUBDIVISION REVIEW

- | | | |
|------------------------------|----------------|-------------|
| a. Bellows Minor Subdivision | AP 22 Lot 89 | Bond Review |
| Norman Berretta | Bradford Drive | |

This application is under the 2016 Subdivision Regulations and represents the extension of the subdivision of one (1) lot into three (3) residential house lots. All lots will have access from Bradford Drive and a new roadway is not required. The Planning Board approved the Preliminary Plan on July 27, 2022. This approval has a vesting period of 90 days.

The applicant must post a bond for required infrastructure prior to recording the final plan. In this instance, granite curbing was required so the bond is for the installation of the granite curbing in the amount of \$34,200 as calculated by the Town Engineer.

The TRC reviewed the submitted bond information and recommends **approval** of this bond amount. Additionally, **the Town Planner requests that Final Plan be delegated to the Administrative Officer.**

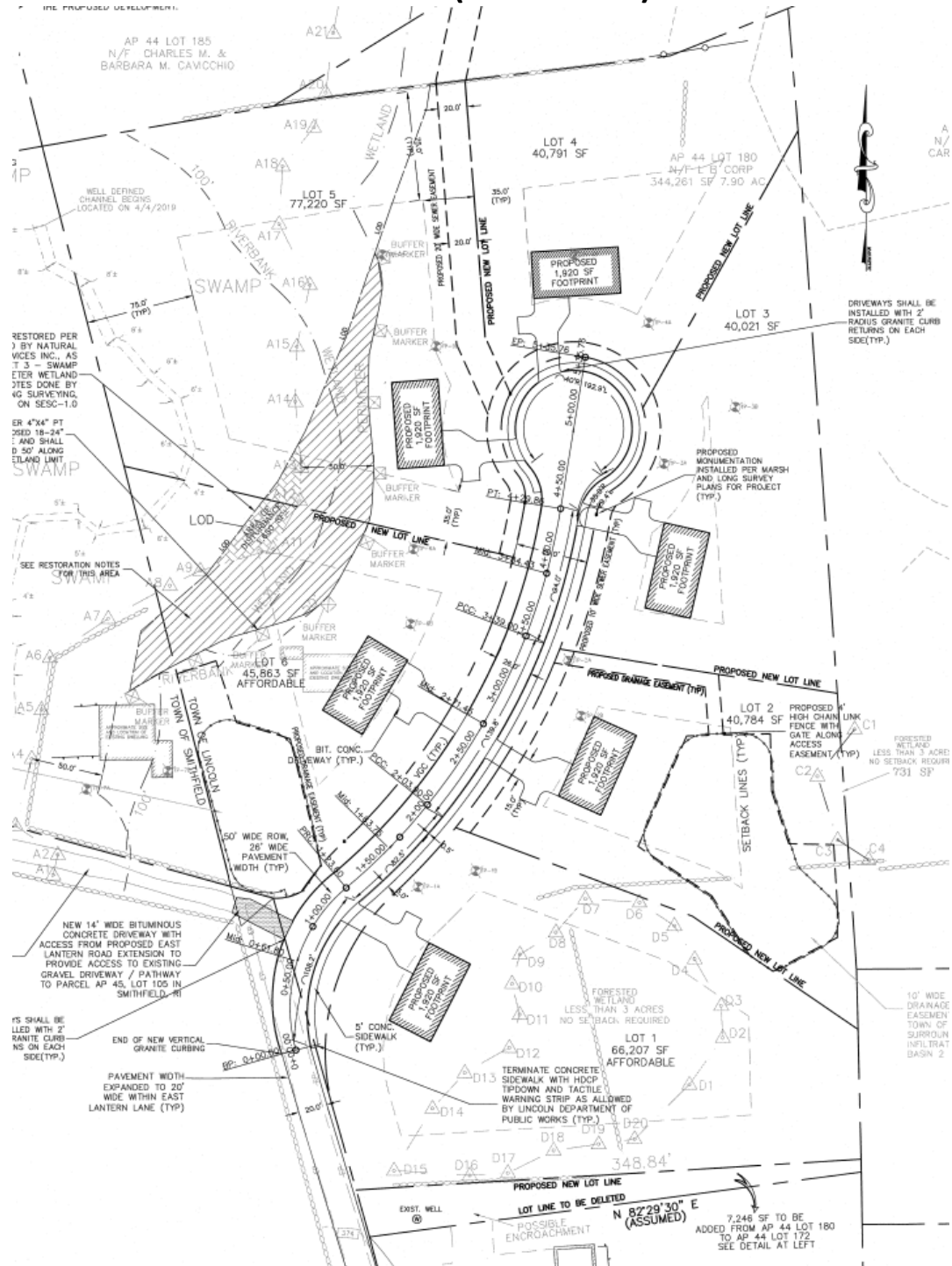
MAJOR SUBDIVISION REVIEW

a. Beauregard Subdivision
LB Corp / Stephen Beauregard

AP 44 Lot 180 & 172
East Lantern Rd

Preliminary Plan Review

Site Plan (Sheet C-2.0)



Proposal Summary

This Major Subdivision Preliminary Plan application is vested under the 2016 Subdivision Regulations and represents the proposed subdivision and development of a 7.9-acre residential RA-40 lot with one (1) existing single-family residence into six (6) lots for single-family residences. The project includes the proposed extension of East Lantern Road to end in a cul-de-sac. The application received conditional Master Plan Approval from the Planning Board on November 18, 2020.

The plan submission included the following plans and reports:

- *Beauregard Subdivision, Preliminary Plan Major Subdivision, East Lantern Road Extension, Lincoln, RI*, prepared by LEVEL Design Group, revised June 11, 2022 2021 with sheet C3.0 revised July 6, 2022.
- *Stormwater Management Report for Major Land Development Project AP 44 & 180, East Lantern Road Extension, Lincoln RI*, revised January 24, 2022 with supplemental emails with analysis.

Compliance with Master Plan Conditions of Approval:

The Master Plan conditions are as follows:

1. *Proposed Lot #1 property line be moved to accommodate abutter's concerns.*
2. *The proposed location of the lot #1 Onsite Wastewater Treatment System be relocated to accommodate the adjusted property line.*

The Preliminary Plan submittal, in its current form, is NOT consistent with Master Plan Approval condition #1. The submitted plans show the required modification to the lot line as "proposed." However, after the issue was raised by staff, the applicant submitted an Administrative Subdivision application consistent with the intent of condition #1. This application was submitted on 9/21/22 and is still under review at this time. Planning staff has corresponded comments on the submittal and will provide a status update at the Planning Board meeting.

The Preliminary Plan submittal is consistent with Master Plan Approval condition #2 because the applicant has decided to pursue public sewer through a private force main connecting to Greenwood Lane with individual grinder pumps on each lot. Onsite wastewater treatment systems are no longer proposed.

Waivers:

There were two (2) waivers that were identified as part of the master plan application:

1. *A waiver of Section 22 Article C (8) of the Subdivision Regulations to allow for the 502 feet extension of the existing roadway in a RA-40 zone.*
2. *A Waiver of Section Article C (5) of the Subdivision Regulations to allow a 26-foot wide paved street right-of-way.*

It is not clear from the Master Plan Approval or minutes whether the waivers were explicitly granted. It is assumed that this was a technical oversight and that the Commission did not have objection to the waivers. To memorialize the approval of the waivers, the **Planning Board should explicitly incorporate them into their decision on the Preliminary Plan application.**

Staff raised the issue that the waiver #1 cited a dimension of 502' whereas the road extension is cited as 535' +/- on the Preliminary Plans. The response from the applicants engineer during the TRC meeting was that the 502' dimension was measured to the *center* of the cul-de-sac and that the 535' dimension measures to the *end* of the cul-de-sac. He assured the TRC that the road was the same length as approved at the Master Plan phase. The existing cul-de-sac is approximately 3,448 feet. **If the Planning Board chooses to grant this waiver, it should be at the 535' dimension.**

New waivers that have been requested as part of the Preliminary Plan submittal are:

1. *A waiver from Section 22.C.7 is required. A maximum slope of 1% is allowed in the cul-de-sac, a slope of 1.16% is proposed*
2. *A waiver from Section 22.C.(10) of the ~~and~~ Development and Subdivision Regulations is required to allow a centerline radius of 108.2' which exceed the less than the required minimum 150' centerline radius between Stations 0+00 and 1+23.*
3. *A waiver from Section 22 E (5) that all side lot lines shall be as near to right angles to a street rights-of-way line as practical or they shall be in arrangement when the street rights-of-way line is a curve.*

Waiver #1:

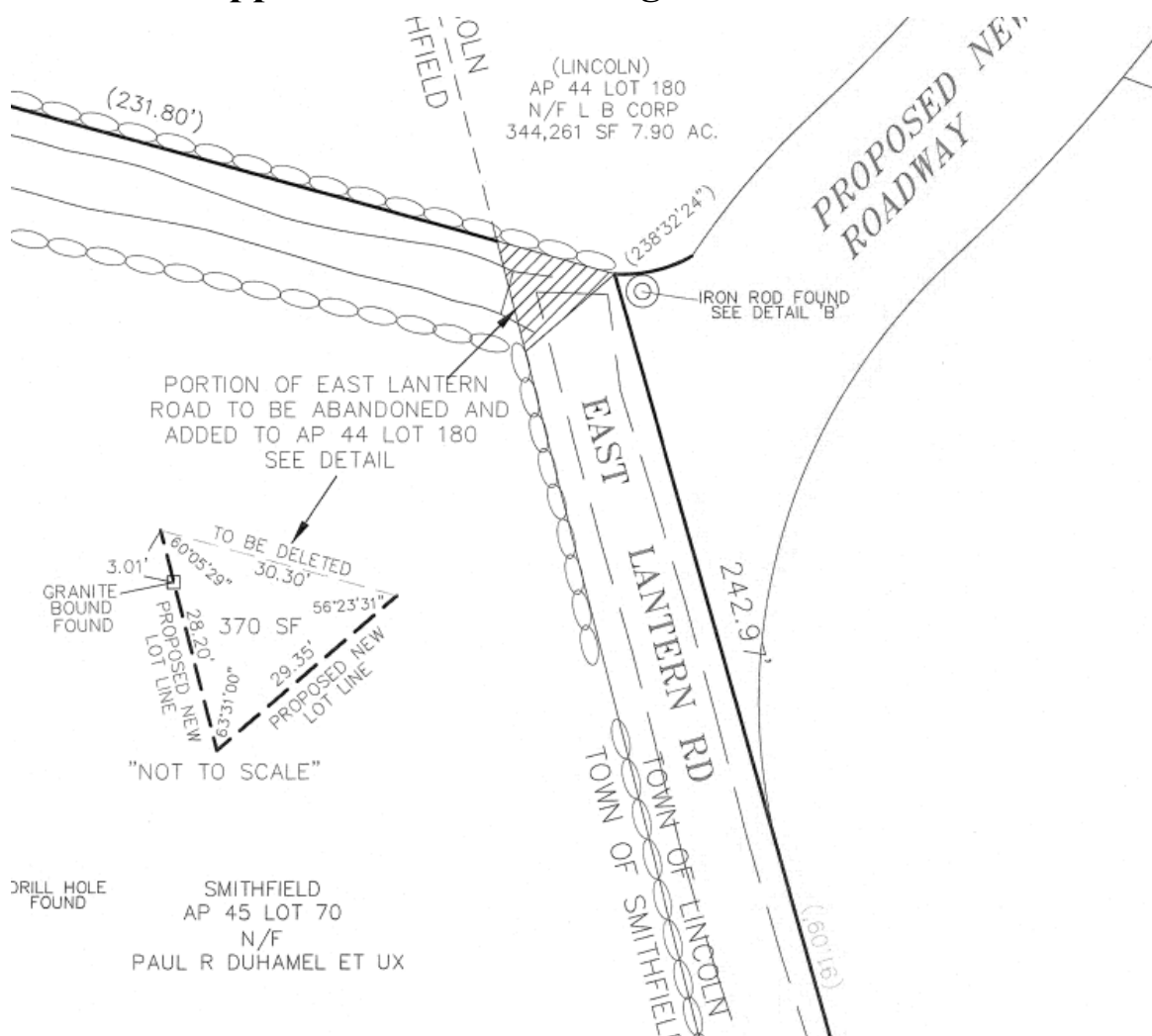
The Town Engineer, Leslie Quish went on record in support of waiver #1. Ms. Quish stated that she believes that it is infeasible to pave a cul-de-sac at less than 1%. In discussions with the Planning Department, she suggested that 1% should be a minimum, not a maximum, to allow for proper drainage and that the Town should consider revising the Regulations to require between 1% and 2%.

Waiver #2:

The reason for the waiver for the centerline radius, as explained by the applicant's engineer, is due to the Town's desire to prohibit the connection of East Lantern Road to the road network in Smithfield/Clark Road. In consultation with the Director of Public Works, the Town of Lincoln determined that connecting the roadways would have a negative impact on the residents of the Town of Lincoln. The proposal is for the Town to abandon a 370 ft² section of the existing right-of-way to be incorporated into future lot #6. This would effectively prevent the connection of the right-of-way. This is related to the waiver because it reduces the amount of area for the proposed extension of East Lantern Road. The Town Engineer vocalized her support for the waiver and noted that it would serve as a traffic calming mechanism. The TRC did NOT feel that the turn would be too sharp or create a safety hazard.

The abandonment would have to be approved by the Town Council as part of a separate application to be conducted after the Preliminary Plan but prior to Final Plan.

Snippet of Sheet 5 Showing the Abandonment



Waiver #3:

The TRC raised the issue and asked the applicant speak to each lot line. The applicant provided the following justification for the side lots lines to be as proposed:

- Between lots 1 & 2: to avoid the wetland edge on lot 1 and the drainage area on lot 2.
- Between lots 2 & 3: to run along the edge of the proposed drainage easement.
- Between lots 3 & 4: to meet the zoning requirements for area and width.
- Between lots 4 & 5: to run along the proposed sewer easement.

The TRC was generally satisfied with these explanations and supports this waiver request.

Site Layout

The subject lot is 7.92 acres and contains one structure. The applicant is proposing to construct six (6) residential lots, extend the existing East Lantern Road, construct a new cul-de-sac at the end of the extended roadway, remove the existing turn around in front of Lot 33 – 48 East Lantern Road, and install associated stormwater management systems. The houses are proposed to be serviced by private wells.

The Applicant proposed to widen East Lantern Road the road, between the existing cul-de-sac at 48 East Lantern Road to 20 feet. The newly established width of East Lantern Road is 20 feet. The extension of the road will be required to be 26 feet wide.

The existing cul-de-sac at 48 East Lantern Road will be removed (in part due to the abutting owner's request) and the existing driveway will be extended to the new edge of road.

Zoning

The parcel is located in the RA-40 Residential Agriculture zoning district. All of the proposed house lots meet the zoning requirements of this zoning district.

Utilities

The houses are proposed to have private wells.

During the Master Plan phase, the applicant was planning individual onsite wastewater treatment systems (OWTS). However, the applicant has changed course and is now proposing public sewer through a private force main that would connect to Greenwood Lane. The Town Engineer's recommended conditions include that the applicant obtain and record all legal

easements and agreements documenting approval from the property owners of AP 44 Lots 184 and 185 for the private sanitary force main.

Wetlands/Stormwater Runoff

Several wetland complexes existing on the lot. The proposed subdivision is designed within the upland areas with all lots meeting the upland area requirements. Two underground stormwater systems are proposed. The applicant has provided an Insignificant Alteration Permit from RIDEM dated 2/25/22 including terms and conditions for Wetlands Application No. 21-0188; RIPDES No. 102046. The project has also has Narragansett Bay Commission permits in hand.

During the TRC meeting, the Town Engineer confirmed that after several rounds of comments regarding the stormwater design, that her comments have been satisfactorily addressed. The Town Engineer's has reviewed the plans and stormwater report and has submitted the following comments:

1. *A waiver from Section 22.C.7 is required. A maximum slope of 1% is allowed in the cul-de-sac, a slope of 1.16% is proposed*
2. *A waiver from Section 22.C.(10) of the Land Development and Subdivision Regulations is required to allow a centerline radius of 108.2' which exceed the less than the required minimum 150' centerline radius between Stations 0+00 and 1+23.*
3. *The following Conditions of Approval are required:*
 - a. *The low pressure sanitary force main shall be owned and maintained by the future property owners and a home owners association shall be provided for review prior to recording.*
 - b. *The applicant obtain and record all legal easements and agreements documenting approval from the property owners of AP 44 bts 184 and 185 for the private sanitary force main.*
 - c. *Certification by a RI Civil Engineer that the low pressure force main was constructed in accordance with the approved design and industry standards be provided prior to recording.*
 - d. *Certification by a RI Civil Engineer that the infiltration basins were constructed in accordance with the approved design be provided prior to recording.*
 - e. *The infiltration basins shall be owned and maintained by the property owners and a homeowners association will be established to maintain them. The HOA and applicable deed references will be required at the time of recording.*
 - f. *The applicant coordinate the abandonment of a portion of the public right of way that will disconnect the public right of way in Incoln from Clark Road in Smithfield to prevent a possible connection of the roads.*
 - g. *Improve the existing portion of East Antern Road, between 48 East Antern Road and the proposed road extension, as detailed on the approved plans.*

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. During the TRC meeting, the Town Planner asked that the two lots that are to be affordable be identified on the plans. However, in discussion with the owner after the meeting, he indicated that he may pay the fee-in lieu. He was advised to be prepared to speak to this issue at the Planning Board meeting.

Recommendation:

Based on the submitted material, with the condition that the Administrative Subdivision between AP 44 Lot 180 and AP 44 Lot 172 be approved and recorded prior to the public informational meeting for the preliminary plan, the TRC finds that the applicant has successfully addressed the technical requirements of the subdivision regulations for a Preliminary Plan review stage and **recommends that the Planning Board schedule the application for the October 26, 2022 Planning Board public hearing.**

Major Land Development

b. Edgewood Estates
Edgewood Developer, LLC

AP 34 Lot 460
New River Road

Master Plan Application

The applicant has submitted written request to continue the matter to address staff concerns. The TRC voted to **continue** the matter to the next regular meeting.

Respectfully submitted,

Joshua Berry, AICP

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Town Planner

Administrative Officer to the Planning Board