



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

OFFICE OF THE
TOWN PLANNER

February 17, 2023

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

Re: TRC Variance Recommendations (Consent Agenda Items)

Dear Honorable Members,

Technical Review Committee (TRC) met to review and make recommendations on the variance applications for the February 22, 2023 meeting of the Planning Board. The TRC recommendations are below, respectively.

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.

I. Windmoeller & Hoelscher Corp.	AP 28 Lot 149	Variance Application
	23 New England Way	

The TRC reviewed this application at their January 17, 2023 meeting.

Summary:

Application for a dimensional relief to allow an addition of an industrial building to encroach 38.44' into the required 50' front setback and relief to allow 51 off-street parking spaces where 78 spaces are required.

Analysis:

Please see the separate TRC memo issues on the Major Land Development Master Plan application for a more detailed analysis of the proposal.

The office 5,874 sq. ft. 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. 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 subject building 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. 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.

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 applicant was successfully able to demonstrate that they have sufficient parking for their needs.

Recommendation:

Finding that the relief requested is consistent with the Comprehensive Plan, would not have a negative impact to any other property owners, and that the relief is justified based on the existing circumstances/uses on the subject site, the TRC unanimously (5-0) recommends that the Planning Board make a **positive recommendation** on this application to the Zoning Board of Review.

II. Lea & Kristine Donovan

**AP 21 Lot 10
16 Sir Charles Road**

Variance Application

The TRC reviewed this application at their February 14, 2023 meeting.

Summary:

Application for a dimensional variance to allow a garage expansion/addition to an existing dwelling that would encroach up to 5' into the required 20' side yard setback.

Analysis:

There is an existing home with an attached 12'-wide single-car garage that the applicant is proposing to expand to 24' wide to accommodate a second car. The TRC was concerned that the materials provided were not sufficient to know the true dimension of the request, as a 12' addition to a building indicated to be 30' from the property line would only require a 2' encroachment, not a 5' encroachment. However, the TRC found that there were several other homes in the area nonconforming to their side setbacks, so the relief would not be inconsistent with the character of the area. The single family use and consistency with the area lead to the finding that this is consistent with the Comprehensive Plan. The TRC also found that a 15'-18' setback from the side property line would still be maintained and therefore the addition would not be injurious to the nearest abutter, particularly as their home is set further back with existing vegetation in between the properties.

Recommendation:

Based on the findings that the proposal is consistent with the Comprehensive Plan, is in character with the surrounding area, and would not be detrimental to the nearest abutter, the TRC voted 5-0 to recommend that the Planning Board make a **positive recommendation** on this application to the Zoning Board of Review.

III. Valley View Towing, Inc

AP 7 Lot 86

Special Use Permit

1208 Smithfield Avenue

The TRC reviewed this application at their February 14, 2023 meeting.

Summary:

Application for a special use permit to allow a Commercial Parking use in a BL 0.5 zone in addition to the existing car repair use.

Analysis:

The applicant would like to park 5 tow trucks on their 14,270 S.F. lot. The lot is one of 3 lots (2 of which are owned by the applicant) that form a small island of BL 0.5 zoning that is surrounded by residential zoning (RS-12 and RG-7) with industrial zoning nearby due east. The TRC was concerned with the aesthetic impacts of parking the trucks, especially considering that the site is already packed with cars for the repair shop. Repair shops typically do not need 5 tow trucks, so this does not appear to be the least relief necessary and the tow trucks bring additional pressure to return cars to the location and turn the property into an impound. The Comprehensive Plan Economic Development Element recommends that Town "Carefully

manage commercial and industrial expansion so as to protect the neighborhoods, character and natural environment of Lincoln.” The TRC found the application inconsistent with this language. Furthermore, Zoning Code Section §260-16: *Transportation Uses* (D) states “Garage or open lot primarily for passenger and/or commercial vehicles. No gasoline service and no automotive repairs. The parking area shall meet the construction requirements of Article V.” The exclusion of automotive repairs in the regulations for Commercial Off-Street Parking uses lead the TRC to the finding that the Special Use Permit would not be consistent with the intent of the Zoning Code.

Recommendation:

Finding that the special use permit request is inconsistent with the Comprehensive Plan and the intent of the Zoning Code, and finding that the proposed use could have a negative impact on the surrounding area, the TRC voted 5-0 to recommend that the Planning Board make a **negative 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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OFFICE OF THE
TOWN PLANNER

February 16, 2023

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

Re: Beauregard Subdivision - AP 44 Lot 180 - TRC Bond Recommendation

Dear Honorable Members,

On Tuesday, February 14, 2023, the Technical Review Committee (TRC) met to review and make recommendations on the bond calculation for the Beauregard Subdivision which is scheduled for the February 22, 2023 meeting of the Planning Board. TRC members in attendance were Joshua Berry, Leslie Quish, Francine Jackson, Mike Gagnon and Russell Hervieux. Also in attendance were Mike Gamage and Grace Gervais. 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 26, 2022, the Planning Board granted a conditional Preliminary Plan approval on a major subdivision application to L B Corp, LC for the project "Beauregard Subdivision." The project is a 6-lot subdivision with a street extension. The applicant is now in the process of preparing the site to building the public improvements before seeking their Final Plan approval, but in doing so need a remediation bond to ensure that the Town can install soil erosion control measures in the unlikely event that the

Town needs to intervene. The Town Engineer has calculated a bond in the amount of **\$54,930**. Please see the attached memo and itemized calculation from the Town Engineer.

Analysis:

The TRC reviewed the remediation bond. This is normal course for the Town to ensure soil and erosion control and there were no concerns from the TRC.

Please note that the applicant requested, through correspondence with the Town Engineer, that the Planning Board accept a non-cash bond in a form acceptable to the Finance Director and Planning Board.

Recommendation:

The TRC unanimously voted to recommend that the Planning Board approve the remediation bond for the Beauregard Subdivision in the amount of **\$54,930**.

Respectfully submitted,

Joshua Berry, AICP

Joshua Berry, *AICP*

Town Planner

Administrative Officer to the Planning Board

**TOWN OF LINCOLN
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
INTEROFFICE MEMORANDUM**

TO: JOSH BERRY, TOWN PLANNER
FROM: LESLIE C. QUISH, P.E., TOWN ENGINEER
SUBJECT: AP 44 LOTS 180
DATE: FEBRUARY 13, 2023
CC: FILE

I reviewed plans entitled “*Beauregard Subdivision, Preliminary Plan Major Subdivision, East Lantern Road Extension, Lincoln, RI*” prepared by Level Design Group, revised August 5, 2022 for calculating the remediation bond amount. The bond covers the cost of installing perimeter erosion controls shown on the plan and the cost to seed the area of disturbance in the event the site is abandoned. Without the installation and maintenance of these controls, the site is left with potential sedimentation and erosion conditions that would adversely impact abutters and Town infrastructure.

The amount of the bond is \$54,930.

REMEDIATION BOND ESTIMATE

Project East Lantern Road Extension
 Plat/Lot AP 44 Lot 180
 Engineer Dan Campbell
 Developer Steve Beauregard
 Date Prepared 2/13/2023

Remediation Bond Calculation

ITEM	EST. QUANTITY	UNIT	UNIT PRICE	VALUE
Silt Fence	3485	LINEAR FEET	\$5	\$17,425
Const. Entrance	1	EACH	\$2,500	\$2,500
Seed	12925	SY	\$2	\$25,850
		SUB-TOTAL		\$45,775
		SUB-TOTAL		\$45,775
		ESTIMATION CONT 20%		\$9,155
		TOTAL		\$54,930



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February 17, 2023

Wilbour Plat – Master & Preliminary Plan
TRC Report for the February 22, 2023 Planning Board Meeting

Project Name:	Wilbour Plat	TRC Meeting: 2/14/2023
Application Type:	Major Subdivision	
Review Phase:	Master Plan & Preliminary Plan	
Project Address:	16 Lantern Road	
Plat and Lot:	AP 44 Lot 191	
Zone:	RS-20 and RA-40	
Land Area:	2.04 acres	
Future Land Use:	Residential Medium (1/4 - 1 acre)	
Owner/Applicant:	Matthew Wilbour	

Proposal Summary:

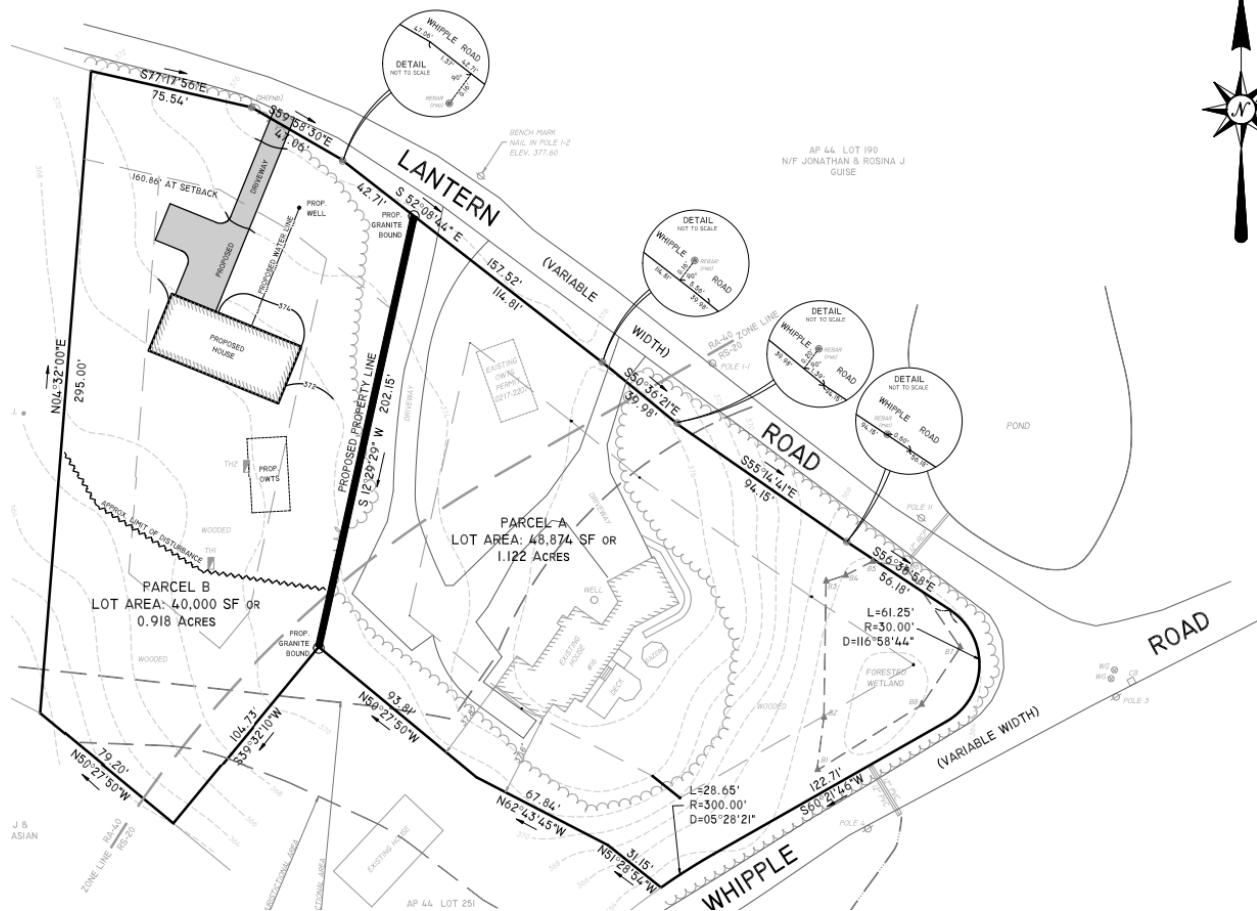
This Major Subdivision combined Master and Preliminary Plan application proposes the subdivision and development of a 2.04-acre residential lot into two (2) lots. There is an existing single-family residence on proposed Parcel A that is to remain on the portion of the lot that has frontage on both Whipple Road and Lantern Road that is zoned RS-20. Proposed Parcel B is a new lot intended for single-family development. Although only comprised of two (2) lots, the application is classified as Major due to waivers for concrete sidewalks and granite curbing. No zoning relief is required. No road extension is required as the site has frontage on Lantern Road and Whipple Road. The new home is proposed to be serviced by a private well and a septic system.

The submission included the following plan and report:

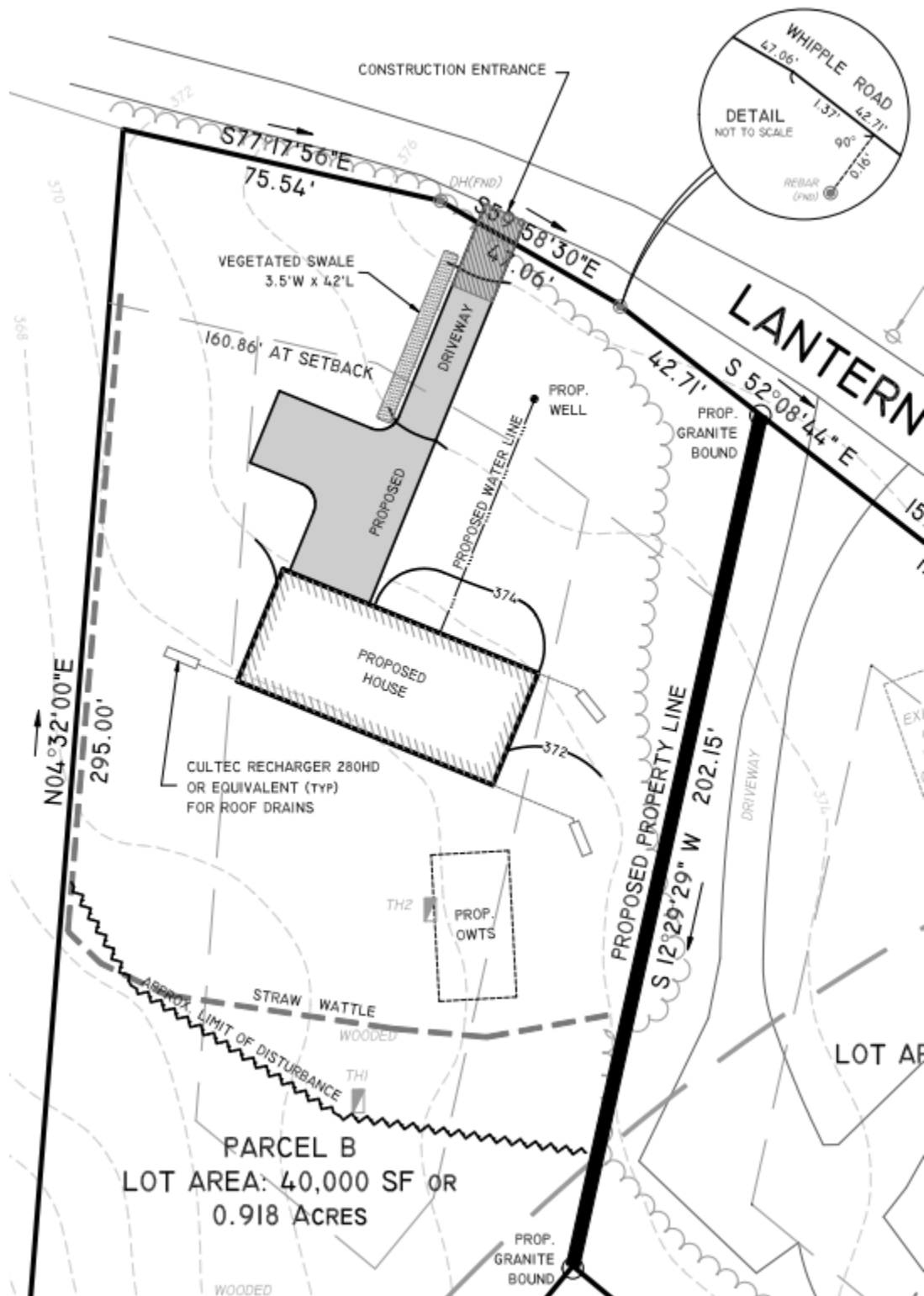
- *“Wilbour Plat” Major Subdivision, Preliminary Plan, for Matthew Wilbour, Plat 44 Lot 191, 16 Lantern Road, Lincoln, Rhode Island, prepared by Mar N. Nyberg P.L.S. and Paul D. Carlson P.E. of InSite Engineering Services, LLC, dated 1/18/23, last revised 1/31/23.*

- *Report of Findings for Freshwater Wetland Delineation, 16 Lantern Road, A.P. 44 Lot 191, Lincoln RI prepared by Edward J. Avizinis, CPSS, PWS of Natural Resource Services, Inc. on 10/18/18.*

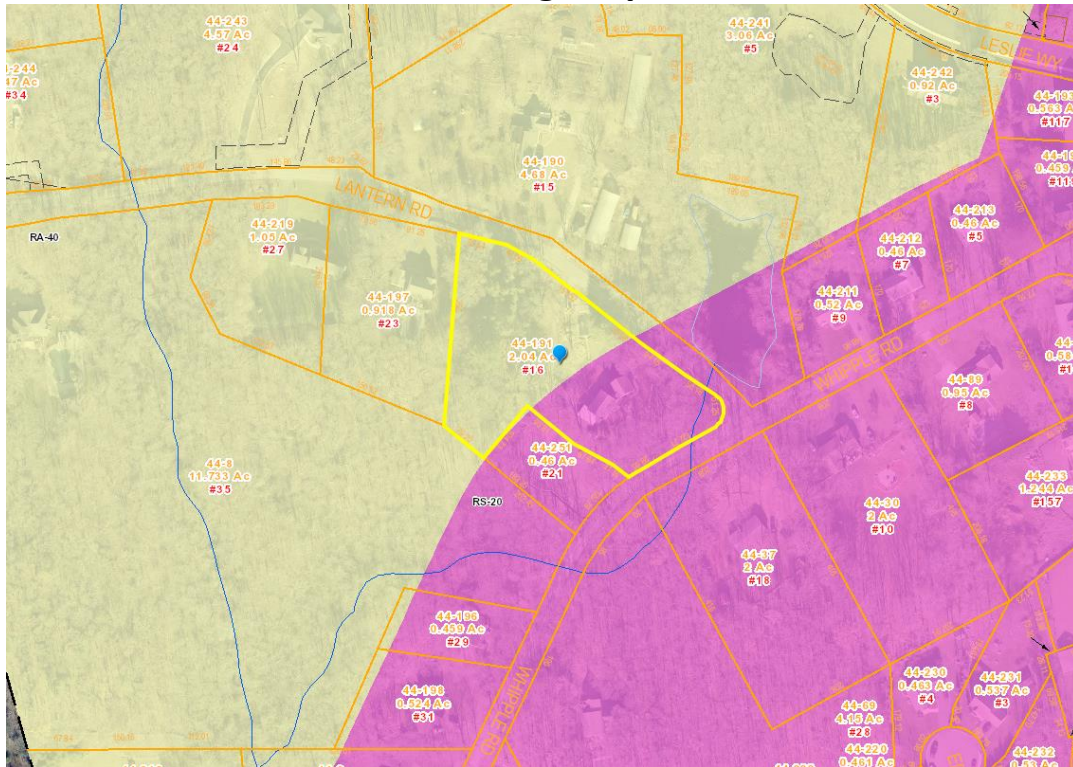
Proposed Conditions Plan (Sheet 2 of 3)



Sedimentation & Soil Erosion Control Plan (Sheet 3 of 3)



Zoning Map



Aerial Image



Street View



Site Layout

The 88,874 ft² subject lot would be split into two lots, Parcel A at 48,874 ft² and Parcel B at 40,000 ft². Both lots have sufficient frontage to meet their respective zoning requirements (Parcel A is mostly zones RS-20 and Parcel B is mostly zoned RA-40) the existing home on Parcel A has two curb opening on Lantern Road. In order to maintain these improvement on one parcel, the new lot line is proposed just west of the western curb opening and driveway and then extends directly to the closest point where the rear property line turns and heads towards the southwest.

There are no improvements or changes proposed for Parcel A where the existing home (the applicant's home) is located.

The proposed improvements for Parcel B are all in standard locations typically found in single-family development. The primary residence complies with all setbacks and has even been shown to be setback at a distance that is consistent with the closest abutting home to the west. The proposed well is between the residence and Lantern Road and the septic system is in the rear yard. The driveway is designed only wide enough for one car, so there is a turnaround space. The TRC noted that there is an existing stone wall that is not shown on the plans. The TRC believes that the existing driveway location is where the gap in the wall exists, but due to the lack of wall on the plans, recommends a condition that the driveway be located as to not disturb the stonewall.

Zoning

The parcel is split-zoned between RA-40 and RS-20. Both Parcel A and B meet or exceed the standards of the more restrictive zone, RA-40. No zoning relief is required.

Waivers:

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

1. *Section 23 Article A(4) to not provide granite curbing.*
2. *Section 23 Article A(5) to not provide concrete sidewalks.*

The TRC confirmed that there is no curbing or sidewalk on Whipple road or Lantern Road which are already substandard in terms of the Town's 30' pavement width and 50' right-of-way standards. The narrowness of the roads leaves insufficient space for sidewalks. It was noted that delivery and oil trucks sometimes park on the side of the road, and given the narrow pavement width, installing curbing would require these vehicles to park in the road. Curbing narrow roads is also a concern for plowing. The TRC unanimously supports waivers for sidewalks and curbing.

Wetlands

There is a wetlands area located south/southwest of the subject property. A Wetlands Report was provided to verify the wetland edge and wetland buffers on the site. Only the very rear of Parcel B is impacted by the buffer, but the proposed limits of disturbance is set plenty of distance away. The 200' RIDEM jurisdictional area does cover much of Parcel A, but no improvements are proposed on this lot.

Utilities

The applicant proposes private well water and septic for the new lot. The existing home has well and septic. The applicant provided a water table verification as required by the preliminary plan checklist for the septic system. The Town engineer recommended a condition that the OWTS/ISDS permit be obtained prior to approval of the Final Plan.

Grading

There is a gentle slope on the new buildable lot, sloping downwards away from Lantern Road towards the wetland area due south/southwest. Very minimal grading is proposed for the driveway and residence.

Stormwater

The Town Engineer has reviewed the stormwater and drainage patterns and recommends that the final review of drainage be conducted as part of the building permit review process.

Affordable Housing

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

Comprehensive Plan Analysis:

The proposed new single-family lot is consistent with the Comprehensive Plan policy of maintaining residential densities. The proposed density of 1.02 units/acre is on the conservative end of 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 1.02 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. Both 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 proposed improvements fall well outside of the wetlands and associated buffers under RIDEM jurisdiction.
- e. No significant negative environmental impacts anticipated from the proposed project. Minimal grading is required.
- f. The subdivision is subject to all state and local environmental regulations.
- g. The subdivision is not within a Rhode Island Natural Heritage Area.
- h. The parcel does not lie within the Watershed and Wellhead Protection Overlay District.

(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 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 new buildable lot will have adequate and permanent physical access to Lantern Road, a public street. The existing residence to remain on proposed Parcel A has existing access to Lantern 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 two (2) proposed lots conform to the standards and provisions of the Lincoln Zoning Ordinance. Each lot conforms to 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 B have been reviewed by the Town and provides for safe circulation of pedestrian and vehicular traffic.
- o. The Town Engineer shall conduct a thorough review of the stormwater and drainage for compliance with Town regulations at the building permit 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. The TRC recommends that the driveway for Parcel B be located in the existing gap in the stone wall.

(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 has reviewed the utilities and drainage improvements for compliance with Town regulations at the Preliminary Plan phase. The final drainage review will be conducted at the building permit 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 February 14th TRC meeting, the TRC found that the application successfully addresses the technical requirements of the subdivision regulations for a Preliminary Plan review stage and is consistent with the Comprehensive Plan. Upon a motion by Member Hervieux, seconded by Member Quish, **the TRC unanimously voted (5-0) to recommend the Planning Board APPROVE the Wilbour Plat subdivision preliminary plan application with waivers for sidewalk and curbing, with the following conditions:**

1. The driveway for Parcel B shall be located as to eliminate or minimize disturbance to the existing stone wall.
2. Obtain an OWTS/ISDS approval prior to Final Plan approval.
3. Final review of drainage for Parcel B will be reviewed at the building permit phase.

Respectfully submitted,

Joshua Berry, AICP

Joshua Berry, AICP

Town Planner

Administrative Officer to the Planning Board