



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

OFFICE OF THE
TOWN PLANNER

November 10, 2022

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

Project Name:	McManus Subdivision	TRC Meetings: 10/18/2022
Application Type:	Major Subdivision	11/08/2022
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 Medium (1/4 - 1 acre)	
Owner/Applicant:	Daniel & Deborah McManus	

(This memo is meant to supersede, not supplement, the October Staff Memo)

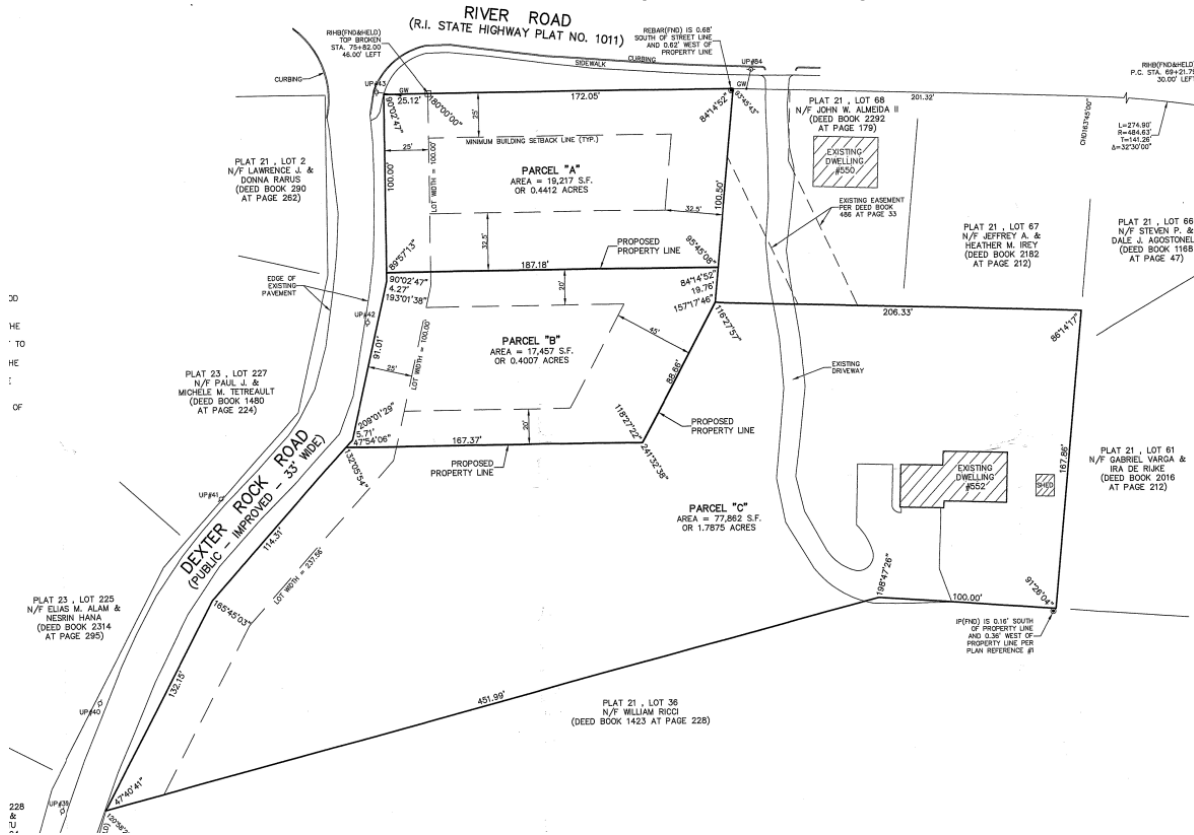
Proposal Summary:

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 only comprised of three (3) lots, the application is classified as Major due to waivers for concrete sidewalks, granite curbing and the interior lot angle for Parcel C. 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.

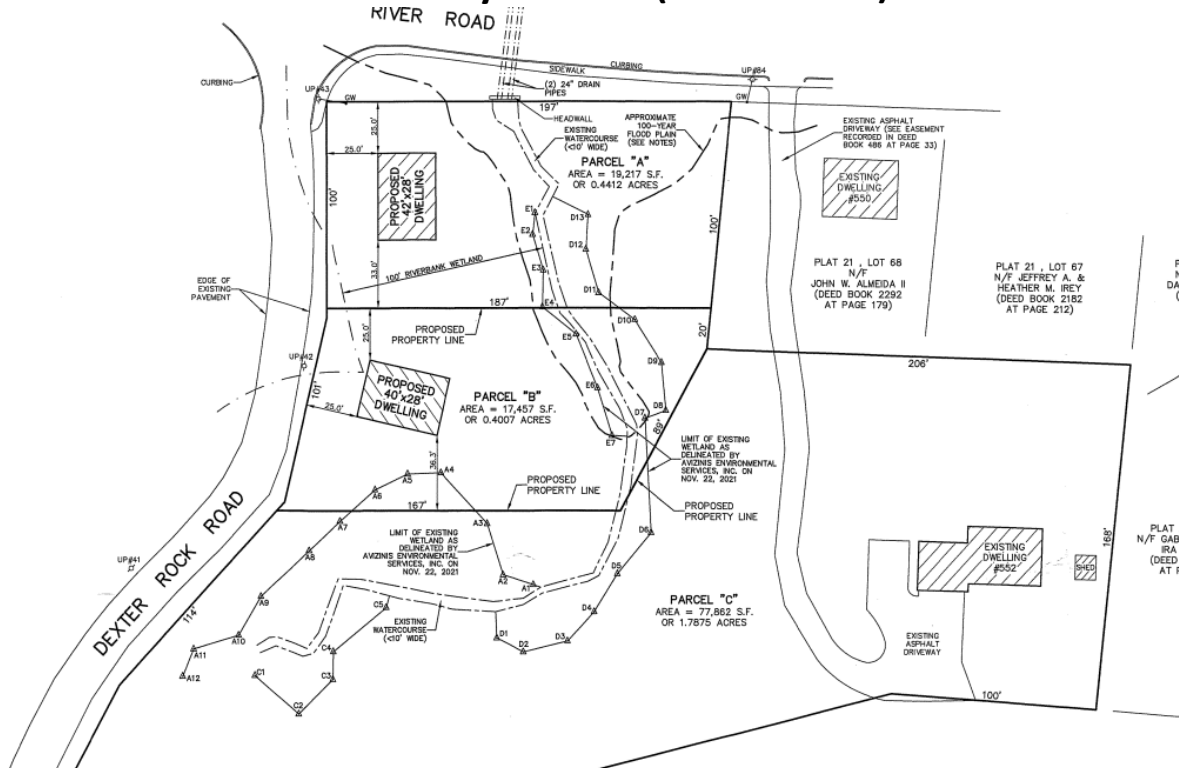
The submission included the following plans and report:

- *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 9/1/22, last revised 10/24/22.*
- *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.*

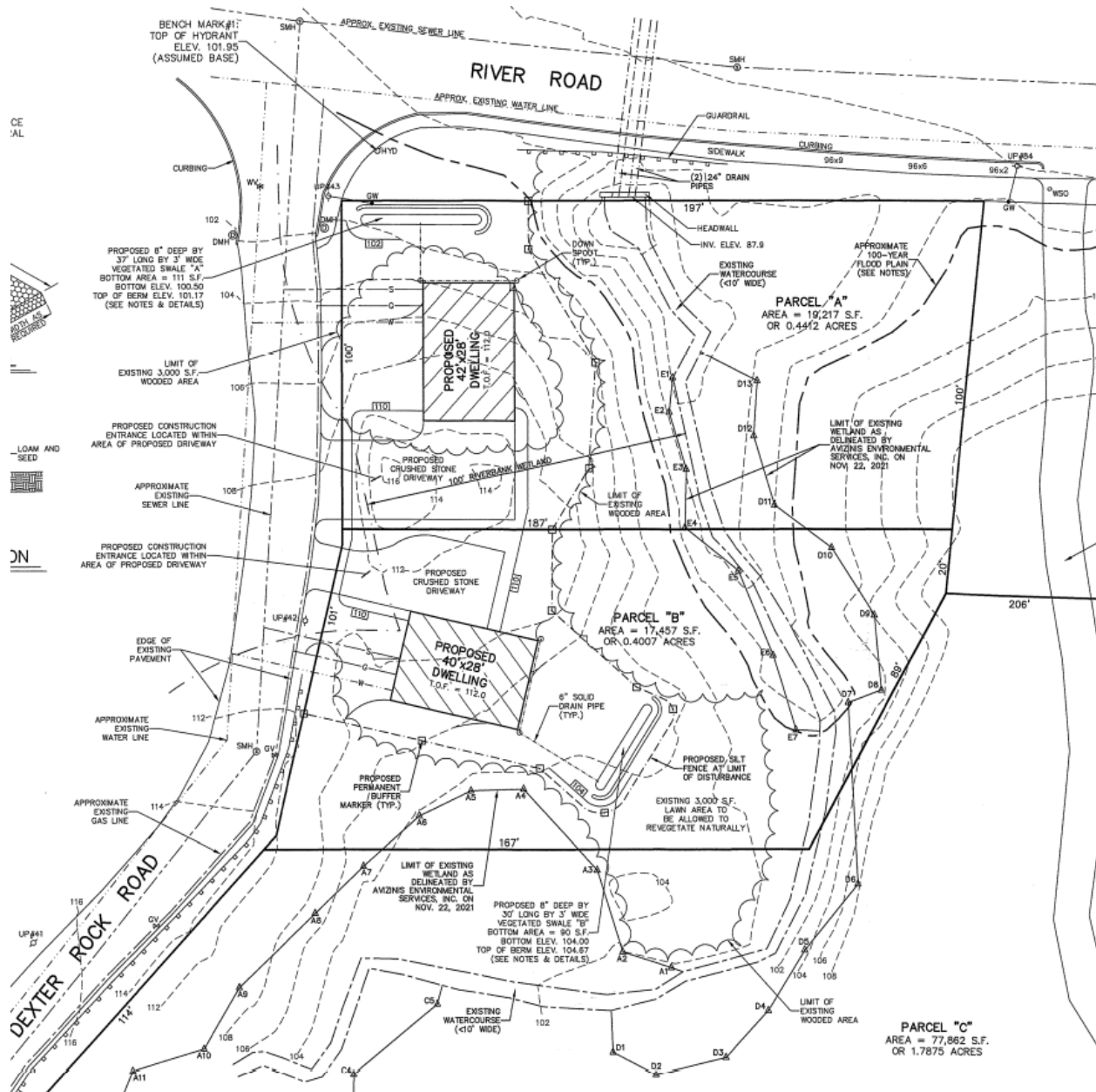
Subdivision Plan (Sheet 1 of 3)



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 and then again at the 11/8/22 meeting. There is existing curbing and sidewalk on River Road which are to remain (note that this are in the State, no Town, right of way). The curb cut for the driveway to Parcel A and B are proposed on Dexter Rock Road, not River Road. The TRC confirmed that there is no curbing on Dexter Rock Road and identified the fact the there is an existing guardrail preventing sidewalks for much of the frontage on Parcel C. Between the guardrail and the proposed driveways, there is little space remaining for sidewalks. Mr. Gagnon, DPW Director, stated that the Town should not take on the liability and maintenance particularly as Dexter Rock Road is a narrow road. He stated safety concerns that the curbing would present for plowing the road. The Town Engineer stated that installing curb would require cutting a 2' trench in the road which would then trigger curb to curb repaving of the disturbed portion of Dexter Rock Road, a substantial cost to the applicant. At the request of the applicant, the DPW Director has agreed to submit a letter to the Planning Board in support of the waivers. The TRC unanimously voted to support waivers #1 and #2 as part of their recommendation.

Regarding waiver #3, it is mathematically impossible to comply with Section 22 Article E.(3) when carving a lot out from a larger parcel that wraps around the rear and side of the newly carved-out lot. Parcel B cannot be extended further to the rear because of the existing asphalt driveway to Parcel C. The corner of Lot B was placed at the center of the watercourse for functional reasons; the owner of Parcel C has more practical access to that side of the stream and it would be difficult and impractical for the Parcel B owner to access that area. The TRC unanimously voted to support 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 prevent 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, that is would not be 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, because the building foundation is shown to abut the building setbacks, Mr. Ward asked that the applicant stake the foundation for the residence on proposed Parcel A. Mr. Ward also asked for a clarifying note on the side corner setbacks for proposed Parcel A. The revised plans dated 10/24/22 provides the note.

Utilities

The applicant proposed public water and sewer for the two new lots. The TRC noted that availability letters were not yet provided and recommends them as a condition of approval for Preliminary Plan, however the sewer availability letter was issued on 11/10/22, and the water letter is part of the preliminary plan checklist so a condition is not required.

Gas is not available at this location.

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. Due to the location of the slopes in regards to the proposed improvements, no significant grading is necessary for the development.

Stormwater

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

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.

Affordable Housing

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

Comprehensive Plan Analysis:

The proposal new single-family lots that comply with zoning is consistent with the Comprehensive Plan policy of maintaining residential densities. Corroborating this finding, the proposed density of 0.88 units/acre is consistent with the Future Land Use Map designation as *Residential Medium (1/4 - 1 acre)*. The single-family housing development is generally

consistent with Comprehensive Plan Housing Element policies, maintaining the overall housing pattern and character in Lincoln.

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's proposed density of 0.88 units/acre is consistent with the Future Land Use Map designation as *Residential Medium (1/4 - 1 acre)*.
- b. The single-family housing development is generally consistent with Comprehensive Plan Housing Element policies, maintaining the residential densities, overall housing pattern and character in Lincoln.

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

- c. All of the three (3) proposed lots are in compliance with the standards and provisions of the Lincoln Zoning Ordinance and do not require zoning relief.

(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.

- d. The wetlands and associated buffers are under RIDEM jurisdiction and review. Full RIDEM review will be required at the Preliminary Plan phase.
- e. At this conceptual phase, no significant negative environmental impacts anticipated from the proposed project, with all required conditions of approval as may be applied to this or future review phases.
- f. The subdivision is subject to all state and local environmental regulations.
- g. The 2021 Rhode Island Natural Heritage map shows no known rare species located on site.
- h. 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.

- i. The proposed here (3) lots do not have physical constraints to development that building on those lots according to pertinent regulations and building standards would be impractical. No substantial grading is required.
- j. The topography, soils and other physical features are such that building on the lots is feasible.
- k. 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.

- l. The two (2) new proposed lots will have adequate and permanent physical access to Dexter Rock Road, a public street. The existing residence to remain on proposed Parcel C has existing access to River Road through an easement and has frontage on Dexter Rock Road.

(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.

- m. The three (3) 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.

- n. The proposed access for new Parcels A and B have been reviewed by the Town and provides for safe circulation of pedestrian and vehicular traffic, with the condition that the applicant provide site distance calculations as part of the Preliminary Plan submittal.

- o. The Town Engineer shall conduct a thorough review of the stormwater and drainage for compliance with Town regulations at the Preliminary Plan phase.
- p. 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.

- q. The Town Engineer shall conduct a thorough review of the utilities and drainage improvements for compliance with Town regulations at the Preliminary Plan phase.

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.*

Based on the submitted materials and the discussion during the November 8th TRC meeting, the TRC found that the application successfully addresses the technical requirements of the subdivision regulations for a Master Plan review stage and is consistent with the Comprehensive Plan. Upon a motion by Member Gagnon, seconded by Member Reilly, **the TRC unanimously voted to recommend the Planning Board APPROVE the McManus Subdivision master plan application with waivers for sidewalk, curbing and the interior lot angle exceeding 200 degrees, with the following conditions:**

1. Provide an NBC permit as part of the Preliminary Plan submittal.
2. Provide a RIDEM wetlands permit for this application as part of the Preliminary Plan submittal.
3. Provide sight distance calculations for proposed driveways at Preliminary Plan.
4. Add setback lines to the Site Plan (sheet 2 of 3).

Respectfully submitted,

Joshua Berry, AICP

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Town Planner

Administrative Officer to the Planning Board