



100 Old River Road
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OFFICE OF THE
TOWN PLANNER

October 21, 2022

Sherman Subdivision – Preliminary Plan Approval Extension
Staff Report for the October 26, 2022 Planning Board Meeting

Project Name: Sherman Subdivision
Application Type: Extension for Preliminary Plan
Prelim Plan Approval: 7/27/2022
Project Address: 28 Woodward Road
Plat and Lot: AP 19 Lot 155
Owner/Applicant: Dawn Sherman

This project received Preliminary Plan approval on July 27, 2022 as a minor subdivision, which has a 90-day approval vesting period. The approval expires on October 25, 2022 but the applicant submitted a request for a one-year extension on September 19, 2022.

The Technical Review Committee reviewed the request at their meeting on 10/18/22. Upon a motion by Ms. Quish, seconded by Mr. Gagnon, **the TRC unanimously voted to recommend that the Planning Board approve the one-year extension on this project extending the approval until October 25, 2023.**

Respectfully submitted,

Joshua Berry, AICP

Joshua Berry, AICP

Town Planner

Administrative Officer to the Planning Board



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October 21, 2022

Beauregard Subdivision – Preliminary Plan
Staff Report for the October 26, 2022 Planning Public Hearing

Project Name:	Beauregard Subdivision	Master Plan Approval: 11/18/2020
Application Type:	Major Subdivision	TRC Meetings: 9/21/22, 10/18/2022
Review Phase:	Preliminary Plan	
Project Address:	0 East Lantern Road	
Plat and Lot:	AP 40 Lot 180	
Zone:	RA-40	
Future Land Use:	Residential Med-Low (1-2 acre)	
Owner/Applicant:	LB Corp/Stephen Beauregard	

Proposal Summary:

This Major Subdivision Preliminary Plan application proposes the subdivision and development of a 7.9-acre residential RA-40 lot into six (6) lots for single-family residences. The existing structure is to be demolished. The project includes the proposed extension of East Lantern Road to end in a cul-de-sac. The proposal includes providing private wells and public sewer through a force main connecting to Greenwood Lane.

The 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 with sheet C3.0 revised July 6, 2022.
- *Stormwater Management Report for Major Land Development Project AP 44 Lot 180, East Lantern Road Extension, Lincoln RI*, revised January 24, 2022 with supplemental emails with analysis.

[illegible]

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 Applicant has complied with condition #1 by submitting and recording an Administrative Subdivision to comply with the condition. The administrative subdivision was recorded on 10/11/22.

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. to allow a slope of 1.16% where the maximum slope is 1%.*
2. *A waiver from Section 22.C.(10) of the Land Development and Subdivision Regulations to allow a centerline radius of 108.2' which is less than the required minimum 150' centerline radius between Stations 0+00 and 1+23.*
3. *A waiver from Section 22 E (5) to allow side lot lines that are not as near to right angles to a street rights-of-way line as practical or in radial 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 (see page 10). 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.

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 to be demolished. 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 exist 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 on October 18, 2022:

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 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. These shall be provided to the Town of Lincoln for review prior to recording.
 - b. The low pressure sanitary force main shall be owned and maintained by the future property owners and a home owners association shall be established to maintain them. The HOA and applicable deed references must be provided to the Town for review prior to recording.
 - 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. The forcemain shall be included in As-Built Plans.
 - d. All proposed dwelling units shall be equipped with a generator to ensure the sanitary grinder pumps will run during power outages. Verification of generators shall be provided prior to issuance of certificate of occupancies.
 - e. Certification by a RI Civil Engineer that the drainage system was constructed in accordance with the approved design shall be provided prior to recording.
 - f. The infiltration basins shall be owned and maintained by the property owners and a homeowners association shall be established to maintain them. The HOA and applicable deed references shall be provided to the Town for review prior to recording.
 - g. The applicant shall coordinate the abandonment of a portion of the public right of way that will disconnect the public right of way in Lincoln from Clark Road in Smithfield to prevent a possible connection of the roads. An easement shall be provided to the Town of Lincoln and Town of Smithfield for emergency access.

- h. The existing portion of East Lantern Road, between 48 East Lantern Road and the proposed road extension, shall be improved as detailed on the approved plans.
- i. The Applicant shall install landscaping to screen the infiltration basin on proposed Lot 2 from AP 44 Lot 109 prior to recording.

In addition, the Town Engineer sent the following correspondence to the Town Planner on 10/20/22 regarding groundwater elevations in relation to basements:

*Seasonal high groundwater elevations vary from 18" to 30" below existing grade in the vicinity of the proposed dwellings. While some fill is proposed around the dwellings and assuming a few front steps will be constructed to reach first floor elevations, it appears that basements will be located within seasonal high groundwater. The perpetual pumping of groundwater from basements cause a safety hazard in the winter if the water reaches the road and freezes as it often does. **The Applicant needs to address if basements are proposed and how groundwater will be handled. If basements are proposed, certification from the design engineer should be provided during the building permit stage verifying that the basement elevations are above seasonal high groundwater.***

Affordable Housing

According to the Town's Inclusionary Zoning ordinance §260-42, five or more new housing units trigger the requirement that 20% of the units be designated as affordable according to RI Housing regulations. As six lots are proposed, 1.2 units must be affordable. During the September TRC meeting, the Town Planner asked that the two lots that are to be affordable be identified on the plans. The applicant's engineer agreed, but in discussion with the owner/applicant after the meeting, they indicated that they may request to pay the fee-in lieu. The exact amount of the fee was not known at that time. He was advised to be prepared to speak to this issue at the Planning Board meeting. During the September Planning Board meeting, the applicant was still considering their options.

Staff reviewed §260-42(N) which states:

The fee amount due per each whole affordable dwelling unit required shall equal the sum of the cost of the land as assessed by the Town at the time of subdivision application and the cost of development, including construction, of an affordable unit on the same site as the proposed market rate units. The development cost used to complete in-lieu-of fee calculations shall be determined by Rhode Island Housing. Projects with fractional unit requirements shall pay an amount equal to the applicable in-lieu-of fee amount for a whole unit multiplied by the fractional requirement calculated out to two (2) decimal places.

According to the Ordinance, the Town Planner conveyed the fee calculation to the applicant's attorney. However, staff then became aware that the Lincoln Ordinance may be in conflict with RIGL § 45-24-46.1 (c)(1):

For affordable single-family homes and condominium units, the per-unit fee shall be the difference between the maximum affordable sales price for a family of four (4) earning eighty percent (80%) of the area median income as determined annually by the U.S. Department of Housing and Urban Development and the average cost of developing a single unit of affordable housing. The average cost of developing a single unit of affordable housing shall be determined annually based on the average, per-unit development cost of affordable homes financed by Rhode Island housing over the previous three (3) years, excluding existing units that received preservation financing.

Where Lincoln's ordinance conflicts with the statute, state law governs.

Therefore, the per unit fee in-lieu is \$63,000. The total fee for the Beauregard Subdivision (1.2 units) would be **\$75,600**. If the applicant were to build one unit and pay the fee for the remaining 0.2 units, the fee for 0.2 units would be \$12,600.

Please be aware that although the Lincoln Ordinance provides the choice for the developer, §260-42 N.(1) states *"The Town of Lincoln prefers that Inclusionary Units be constructed on-site. To that end, developers must prove that providing the Inclusionary Units on-site is infeasible to the Planning Board (As provided for in this Article, if approved). Planning Board approval of the agreement to pay an in-lieu-of fee in order to providing Inclusionary Units in a residential development is required."*

Staff has notified that applicant of this requirement.

If the developer does not request to pay the fee in lieu, or if the applicant cannot prove that providing the inclusionary units is infeasible, then they must comply with Zoning Code Section §260-42 (K).

§260-42 (K) Inclusionary Housing Agreement at Preliminary Plan

(1) Approval: The Inclusionary Housing Agreement must be approved before the developer receives preliminary plan approval.

(2) Agreements Required: Applications for residential development projects seeking preliminary plan approval shall be approved only concurrently with the approval of an Inclusionary Housing Agreement pursuant to this Article. This section shall not apply should the developer choose to pay an in-lieu-of fee.

(3) Information in the Inclusionary Housing Agreement:

(a) The location, structure, proposed tenure, and size of the proposed Market Rate and Inclusionary Units.

(b) The calculations used to determine the number of required Inclusionary Units.

(c) A site plan depicting the location of the Inclusionary Units.

(d) The mechanisms that will be used to assure the Inclusionary Units remain affordable for the required term.

(e) For phased developments, a phasing plan.

(f) A marketing plan for the process by which qualified households will be reviewed and selected to either purchase or rent the affordable units.

(g) Any other information reasonably requested by the Planning Board to assure compliance with the purposes and provisions of this section.

(4) The Town will provide its preferred format for Inclusionary Housing Agreement upon request.

There is no Inclusionary Housing Agreement at this time. The TRC did not discuss this particular issue and accordingly did not incorporate this requirement as part of its positive recommendation issued on 10/18/22.

Landscaping:

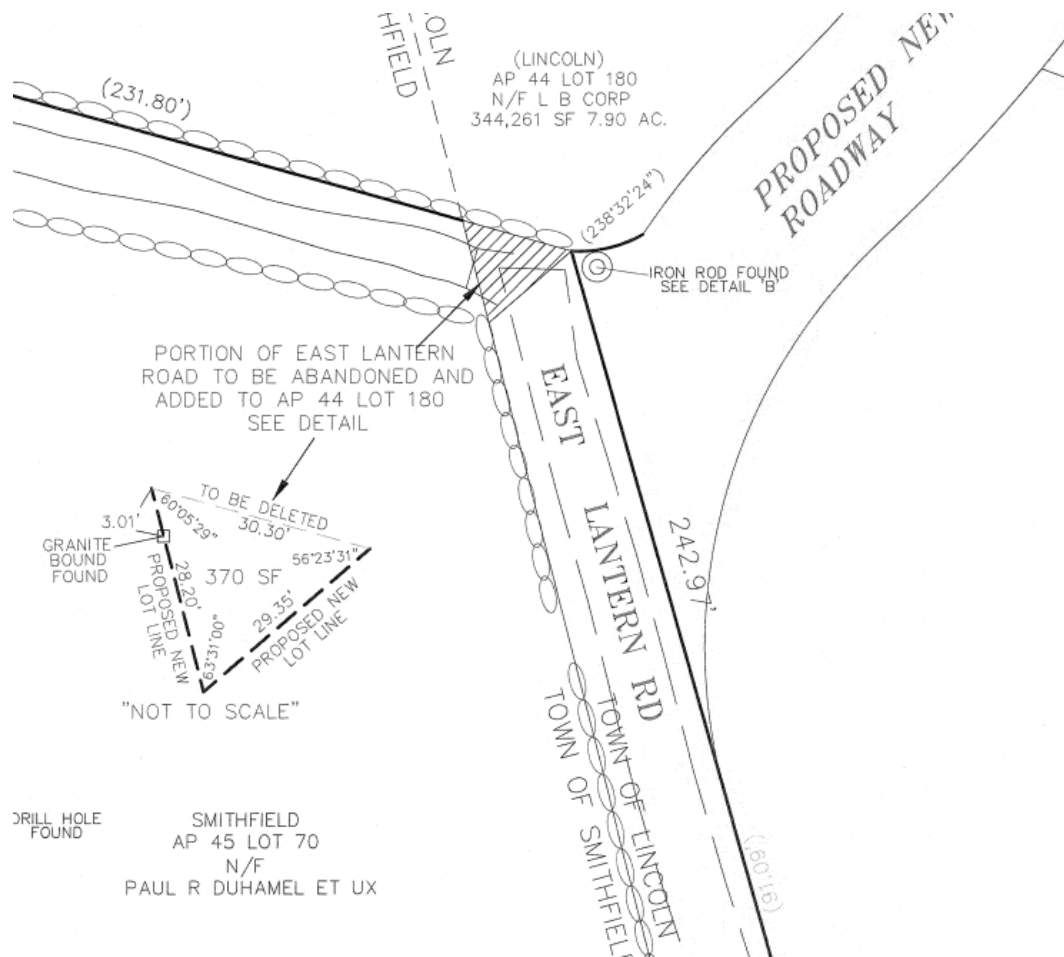
Typically, single-family residential developments are not required to provide landscape buffers. However, in this instance the owner of AP 44 Lot 109, Ronald Spagnole, approached staff with concerns about the visual impacts of the drainage basin and surrounding chainlink fence. Staff discussed the concern with the applicant who agreed to install landscaping to mitigate the view to the basin from lot 109. The TRC incorporated the landscaping into the recommended conditions of approval.

Road Abandonment

As discussed on page 4 regarding the discussion for the waiver of the centerline radius, 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. The applicant must apply to the Town Council for the abandonment separate from the subdivision review process. The TRC recommends that Preliminary Plan approval be conditioned to approval of the abandonment.

The subject site abuts the Town of Smithfield who were notified of the proposal. The Planning Department called Lincoln's Planning Department to discuss the abandonments, who questioned whether the future road connection should be blocked off and requested that if the abandonment does go through, that it include an easement for emergency vehicle access. This request was discussed by the TRC who felt the request was reasonable and incorporated the emergency vehicle access easement into the proposed conditions of approval.

Snippet of Sheet 5 Showing the Proposed Abandonment



Findings of Fact:

(1) The proposed development is consistent with the Lincoln Comprehensive Plan and/or has satisfactorily addressed the issues where there may be inconsistencies.

- a. The subdivision and proposed single-family development are consistent with the Future Land Use Map designation of "Medium Low Density Residential (1-2 acre)."
- b. The project is consistent with the Land Use Element's vision and policy for the Limerock Village for single-family development that maintains the rural character of the area.
- c. The blocking of the potential road connection to Smithfield is consistent with the Growth Management policy to manage traffic flows on the existing road system.

- d. The proposal is generally consistent with the Housing Element's policy guidance for Limerock, which calls for low density single-family residential development.

(2) The proposed development is in compliance with the standards and provisions of the Lincoln Zoning Ordinance.

- e. All of the six (6) proposed lots are in compliance with the standards and provisions of the Lincoln Zoning Ordinance and do not require zoning relief.
- f. The proposal is in compliance with the Town's Inclusionary Zoning Ordinance §260-42.*

*this finding only applies if the applicant requests to pay the fee in-lieu and the Planning Board accepts the request. If the applicant is going to build the units, or if the Planning Board does not accept the fee in-lieu, the applicant must comply with §260-42 (K) Inclusionary Housing Agreement at Preliminary Plan before this finding can be made.

(3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions of approval.

- g. No significant negative environmental impacts anticipated from the proposed project, with all required conditions of approval.
- h. The wetlands and associated buffers are under RIDEM jurisdiction and review. The applicant is required to restore the wetland perimeter per RIDEM conditions. The subdivision is subject to all state and local environmental regulations.
- i. The 2021 Rhode Island Natural Heritage map shows no known rare species located on site.
- j. The parcel does not lie within the watershed of a drinking water supply.

(4) Subdivisions, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impractical. (see definition (9) building lot and (10) building lot area). Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.

- k. The proposed 6 lots do not have physical constraints to development that building on those lots according to pertinent regulations and building standards would be impractical. The topography, soils and other physical features are such that building on the lots is feasible.

- l. The design, location of lots and buildings, utilities, drainage, and other improvements conform to local regulations.

(5) All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.

- m. The proposed project will have adequate and permanent physical access to East Lantern Road, a public street.

(6) Each lot in the subdivision conforms to the standards and provisions of the Lincoln Zoning Ordinance. Provided, however, that lots not being created for the purpose of present or future development need not meet the area and other dimensional requirements of the Zoning Ordinance provided that (a) a notation is shown on the recorded plat that the lot being created is not a buildable lot; and (b) a conservation or preservation restriction pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended, is granted to the Town of Lincoln prohibiting any such present or future development.

- n. The six (6) proposed lots conform to the standards and provisions of the Lincoln Zoning Ordinance. Each lot exceeds the minimum upland area, frontage, and width/depth ratio requirements.

(7) Each subdivision shall provide for safe circulation of pedestrian and vehicular traffic, for adequate surface water run-off, for suitable building sites, and for the preservation of natural, historical or cultural features that contribute to the attractiveness of the community.

- o. The proposed extension of East Lantern Road has been reviewed by the Town and provides for safe circulation of pedestrian and vehicular traffic. The proposal includes the widening of East Lantern Road in an area south of the project site to enhance the safety of the public roadway.
- p. The Town Engineer has conducted a thorough review of the stormwater and drainage and has found the proposal in compliance with Town regulations.
- q. The soils are for suitable development.
- r. There are no known natural, historical or cultural features that contribute to the attractiveness of the community that are protected by Town regulations.

(8) The design and location of streets, building lots, utilities, drainage improvements and other improvements in each subdivision shall minimize flooding and soil erosion.

- s. The Town Engineer has conducted a thorough review of the stormwater and drainage and has found the proposal in compliance with Town regulations.
- t. The roads, lots, utilities, grading, and drainage improvements have all been reviewed by the Town Engineer.

TRC Recommendation*:

**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.*

On Tuesday, October 18, 2022, the Technical Review Committee (TRC) met to review the agenda items for the October 26, 2022 meeting of the Planning Board. TRC members in attendance were Joshua Berry, Mike Gagnon, Jeffrey Almond, Leslie Quish, Francine Jackson, and Brad Ward. Also in attendance was Planning staff member Peggy Weigner and Engineering staff member Mike Gamage.

Based on the submitted material, 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 adopt the findings of fact and approve the application with the following waivers and conditions:**

Waivers:

1. Section 22 Article C (8) to allow a 535 feet extension of the existing roadway in a RA-40 zone.
2. Section Article C (5) to allow a 26-foot wide paved street right-of-way.
3. Section 22.C (7) to allow a cul-de-sac slope of 1.16%.
4. Section 22.C (10) of the Land Development and Subdivision Regulations to allow a centerline radius of 108.2' between Stations 0+00 and 1+23.
5. Section 22. E (5) to allow side lot lines that are not as near to right angles to a street rights-of-way line as practical or in radial arrangement when the street rights-of-way line is a curve.

Recommended Conditions:

1. 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. These shall be provided to the Town of Lincoln for review prior to recording.
2. The low pressure sanitary force main shall be owned and maintained by the future property owners and a home owners association shall be established to maintain them.

The HOA and applicable deed references must be provided to the Town for review prior to recording.

3. 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. The force main shall be included in As-Built Plans.
4. All proposed dwelling units shall be equipped with a generator to ensure the sanitary grinder pumps will run during power outages. Verification of generators shall be provided prior to issuance of certificate of occupancies.
5. Certification by a RI Civil Engineer that the drainage system was constructed in accordance with the approved design shall be provided prior to recording.
6. The infiltration basins shall be owned and maintained by the property owners and a homeowners association shall be established to maintain them. The HOA and applicable deed references shall be provided to the Town for review prior to recording.
7. The applicant shall coordinate the abandonment of a portion of the public right of way that will disconnect the public right of way in Lincoln from Clark Road in Smithfield to prevent a possible connection of the roads. An easement shall be provided to the Town of Lincoln and Town of Smithfield for emergency access.
8. The existing portion of East Lantern Road, between 48 East Lantern Road and the proposed road extension, shall be improved as detailed on the approved plans.
9. The Applicant shall install landscaping to screen the infiltration basin on proposed Lot 2 from AP 44 Lot 109 prior to recording.
10. If basements are proposed, certification from the design engineer shall be provided during the building permit stage verifying that the basement elevations are above seasonal high groundwater.

Please be aware that this recommendation was made without recognition of the fact that compliance with §260-42(K) has not yet been determined. The required finding on consistency with zoning can only be made when the applicant is in compliance with this section, either through acceptance of the fee in-lieu or with a Inclusionary Housing Agreement.

In addition to the above conditions incorporated into the TRC recommendation, the Town Planner recommends including the following conditions:

11. If basements are proposed, certification from the design engineer shall be provided during the building permit stage verifying that the basement elevations are above seasonal high groundwater.

12. On the Final Plan, delete or revise note #9 on sheet 3 of 16 that states “No known wells (private within 200’ or public within 400’) exist” as there is a well on AP 44 Lot 172.

Respectfully submitted,

Joshua Berry, AICP

Joshua Berry, AICP

Town Planner

Administrative Officer to the Planning Board



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October 21, 2022

McManus Subdivision – Master Plan
Staff Report for the October 26, 2022 Planning Board Meeting

Project Name:	McManus Subdivision	TRC Meeting: 10/18/2022
Application Type:	Major Subdivision	
Review Phase:	Master Plan	
Project Address:	552 River Road	
Plat and Lot:	AP 21 Lot 70	
Zone:	RS-12	
Land Area:	2.6 acres	
Future Land Use:	Residential Med-Low (1-2 acre)	
Owner/Applicant:	Daniel & Deborah McManus	

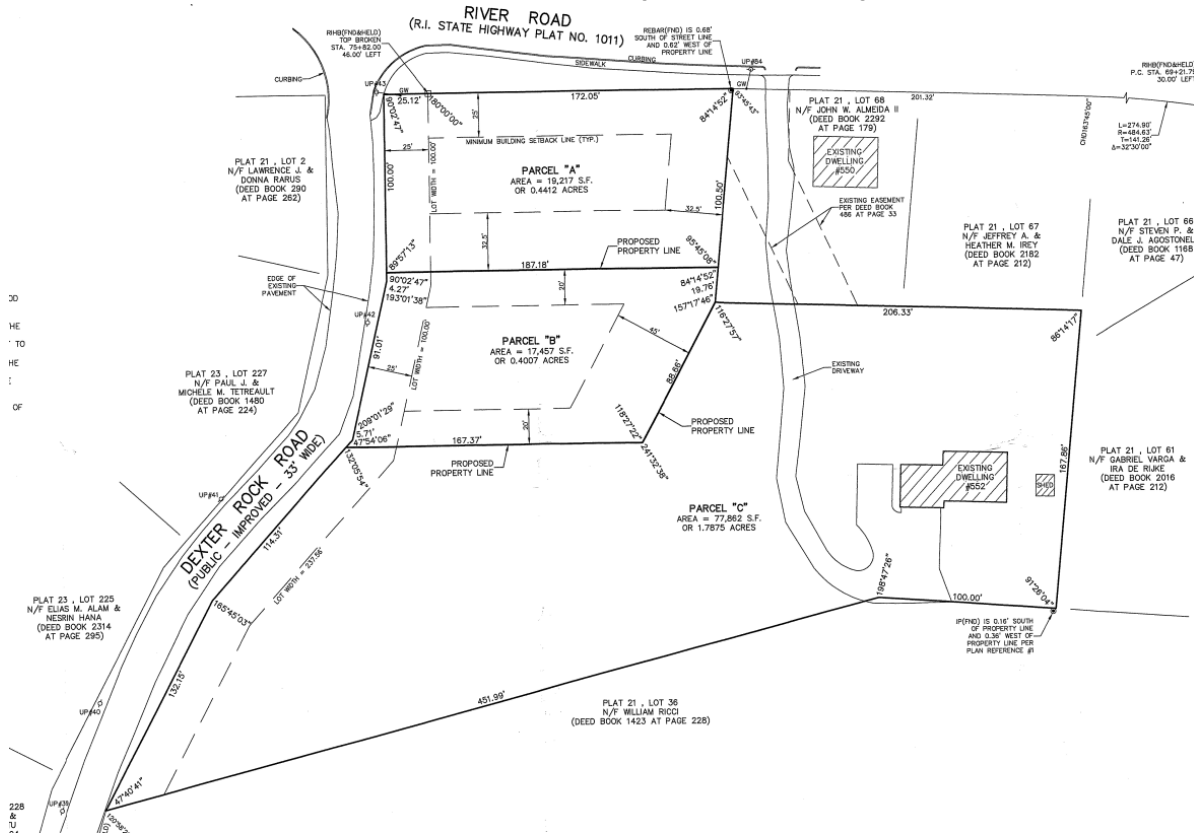
Proposal Summary:

This Major Subdivision Preliminary Plan application proposes the subdivision and development of a 2.6-acre residential RS-12 lot into three (3) lots for single-family residences. There is an existing single-family residence on proposed parcel C that is to remain. Although on comprising of three (3) lots, the application is classified as a Major because waivers are requested for concrete sidewalks and granite curbing. No zoning relief is required. No road extension is required as the site has frontage on Dexter Rock Road and River Road. The proposal includes providing public water and sewer to the two (2) new buildable lots.

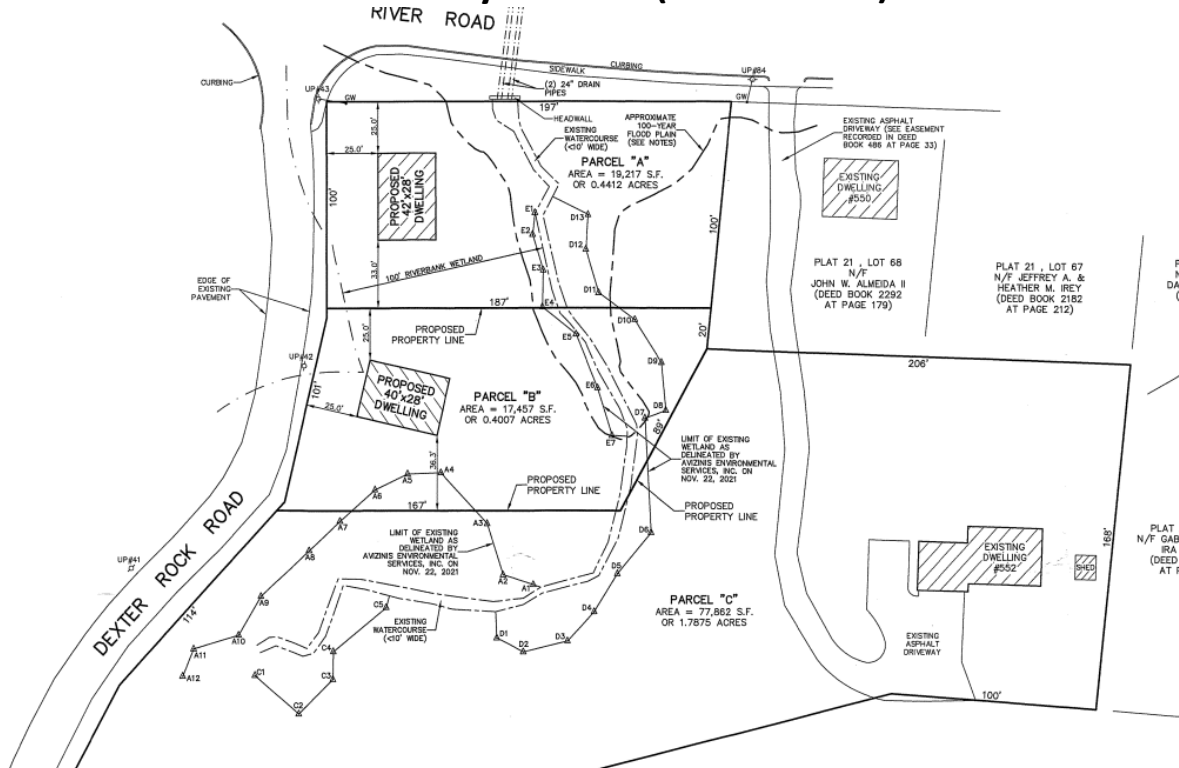
The submission included the following plans and report:

- *Master Plan, Minor Subdivision Property Line Plan and Site Plans for Daniel C. & Deborah McManus, Plat 21 Lot 70, 552 River Road & Dexter Rock Road, Lincoln, Rhode Island, prepared by Darveau Land Surveying, Inc. dated September 1, 2022.*
- *Wetland Report for Site Location A.P. 21 Lot 70 – 552 River Road, Lincoln RI prepared by Avizinis Environmental Services, Inc. on 12/7/21.*

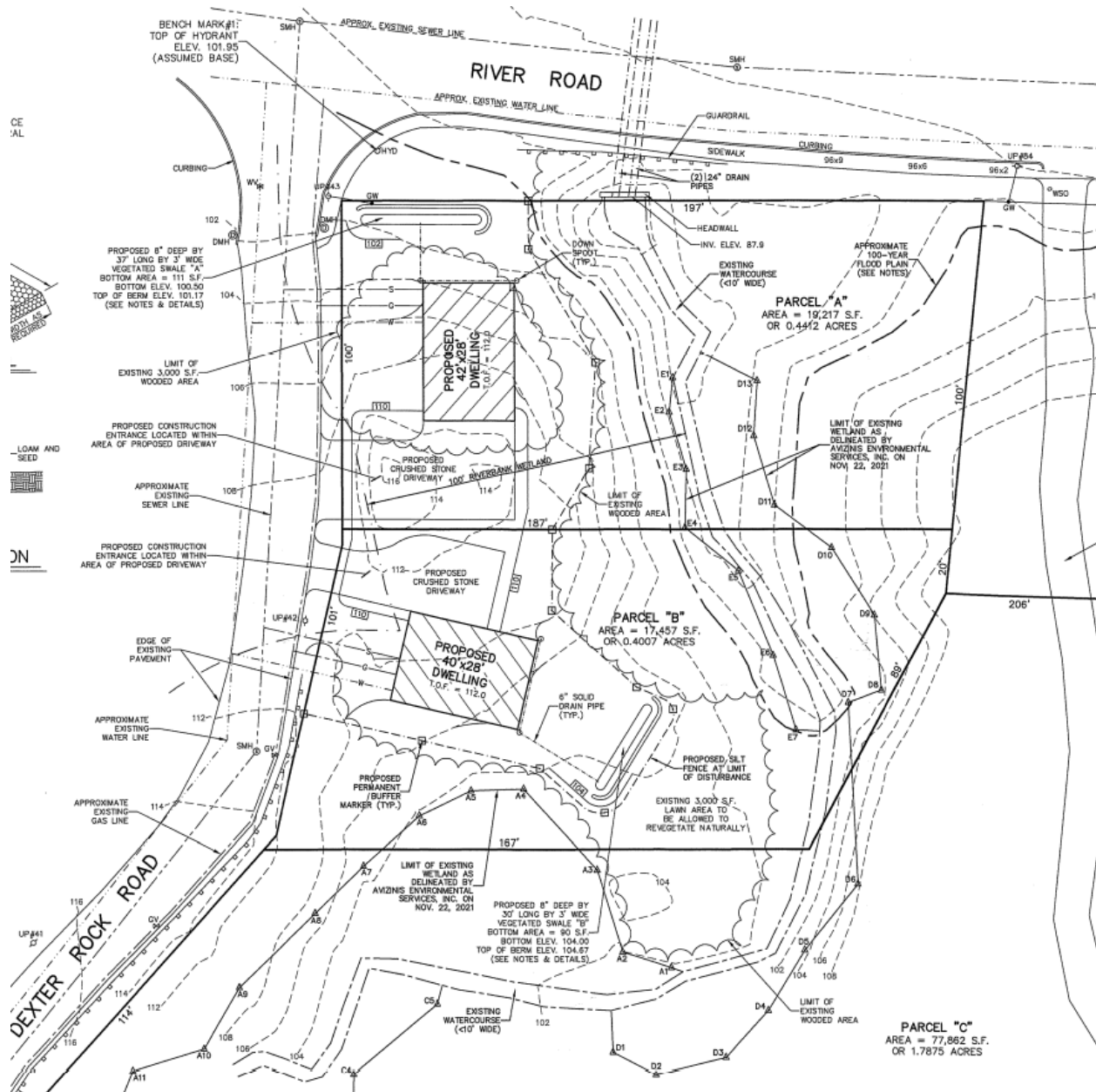
Subdivision Plan (Sheet 1 of 3)



Site Layout Plan (Sheet 2 of 3)



Development Plan (Sheet 3 of 3)



Aerial Image



Street View



Waivers:

There were three (3) waivers that were identified as part of the master plan application:

1. *Section 23 Article A(4) to not provide granite curbing. (all lots)*
2. *Section 23 Article A(5) to not provide concrete sidewalks.(all lots)*
3. *Section 22 Article E(3) to allow an interior lot angle to exceed the 200 degree maximum.(Parcel C only)*

The waivers were discussed at the TRC meeting on 10/18/22. There is existing curbing on River Road which is to remain. The curb cut for the driveway to Parcel A is proposed on Dexter Road, not River Road. There are no curbs or sidewalk on Dexter Road, so staff supported waivers #1 and #2.

It is mathematically impossible to comply with Section 22 Article E.(3) when carving a lot out of a larger parcel that abuts both the rear and side of the subject lot. Parcel B cannot be extended further to the rear because of the existing asphalt driveway to Parcel C. The TRC supports waiver request #3.

Site Layout

The subject lot is 2.6-acres and contains one structure to remain on proposed Parcel C. Proposed Parcels A and B will be carved out of the northern corner of the site, between the wetlands and Dexter Rd and River Rd. Although there is sufficient land area for further subdivision, it is the wetlands that prevents further subdivision. The new developable lots, Parcels A & B, will have frontage and driveways on Dexter Rock Road. Both driveways are located next to the abutting interior side lot lines and are proposed as crushed stone.

The following area calculations snippet was taken from sheet 1 of the plans:

AREA CALCULATIONS:			
	PARCEL "A"	PARCEL "B"	PARCEL "C"
TOTAL AREA	19,217 S.F.	17,457 S.F.	77,862 S.F.
WETLAND AREA	1,622± S.F.	2,915± S.F.	19,765± S.F.
UPLAND AREA	17,595± S.F.	14,542± S.F.	58,097± S.F.

There are existing trees in or near the right-of-way of Dexter Rock Road. Mr. Gagnon wanted the applicant to know that it will be the developer's responsibility to remove the trees as applicable, not the responsibility of the Town.

Zoning

The parcel is located in the RS-12 (Residential Single Family on 12,000 ft² lots). All of the proposed lots meet/exceed the RS-12 zoning requirements. During the TRC meeting, Mr. Ward asked that the applicant stake the foundation for the residence on proposed Parcel A as it is the minimum dimension from both River Road and Dexter Rock Rd. Mr. Ward also asked for a clarifying note on the side corner setbacks for proposed Parcel A.

Utilities

The applicant proposed public water and sewer for the two new lots. The applicant has yet to provide public water and sewer availability letters. The TRC noted this and recommends them as a condition of approval for Preliminary Plan.

The plan depicts gas utilities but staff believes that there are no gas utilities. The Town Engineer has asked the applicant to confirm this for preliminary plan.

Wetlands

There is a stream and significant wetlands located on the subject property. The following snippet is taken from the applicant's Wetlands Report showing the river and wetland buffers on the site.



The applicant has supplied their confirmation of receipt of a Preliminary Determination application from RIDEM. RIDEM permits/approvals will be required during the preliminary plan phase.

The Town Engineer has reviewed the plans and has submitted the following comments on October 17, 2022:

1. Provide water and sewer availability letters.
2. Add setback lines to the Site Plan (sheet 2 of 3) including for Parcel C.
3. Section 22.E.(3) of the Land Development and Subdivision Regulations states that lots shall not have interior angles greater than 200 degrees. The creation of Parcel B creates an interior angle greater than 200 degrees on Parcel C. Is a waiver requested?
4. Granite curbing and concrete sidewalks are required for all subdivisions. The plans do not depict them nor do waivers appear to be requested.
5. The plan depicts gas utilities in Dexter Rock Road. I do not believe there is gas in this street. Please confirm.
6. The majority of both lots are located within RIDEM wetland and riverbank wetland (buffer) areas. A RIDEM wetlands permit for this application is required prior to Preliminary Plan submission.
7. Provide sight distance calculations for proposed driveways at Preliminary Plan.

Grading

There are considerable slopes on site. The most significant slopes surround the watercourse, which bisects Proposed Parcel C from proposed Parcels A and B. There is no significant grading proposed for the development.

Stormwater

The stormwater and drainage will be reviewed as part of the Preliminary Plan review process.

Affordable Housing

This project does not trigger inclusionary zoning. This is not an affordable housing project.

TRC Recommendation*:

**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.*

On Tuesday, October 18, 2022, the Technical Review Committee (TRC) met to review the agenda items for the October 26, 2022 meeting of the Planning Board. TRC members in

attendance were Joshua Berry, Mike Gagnon, Jeffrey Almond, Leslie Quish, Francine Jackson, and Brad Ward. Also in attendance was Planning staff member Peggy Weigner and Engineering staff member Mike Gamage.

Based on the submitted materials and the discussion during the meeting, the TRC finds that the applicant has successfully addressed the technical requirements of the subdivision regulations for a Master Plan review stage and **recommends the Planning Board schedule the master plan application for a public informational meeting at the November 16, 2022 Planning Board meeting.**

Respectfully submitted,

Joshua Berry, AICP

Joshua Berry, AICP

Town Planner

Administrative Officer to the Planning Board



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OFFICE OF THE
TOWN PLANNER

October 21, 2022

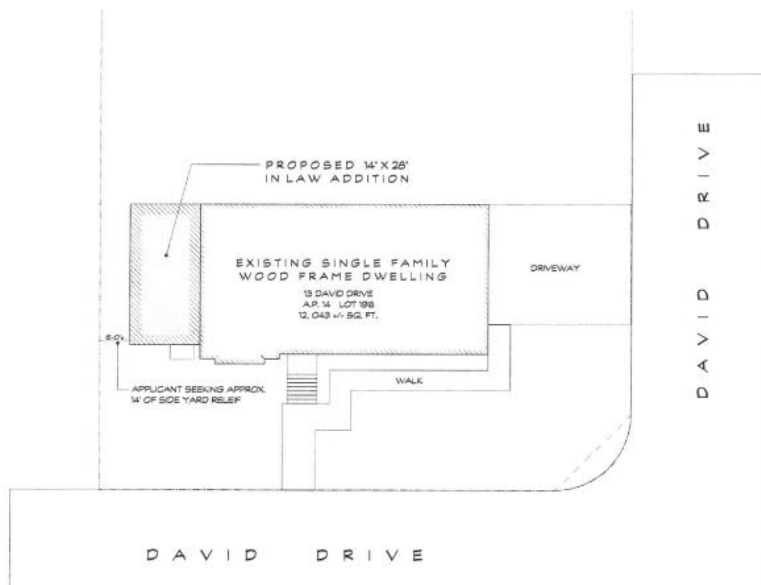
13 David Drive – Dimensional Variance
Staff Report for the October 26, 2022 Planning Board Meeting

Application Type: Dimensional Variance
Project Address: 13 David Drive
Plat and Lot: AP 14 Lot 196
Zone: RS-12
Owner/Applicant: Jackie & Felix Fernandes
TRC Meeting: 10/18/2022

Summary:

Application for a dimensional variance to allow a two-floor addition of an accessory dwelling unit that encroaches into the side setback.

Architectural Site Plan



Analysis:

The TRC identified issues with the plans for the proposed addition. The survey plan has hand-drawn dimensions that may or may not be from the surveyor, and architectural site plans cannot be used to accurately identify the exact location of the lot lines in relation to the addition. The survey shows the existing home to be 19.7' away from the side lot line and the addition is 14' wide, resulting in a distance of 5.7' between the proposed addition and the side lot line, whereas the architectural site plan shows a dimension of 6'.

Despite the insufficient/inconsistent materials, the TRC did not feel that developing within 5.7' of a side property line is appropriate at this location, especially not at two-stories high. Lesser encroachments could be appropriate, but this proposed encroachment is not consistent with the neighborhood. Furthermore, there is sufficient buildable area for an addition in the rear of the residence next to the garage, and therefore the TRC felt that this was not the least relief necessary.

TRC Recommendation:

The TRC reviewed the application for the dimensional variance and due to the findings that the encroachment is too significant and may not be the least relief necessary, the TRC recommends that the Planning Board make a **negative recommendation** on this application to the Zoning Board of Review.

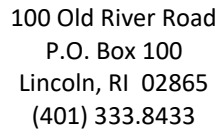
Respectfully submitted,

Joshua Berry, AICP

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Town Planner

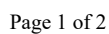
Administrative Officer to the Planning Board



October 21, 2022

Application Type:	Dimensional Variance
Project Address:	170 Jenkes Hill Road
Plat and Lot:	AP 26 Lot 74
Zone:	RA-40
Owner/Applicant:	Pamella J. Villella
TRC Meeting:	10/18/2022

Application for a dimensional variance to allow a two-story addition that encroaches into the side setback.



Analysis:

The TRC reviewed the plans and found the request for relief to be warranted. The RA-40 setbacks applied to this corner lot leaves no compliant alternatives. The existing building encroaches further into the same side yard setback than does the proposed addition. The proposed addition is in the most reasonable location.

TRC Recommendation:

The TRC reviewed the application for the dimensional variance and due to the findings that the encroachment is reasonable based on the setbacks on the corner lot and the existing orientation of the structures, the TRC recommends that the Planning Board make a **positive recommendation** on this application to the Zoning Board of Review.

Respectfully submitted,

Joshua Berry, AICP

Joshua Berry, AICP

Town Planner

Administrative Officer to the Planning Board