



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

OFFICE OF THE
TOWN PLANNER

January 19, 2023

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

Re: TRC Variance Recommendations (Consent Agenda Items)

Dear Honorable Members,

On Wednesday, January 17, 2023, the Technical Review Committee (TRC) met to review and make recommendations on the variance applications below for the January 25, 2023 meeting of the Planning Board. TRC members in attendance were Joshua Berry, Jeffrey Almond, Leslie Quish, Francine Jackson, Mike Gagnon and Russell Hervieux. Also in attendance were Planning staff member Peggy Weigner and Mike Gamage. Below are the Committee's recommendations.

Please note that the TRC also reviewed a variance application for AP 28 Lot 149 at 23 New England Way. However, this variance application is part of a Major Land Development Application "Windmoeller & Hoelschler building Expansion" that is anticipated to have a public informational meeting before the Planning Board on February 22. To ensure the review of the two applications run concurrently, the TRC recommendation on the variance will be made part of the February TRC Variance Recommendations.

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 be binding on the Planning Board in its activities or decisions.

CONSENT AGENDA ITEMS

a. William & Tracy Cheney

**AP 38 Lot 99
259 Railroad Ave**

Variance Application

Summary:

Application for a dimensional relief for a front setback encroachment on a corner lot to allow an addition (kitchen) on an existing two-family building.

Analysis:

The proposed 25' x 19' kitchen addition is proposed at 9.6' from Railroad Street where a 20' setback is required in RG-7 zones. The subject property is a corner lot, also fronting on 4th Street. The TRC found that there is no alternative design that would comply with the setbacks due to the existing decks and pool in relation to the existing building. The existing nonconforming building already encroached into both front setbacks, and is further into the Railroad St setback (8.4' away) than the proposed addition. The TRC also noted that there are numerous structures built within the front setbacks in the surrounding area, so relief would not impair the character of the area.

Recommendation:

Finding that the addition would be in character with the surrounding area, and finding that there are no compliant alternative locations on the subject site, the TRC unanimously (6-0) recommends that the Planning Board make a **positive recommendation** on this application to the Zoning Board of Review.

b. Sharon, William & Amanda Lima **AP 9 Lot 57
364 Great Rd**

Variance Application

Summary:

Application for a use variance to allow a pet grooming facility in an accessory building within an RL-9 zone.

Analysis:

The pet grooming use is proposed in a 14' x 16' accessory building by appointment only. The building was most recently a legal nonconforming real estate office. The site has a history of commercial uses prior to the office use. The TRC noted that there are other commercial uses in

the area, notable a hair salon directly across from the subject property on Lincoln Ave. However, due to the lack of a surveyed plan, the TRC was concerned that the application materials submitted did not adequately convey that there was sufficient off-street parking. Other concerns included the inconsistency of the use with the Comprehensive Plan Future Land Use Map which calls for “Med-High Residential” and a lack of a clearly designated area for animals to relieve themselves. Despite the concerns, upon the realization that Lincoln’s zoning ordinance would not allow any uses other than a shed or the continuation of the office use, the TRC found this was an appropriate use of the site.

Recommendation:

Taking into account the history of commercial uses of this site, and finding that the use would not be harmful or out of character with the surrounding area, with the stipulation that the applicant is able to demonstrate that there is adequate off-street parking, the TRC voted 5-1 to recommend 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



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January 19, 2023

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Re: Walker Lofts - AP 2 Lot 84, 95, 96, 98 & 100 - TRC Bond Recommendation

Dear Honorable Members,

On Wednesday, January 17, 2023, the Technical Review Committee (TRC) met to review and make recommendations on the bond calculation for the Walker Lofts project which is scheduled for the January 25, 2023 meeting of the Planning Board. TRC members in attendance were Joshua Berry, Jeffrey Almond, Leslie Quish, Francine Jackson, Mike Gagnon and Russell Hervieux. Also in attendance were Planning staff member Peggy Weigner and Mike Gamage. Below are the Committee's recommendations.

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 be binding on the Planning Board in its activities or decisions.

Summary:

On October 27, 2021, the Planning Board granted a conditional Preliminary Plan approval on a comprehensive permit application to Walker Lofts, LC for their project "Walker Lofts." The project is a 126-unit mill redevelopment project with a 25% affordability requirement. The applicant is now in the process of seeking their Final Plan approval, but in doing so need to bond the public improvements associated with the project. The conditions of the preliminary plan approval by the Planning Board are

as follows, please take note of conditions 3, 4, 5 and 6 as they pertain to improvements that are part of the bond calculation:

Conditions of Preliminary Plan Approval:

1. *A total of thirty-two (32) units or 25% of the total unit count will be designated and deed restricted as low and moderate-income units according to RI Housing standards. The thirty-two designated units shall remain designated and deed restricted as low and moderate-income units for a period of ninety-nine (99) years.*
2. *A note be placed on the preliminary plans and construction plans stating that the applicant shall notify the Town at the appropriate time during the site work phase of the project if they discover any unidentified public infrastructure and allow the Town to evaluate the functionality and condition of the infrastructure. The applicant will cooperate with the Town to determine if any remedies are needed at that time. The Town will be responsible for any improvements to the public infrastructure if needed.*
3. *The developer is required to line the sewer main in order to eliminate the existing water infiltration and increase the capacity of the sewer main.*
4. *The applicant will remove and replace the existing sidewalk running along Walker Street with a new five-foot wide concrete sidewalk and a one-foot grass strip as shown on the submitted plan set.*
5. *The portion of the Moshassuck Road that abuts the project will be reoriented, then leveled and overlaid with new pavement as shown on the submitted plan set. Some roadway sections will be completely reconstructed based on onsite observations at the time of paving.*
6. *The existing fencing running along Walker Street will be replaced with fencing similar in style and appearance to the existing wrought iron fence that was original to the mill complex as shown on the submitted plan set. The existing memorial attached to existing fence will be removed and reinstalled onto the new fence.*
7. *A Physical Alteration Permit from the Rhode Island Department of Transportation (RIDOT) is required for the proposed offsite improvements along the [sic] Moshassuck Road and Walker Street as shown on the submitted plan set.*

Based on these conditions, the Town Engineer has calculated a bond in the amount of **\$203,608**. Please see the attached memo and itemized calculation from the Town Engineer.

Analysis:

The TRC reviewed the bond in relation to the conditions. There were no concerns from the TRC, however, the applicant raised the issue that RIDOT is requiring that they bond the sidewalk and curb on Walker Street, and believes that it would be unnecessary to bond the same improvement twice, albeit to different entities. The TRC did not have a direct answer for the applicant during the meeting and acknowledged that the Walker Street improvements may be removed from the total bond amount should the Planning Board find that they are not necessary.

Please note that the applicant requested that the Planning Board accept a non-cash bond in a form acceptable to the Finance Director and Planning Board, especially as this is an affordable housing project. The TRC conveyed that cash bonds are the preferred form, but defer to the Planning Board on this issue.

Recommendation:

The TRC unanimously voted to recommend that the Planning Board approve the bond for the Walker Lofts project in the amount of **\$203,608**.

Respectfully submitted,

Joshua Berry, AICP

Joshua Berry, *AICP*

Town Planner

Administrative Officer to the Planning Board



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January 20, 2023

Windmoeller & Hoelscher Building Addition – Master Plan
TRC Report for the January 25, 2022 Planning Board Meeting

Project Name: Windmoeller & Hoelscher Building Addition
Application Type: Major Land Development
Review Phase: Master Plan
Project Address: 23 New England Way
Plat and Lot: AP 28 Lot 149
Zone: ML-0.5 Manufacturing Limited
Land Area: 5.73-acres
Future Land Use: Limited Manufacturing and Office
Owner/Applicant: Windmoeller & Hoelscher Corporation

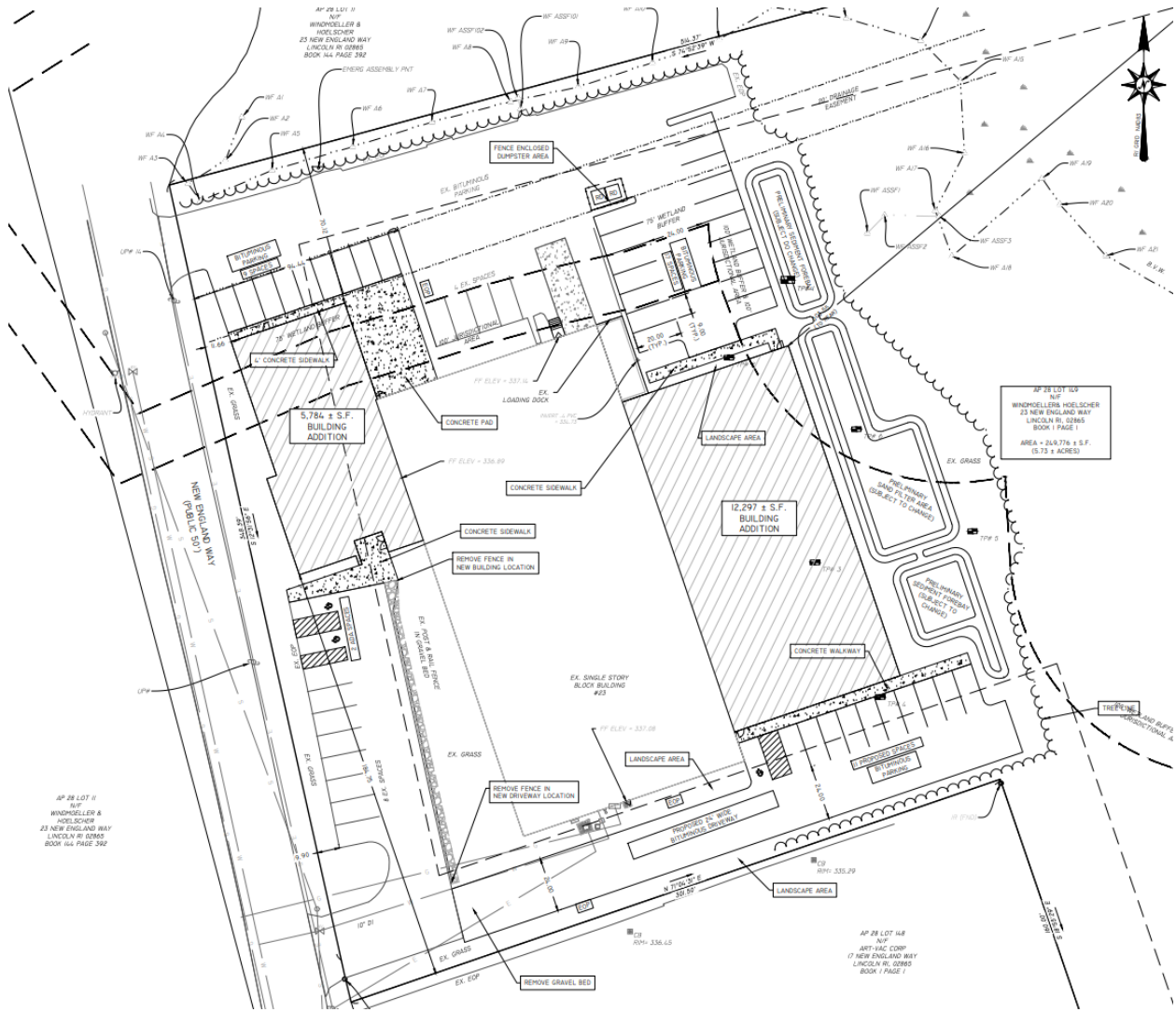
Proposal Summary:

This Major Land Development Project involves two (2) additions to a 20,604 sq. ft. existing industrial building and associated site improvements to expand the owner/applicant's manufacturing business. The applicant proposes a 12,297 sq. ft. addition for warehouse space to the rear (east) of the existing building and a 5,874 sq. ft. addition for office space in the front of the building (west). The project includes parking and drainage improvements associated with the additions. Zoning relief is being sought from the front setback and for the off-street parking requirement. No road extension or new curb cuts are required as the site has frontage and two existing access points on New England Way.

The submission included the following plans:

- *Layout Plan (Master), Windmoeller & Hoelscher Corp, prepared by Paul D. Carlson, PE, dated 12/20/22.*
- *Existing Conditions Plan, Windmoeller & Hoelscher Corp, prepared by Mark N. Nyberg, PLS, dated 12/20/22.*

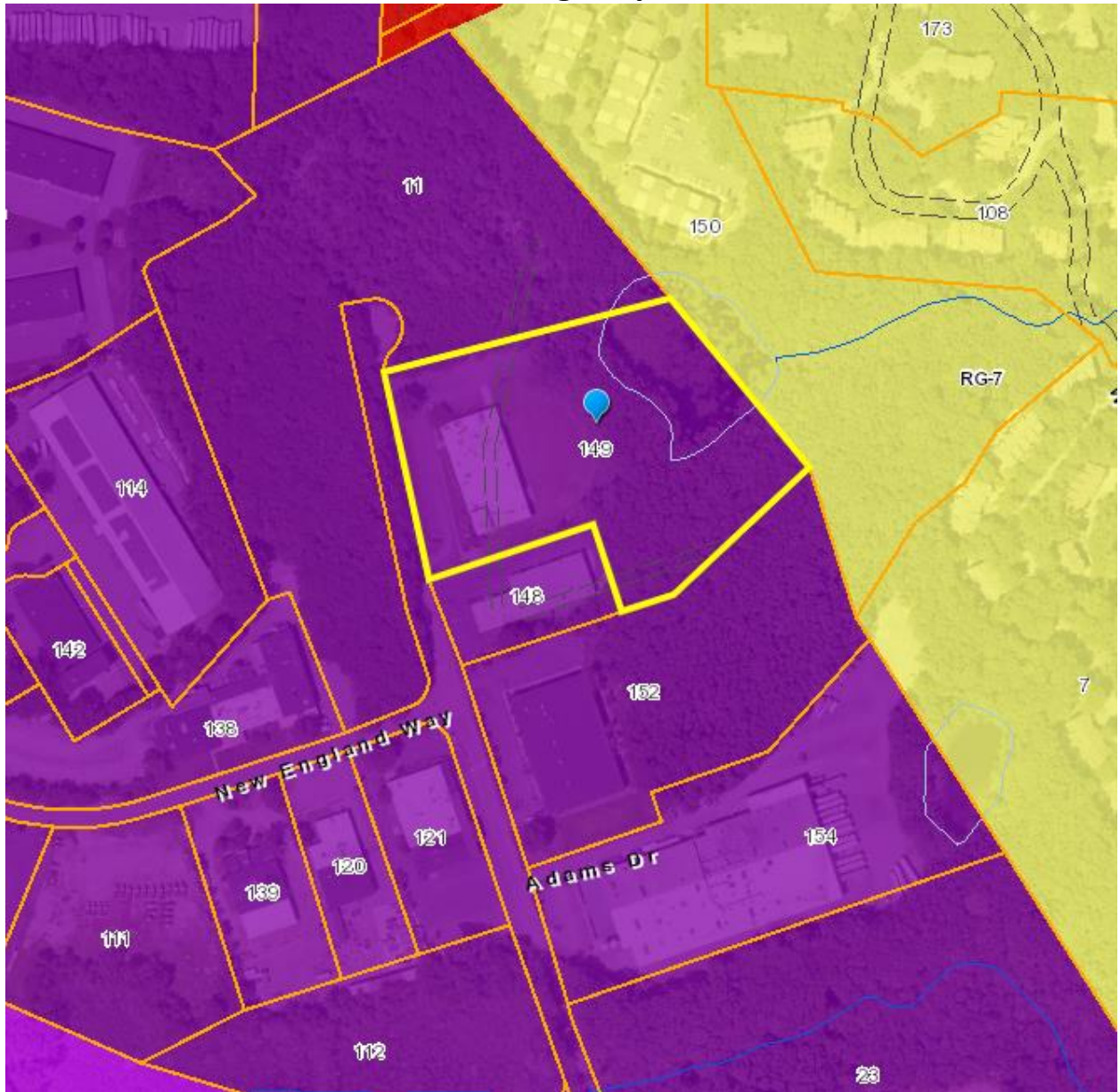
Site Plan



Street View



Zoning Map



Aerial Image Showing Wetlands



Waivers:

No Waivers are requested or required for this project.

Site Layout

The subject lot is 5.73 acres with wetlands in the northern and the eastern portions of the parcel, limiting the buildable area of the property. The most significant available upland area is due east of the existing building, which is where the 12,297 sq. ft. warehouse addition is proposed. This location works best for the applicant to separate the warehouse and offices, and for proximity to the existing loading area in the northeast corner of the existing building. The 5,874 sq. ft. office addition is proposed in the front of the building to allow for easy access from the main parking area while establishing the desired aesthetic appearance from the street. There is insufficient area to south of the building, a 20' drainage easement to the north and wetlands to the north and east of the building, so despite the encroachment into the 50' front setback, the west of the building was the only viable option for the office addition.

To accommodate the loss of a portion of the parking area in the front, a new parking area is proposed to the south of the building. The existing parking areas in the west (front) and north (side) are being reconfigured as need. The existing curb cuts at the north and south ends of the

property are to remain. The existing loading area is to remain, which the applicant claims is sufficient for their existing and expanding needs.

Zoning

The proposal requires zoning relief for parking and for an encroachment into the front setback. All other aspects of the major land development comply with zoning as proposed. A separate memo from the TRC specific to the variance application will be provided to the Planning Board ahead of their February meeting.

The office addition is proposed at 11.66' from the front property line, a 38.44' encroachment into the required 50' setback in the ML-0.5 zoning district. As discussed in the "Site Layout" section of this report, alternative locations for the addition are restricted by the wetlands to the north and east, the drainage easement to the north, and lack of land area between the building and the property line to the south. The applicant is the last building on a dead-end road (New England Way) in an industrial district, so the encroachment would not impact any abutters nor is anyone driving this portion of the road unless they are going to Windmoeller & Hoelscher. Furthermore, W & H own AP 28 Lot 11 which abuts the north end of the subject property and wraps around the cul-de-sac to side of New England Way across from their manufacturing facility. Therefore, the TRC found that the encroachment would not have a negative impact on the surrounding area. The Comprehensive Plan's Economic Development Element supports the expansion of existing industrial businesses so long as there are no impacts to residential neighborhoods, so the TRC unanimously supported this relief and will be sending memo with a positive recommendation to the Planning Board ahead of the February meeting.

The Lincoln Zoning Ordinance requires 78 spaces for this project. The applicant is proposing 51 spaces, leaving them requesting relief for 27 spaces. To justify the relief, the applicant provided a "Zoning Relief Narrative" which is part of the distributed materials with the application. The narrative explains that they anticipate 28 on-site employees and 20 remote employees at any time. Therefore, in the unlikely event that all of the remote workers were on-site at the same time, they would have sufficient parking and an additional 3 spaces left for visitor parking. The TRC recognizes that the purpose of the parking requirements are to ensure that uses have sufficient available off-street parking and to prevent on-street parking. The applicant was successfully able to demonstrate that they have sufficient parking for their needs, so the TRC unanimously supported the parking relief.

Utilities

The existing facility has water and sewer connections. The applicant will be required to submit sewer and water availability letters based on their anticipated additional needs as part of the preliminary plan submittal.

Grading

There are no steep slopes that are part of the project. Some grading will be required in the rear of the property for the drainage, building and parking improvements. These will be reviewed as part of the Preliminary Plan review process.

Stormwater

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

Wetlands & Environmental

There are significant wetlands located to the north and east of the existing building. The wetland were delineated by NRS Corps and will have to be verified and reviewed by RIDEM before submitting the Preliminary Plan. There are improvements within the 100' jurisdictional area. The site is also identified as within the RIDEM Natural Heritage Area. The TRC recommends a standard condition putting the applicant on notice that RIDEM permits/approvals will be required as part of the preliminary plan phase.

Easement

There is a 20' drainage easement to the north of the existing building. The TRC told the applicant that the dumpster and enclosure must be relocated out of the easement as part of the preliminary plan submittal. Additionally, the DPW Director asked for confirmation from the applicant that the owner, not the Town, would be responsible for repaving the parking area should the Town need to service the pipe. The applicant had no hesitation and accepted, offering to propose a written solution as part of the preliminary plan review.

Comprehensive Plan Analysis:

The expansion of the existing industrial use is consistent with the Future Land Use Map designation as *Limited Manufacturing and Office*.

The Town Planner also finds the proposal to be consistent with the following guidance from the Comprehensive Plan Economic Development Element.

- “To carefully manage commercial and industrial expansion so as to protect the neighborhoods, character and natural environment of Lincoln.” (ED-18)
- Policy # 2: “Continue the Town’s policy of working with commercial and industrial developers to site their projects in ways that will protect the character of the Town and avoid undue congestion on the roadways.” (ED-18)
- Lime Rock: Commercial or industrial development will be discouraged with the following exceptions:

- “Route 116 Corridor in the areas currently zoned ML-0.5 or currently under consideration for expansion.
- Parcels currently in business use today, including Lincoln Park. High quality light manufacturing or office development should be encouraged in this area.” (ED- 19, 20)
- Industrial Corridor and Parks: “The Town’s policy will be to maximize the economic use and value of all parcels within these areas.” (ED-20)
- ED1- Guidepost Actions
 - “Continue to work cooperatively with the business community to encourage economic development that is appropriate for the Town.” (ED-22)
 - “Continue the Town’s policy of using moderate regulation coupled with strong negotiation to design high quality commercial and industrial projects.” (ED-22)
- ED14 – Industrial Park. “Consider revitalization of the industrial park (about 40 years old).” (ED-26)

Lastly, the Town Planner finds the proposal consistent with the Land Use Element Policy Statement for Land Use in the Industrial Corridor and Park: “Develop zoning that will make the properties in these areas more valuable to the needs of current and future office, manufacturing and retailing operations.” (LU-30)

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 expansion of the existing industrial use is consistent with the Future Land Use Map designation as *Limited Manufacturing and Office*.
- b. The proposal is consistent with numerous sections of the Economic Development Element and Land Use element, including but not limited to the sections enumerated in the TRC report.

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

- c. Zoning relief is required from the Zoning Board of Review for the encroachment into the front setback and for the substandard off-street parking.
- d. Notwithstanding the front setback and parking, all other aspects of the proposal comply with the Lincoln Zoning Ordinance.

(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.

- e. The wetlands, associated buffers and Natural Heritage Area are under RIDEM jurisdiction and review. Full RIDEM review will be required at the Preliminary Plan phase.
- f. At this conceptual phase, no significant negative environmental impacts are anticipated from the proposed project.
- g. The subdivision is subject to all state and local environmental regulations.
- 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. No subdivision of land is proposed.

(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.

- j. The subject property front on New England Way and has two (2) existing means of physical access that are to be maintained.

(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.

- k. No subdivision of land is proposed.

(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.

- l. No subdivision of land is proposed.

- m. The proposed development appears to 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. These items will all be reviewed in greater detail at the preliminary plan phase.
- n. There are no known 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.

- o. 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 January 17th 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 Jackson, **the TRC unanimously voted to recommend the Planning Board APPROVE the *Windmoeller & Hoelscher Building Addition Major Land Development master plan application with the following conditions:***

1. Obtain necessary dimensional relief for parking and setbacks from the Zoning Board of Review.
2. Provide applicable RIDEM permits for this application as part of the Preliminary Plan submittal.

Respectfully submitted,

Joshua Berry, AICP

Joshua Berry, AICP

Town Planner

Administrative Officer to the Planning Board