



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

OFFICE OF THE
TOWN PLANNER

May 19, 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 May 24, 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. Edgewood Developer, LLC

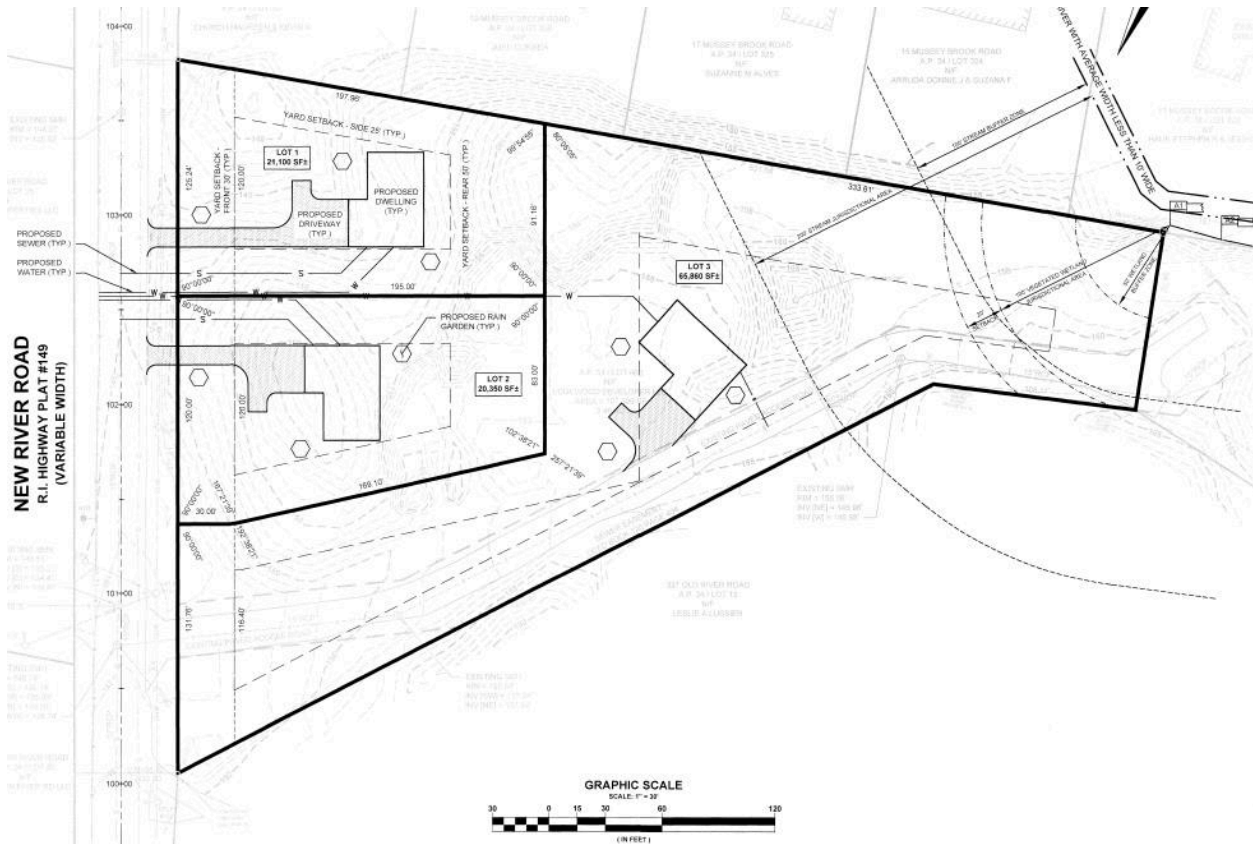
**AP 34 Lot 460
0 New river Road**

**Dimensional Variance
Lot Width**

Summary:

Application for a dimensional variance to allow the one of three proposed lots in a subdivision application to have 116.4' of lot width where 120' is required.

Site Plan



Analysis:

The zoning code establishes the dimensional regulations for lots for each respective zoning category. The subject property is zoned RS-20, which requires 20,000 SF of lot area and 120' of lot width *measured at the minimum front building setback line*. Lots 1 and 2 meet all of the dimensional requirements in RS-20 zoning. Lot 3 meets or exceeds all the other dimensional requirements, but is 3.6' shy of the required 120' lot width.

The Zoning Official expressed that he was not in favor of the requested relief because he believes that the applicant is creating his own hardship. Mr. Hervieux conveyed that the applicant could propose a two-lot subdivision and meet all of the dimensional requirements.

Other members of the TRC offered a different perspective. The DPW Director was in favor of the application on the grounds that the relief requested is very minimal in nature and would have no impact on the abutters or character of the area. The relief constitutes 3% of the 120' required for Lot 3 or 1% of the total 360' of width required over the 3 lots. The Town Planner also vocalized support of the application, stating that the irregularly shaped lot creates the unique hardship that could justify the relief. If the side lot lines were perpendicular from the right of

way, as Lincoln's regulations require, then the Lot 3 would exceed the minimum lot width requirement because the lot has 131.76' of width measured at the street frontage. It is only because the ordinance requires that the measurement be taken at the front setback line that the applicant is 3.6' short. It is the Planner's opinion that the intent of lot width regulations is to maintain the scale and densities in the neighborhood, therefore relief would not undermine the intent of the code as the subdivision would maintain (and exceed) the separation of buildings and density in RS-20. The Town Planner noted that the proposed use and density are consistent with the Comprehensive Plan's Future Land Use Map allocation of Residential Medium (1/4 – 1 acre lots) with an average lot size of 0.83 acres. The single-family development would be consistent with the land uses in the area.

Recommendation:

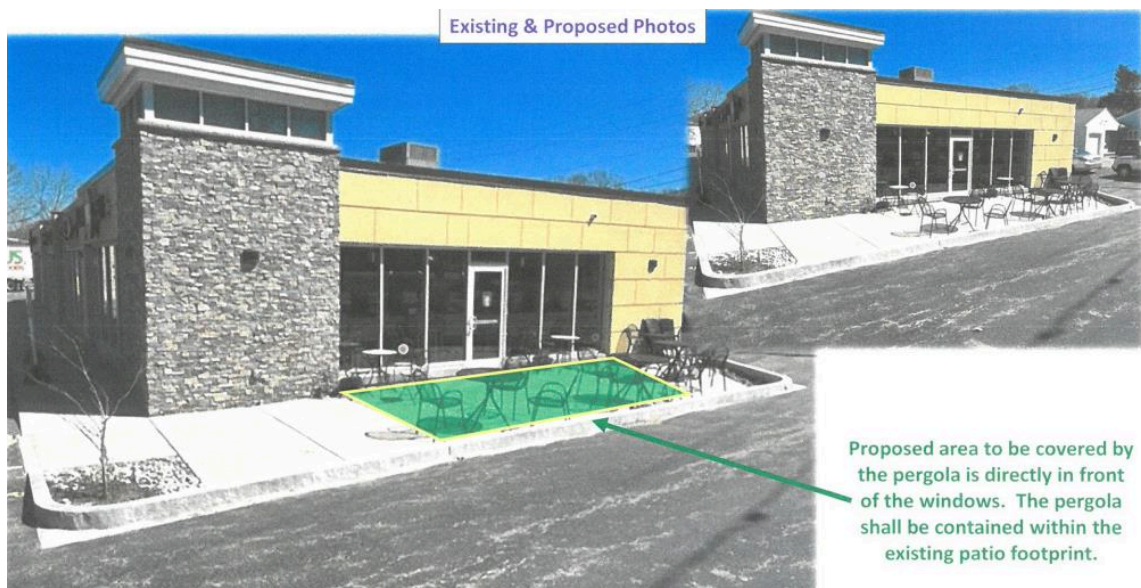
Based upon the findings that the granting of the relief would be consistent with the Comprehensive Plan and the character of the surrounding area, would not undermine the intent of the zoning code and is minimal in nature, the TRC voted (4-1, Mr. Hervieux voted nay) to recommend that the Planning Board make a **positive recommendation** on this application to the Zoning Board of Review.

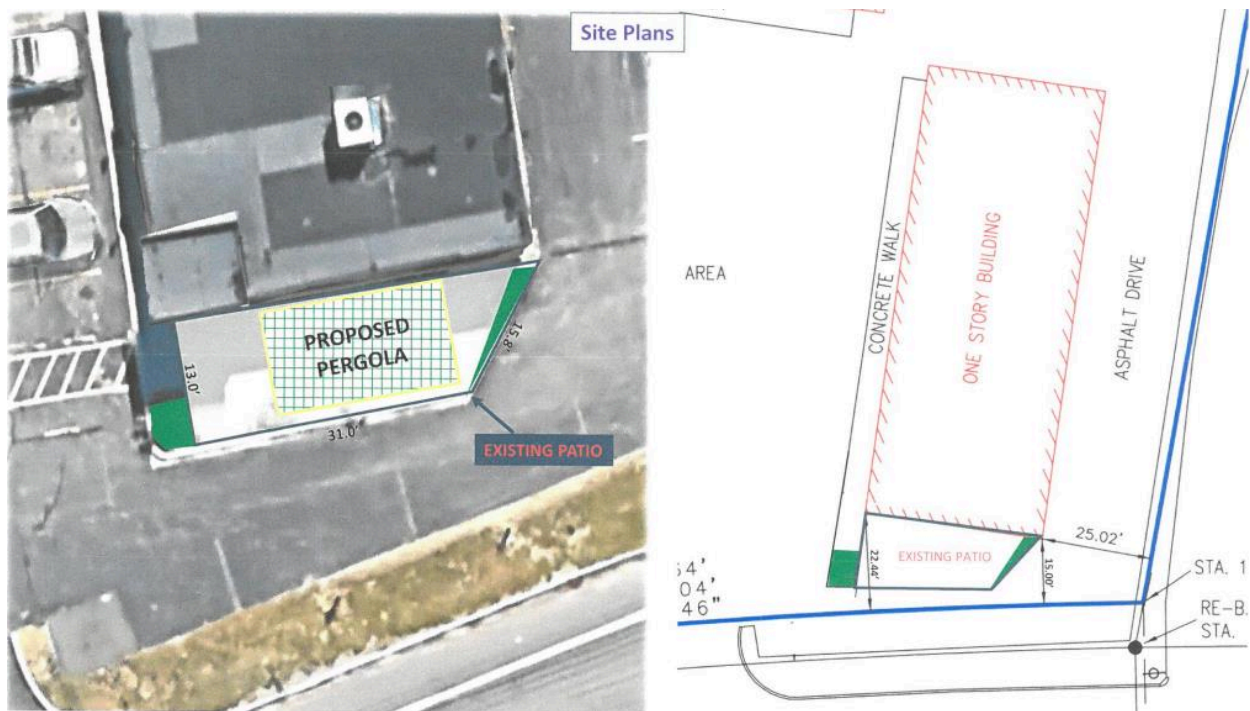
II. Moanalua Associates
c/o the Discovery Group

AP 19 Lot 18
1525 Old Louisissett Pike Front Setback

Summary:

Application for dimensional relief to allow a pergola to encroach into the minimum 25' front setback in the BL 0.5 zone.





Analysis:

The application proposes a pergola addition for Fundati Coffee located within the Limerock Center. The addition is proposed over an existing outdoor seating area defined by an existing granite curb. The TRC felt that the pergola would not add bulk or massing to the building too close to the road, but would add to the attractiveness of the existing outdoor seating area and would be appropriate given the existing conditions of the site and the continuation of the existing use. The TRC noted that granting of the relief would be consistent with Comprehensive Plan Economic Development Element. The relief would help stabilize the existing village-scale center and is consistent with Economic Development Action 15 "Evaluate the sustainability of existing commercial areas to serve the increasing residential population. Continually identify the needs of each village community and encourage flexible zoning."

Recommendation:

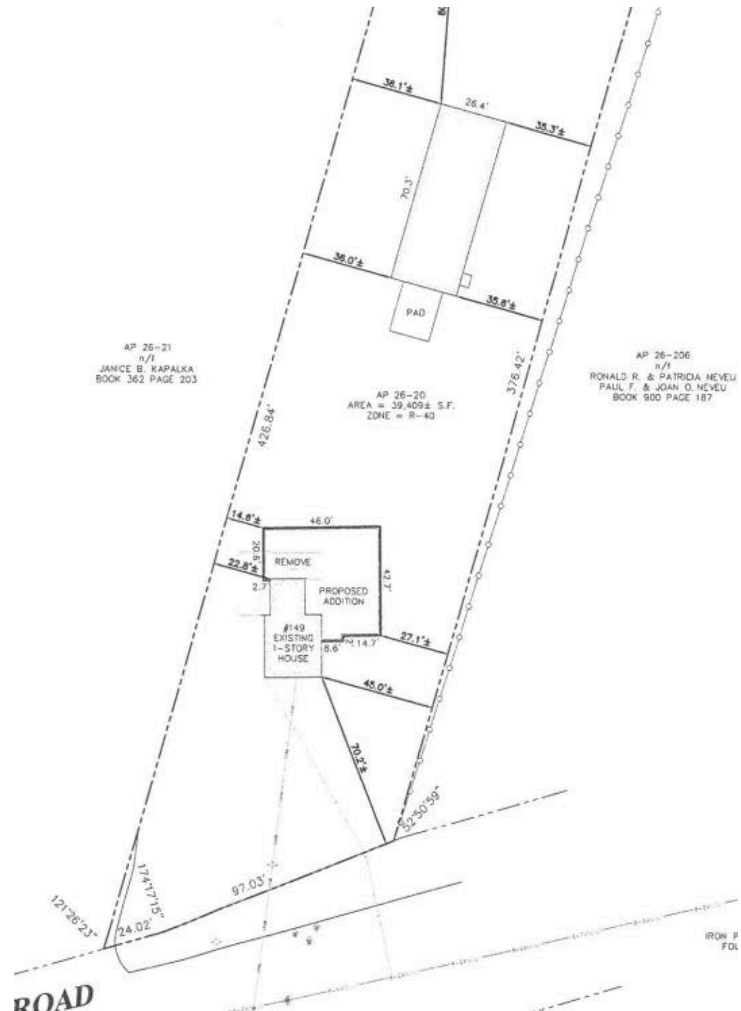
Based upon the findings that the granting of the relief would be consistent with the Comprehensive Plan and the character of the village center, and finding that the relief is minimal because it is maintained within the footprint of an existing outdoor seating area, the TRC unanimously (5-0) recommends that the Planning Board forward a **positive recommendation** on this application to the Zoning Board of Review.

Summary:

Application for dimensional relief to allow an addition to a single-family residence to encroach into both 35' side setbacks in an RA-40 zone.

Analysis:

The applicant is seeking to construct an addition to their 730 SF single-family home, to increase the dwelling to 2,313 SF. The existing lot is roughly 98' wide, leaving only a 28' wide buildable envelope between the two 35' side setbacks. The existing home encroaches 12.2' into the northern side setback. The proposed addition would increase the encroachment to 21.4' into the northern setback, and create a 7.9' encroachment into the southern side setback. The abutting lots also have thin, deep lots and aerial images indicate that other homes in the area are also nonconforming to side setbacks so relief would be consistent with the character of the area. The TRC found that almost any addition to the 730 SF footprint would require relief, and the design did appear to maximize the use of the buildable envelope. The continuation of the single-family use is consistent with the Comprehensive Plan.

SITE PLAN**Recommendation:**

Based upon the findings that the granting of the relief would be consistent with the Comprehensive Plan and the character of the area, and finding that the thin nature of the lot and the location of the existing home practically eliminate compliant alternatives, the TRC unanimously (5-0) recommends that the Planning Board forward 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



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

OFFICE OF THE
TOWN PLANNER

May 19, 2023

Lincoln Memorial School Redevelopment
Comprehensive Permit - Master & Preliminary Plan
TRC Report

Project Name: Lincoln Memorial School Redevelopment
Application Type: Comprehensive Permit
Review Phase: Combined Master and Preliminary Plan
Project Address: 1624 Lonsdale Avenue
Plat and Lot: AP 4 Lot 59
Zone: RG-7
Future Land Use: High Density Residential
Owner: Town Of Lincoln
Applicant: Lonsdale Memorial Holdings, LLC

Proposal Summary:

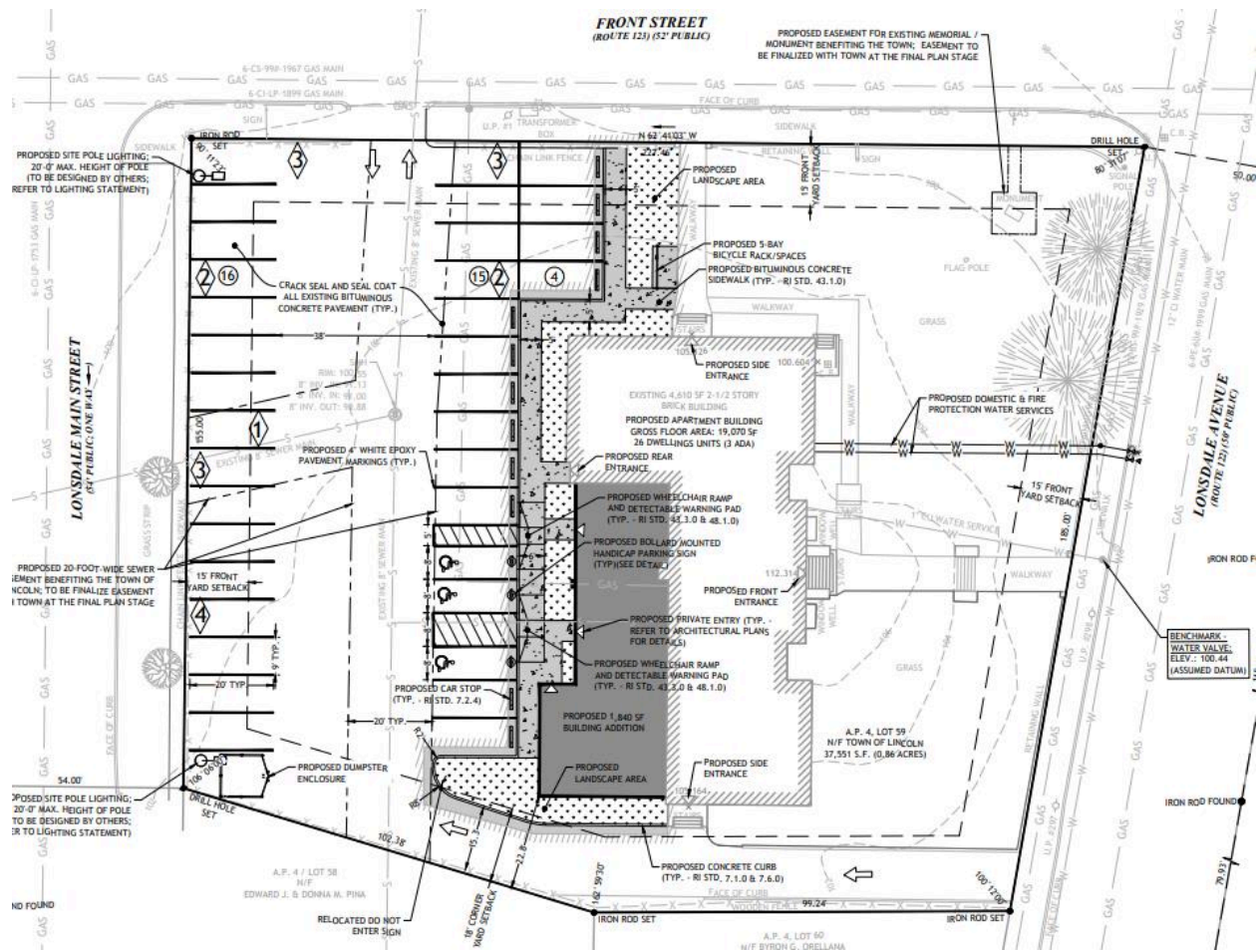
This Comprehensive Permit application proposes an adaptive reuse of the Lincoln Memorial School Building into a 26-unit affordable multifamily development. The property is 37,551 SF and is zoned RG-7, which allows multifamily uses with a special use permit. The applicant proposed an addition to square-off the existing building while trying to maintain the historical character of the building. Minimal site improvements are proposed to the parking area, but relief is sought to allow 35 parking spaces where 52 are required. The project will utilize the existing curb openings on Front Street and Lonsdale Ave for vehicular access. The project requires public sewer and water.

The submission included the following plans and reports:

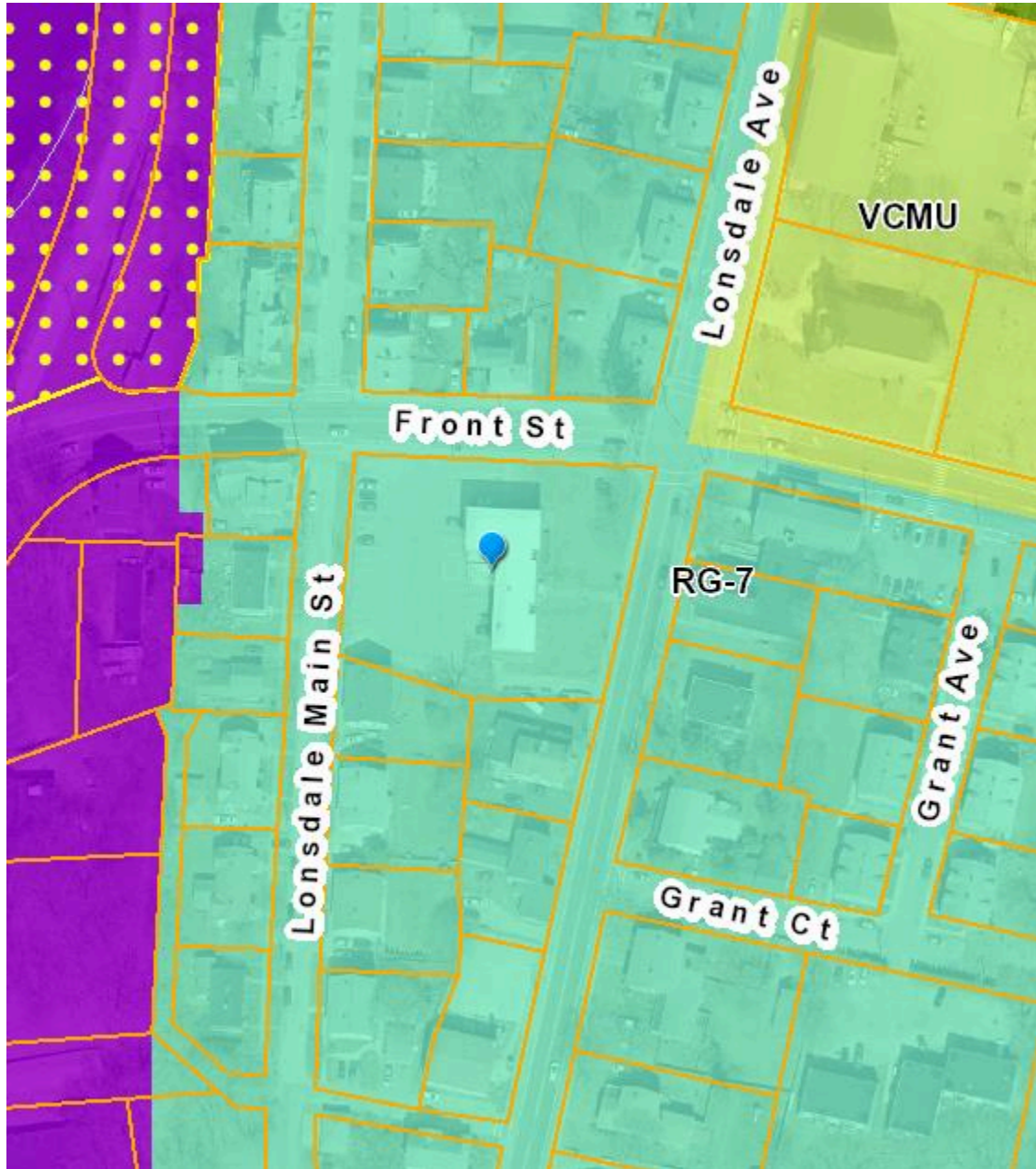
- *1624 Lonsdale, Comprehensive Permit – Preliminary Plan Application*, civil plan set prepared by Joe Casali, PE of Joe Casali Engineering, Inc. revised April 14, 2023.

- *Project Narrative for 1624 Lonsdale – Comprehensive Permit, Preliminary Plan Application*, prepared by Joe Casali Engineering, Inc. dated March 2023 revised May 2023.
- *Traffic Assessment* prepared by Joe Casali, PE of Joe Casali Engineering, Inc. dated April 20, 2023.
- *Phase 1 Environmental Site Assessment* for 1624 Lonsdale Avenue, prepared by SAGE Environmental, Inc. dated February 20, 2023.
- Landscape Plan by Diane C. Soule, RLA of by Diane C. Soule & Associates dated April 2023.

Site/Utility Plan (Sheet 2 of 3)



Zoning Map



3D Aerial Image



Request to combine the Master and Preliminary Plan phases:

Lincoln Subdivision Regulations Section 15 (C) provides that the Planning Board may vote to combine review states if the Board determines that all necessary requirements have been met by the applicant. It is the opinion of the Administrative Officer that the application does meet the requirements of a preliminary plan application. The only remaining outstanding item is the water availability letter. Staff has confirmed with the Lincoln Water Commission that the application is under review and that the letter is anticipated to be available prior to the anticipated public hearing on this application in June. Therefore, **it is recommended that the Planning Board approve the request to combine the master and preliminary plan stages.**

Compliance with Comprehensive Permit requirements under state law § 45-53-4(a)(1). *Procedure for approval of construction of low- or moderate-income housing:*

The Administrative Officer has reviewed the submitted application materials and certifies that the application is in compliance with the submission requirements under § 45-53-4(a)(1).

Site Layout

The applicant seeks to work with the existing layout to the greatest extent possible. The proposed building addition does necessitate some minor modifications to the site, mainly

reducing the wide open paved area to allow a landscape island and pushing the easterly row of parking to all be vertically aligned. These changes compliment and even improve the existing site conditions. The area east of the building is to remain. The parking is discussed separately in its own section.

Relief Requested:

The applicant is requesting the following relief as part of their Comprehensive Permit application:

1. Zoning Code Section §260-22 – lot width of 159.38 where 232.5 is required.

Analysis: The lot width is an existing condition. The proposed density triggers the increase in the required lot width dimension. However, the proposed density is consistent with what would be permitted under the Town inclusionary zoning density bonus. For these reasons, the TRC supports this request for relief.

2. Zoning Code Section §260-31(b)(8) - six-foot landscaped setback between the parking areas and street-right-of-way.

Analysis: The 0-foot setback is an existing condition. Requiring the applicant to comply with this section would reduce the parking area and would be an unnecessary expense for the affordable housing project which seeks to minimize changes to the existing site layout. The TRC supports this request for relief.

3. Zoning Code Section §260-31(f) - to allow a chain link fence where an opaque fence is required to be maintained between the parking area and the adjoining residential district.

Analysis: There is an existing chain link fence, relief is sought because it is not opaque. The TRC felt that the abutters are accustomed to the existing condition and that requiring the applicant to comply with this section would be an unnecessary expense for the affordable housing project which seeks to minimize changes to the existing site layout. The TRC supports this request for relief.

4. Zoning Code Section §260-31(A) – 35 parking spaces are proposed where 52 are required.

Analysis: The code requires 2 spaces per dwelling unit. The code does not take into account the number of bedrooms, location, proximity to transit options, or other factors that impact how much parking a project truly requires. It is important to note that only 4 of the 26 units have two-bedrooms and the rest of the units are studio or one-bedroom apartments. With fewer bedrooms, there are fewer tenants and very likely fewer cars. The applicant is proposing a ratio of 1.35 spaces per unit. The TRC agreed

that this will likely be sufficient, however, noted that any overspill onto the streets would be a problem and should be avoided. To avoid this potential scenario, **the TRC recommends the relief be granted with the following condition, “Once the project reaches 90% occupancy, and anytime afterward, the Administrative Officer shall assess the off-street parking and determine whether additional parking is required. Should the Administrative Officer determine that additional parking is required, upon the written determination from the Administrative Officer, the applicant/owner shall construct additional parking in the area directly north of the Lonsdale Avenue entrance. In this event, the applicant/owner shall be required to submit a revised Final Plan which shall be reviewed as a minor change pursuant to Subdivision Regulations Section 10 (B).”**

Zoning

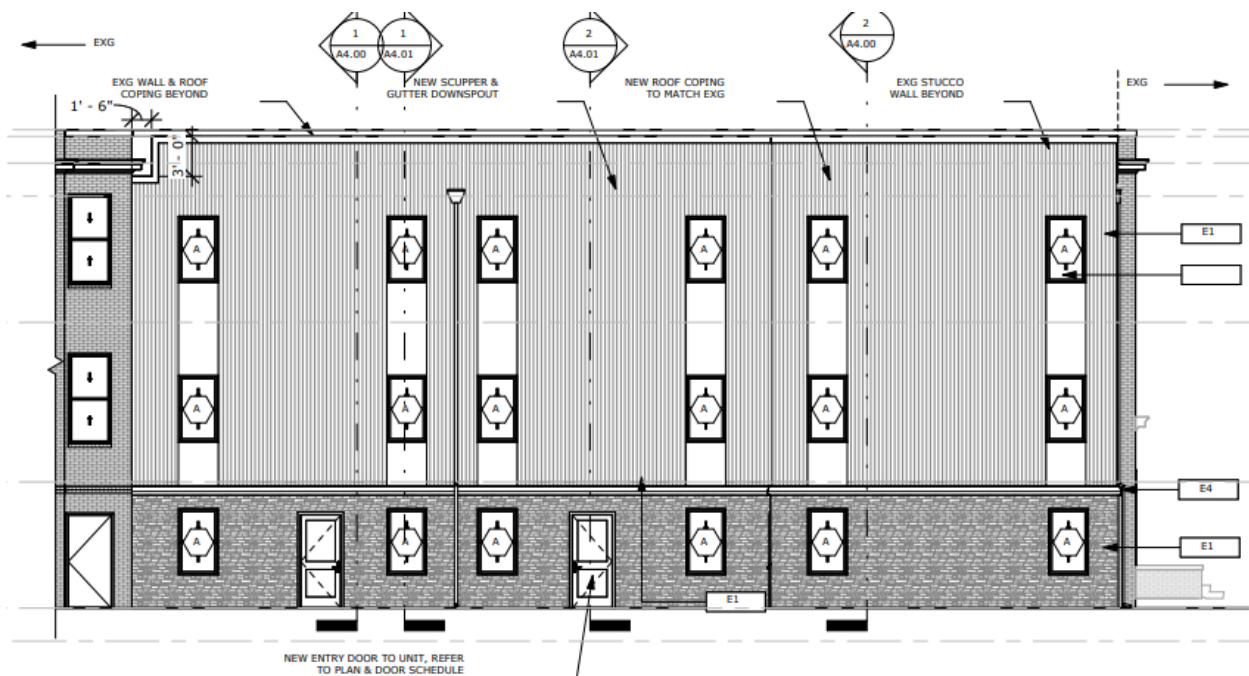
The parcel is located in the RG-7 Residential zoning district. All of the relief from the zoning code are itemized above. Due to the application being a comprehensive permit, the multifamily use is permitted without a special use permit. The proposed project is compliant with all other sections of the code not listed above.

Affordable Housing

All 26 units are proposed to be deed restricted affordable units. The applicant has provided a draft deed restriction. The number of years was left blank. It was conveyed to the applicant that the Town would like the restriction to apply for 99 years. This should be confirmed with the applicant.

Proposed Building Modifications

As stated in the summary, the project includes the squaring-off of the existing building. This is a 3-floor building with a proposed 3-floor addition. The applicant proposed to maintain all exterior facades not impacted by the addition. They are seeking federal historic tax credits and will have to comply with strict criteria in order to qualify for the credits. The west elevations of the addition are below. Brick is proposed on the first floor and metal wall panel is proposed for the 2nd and 3rd floors.



Traffic Impacts

The existing access point on Lonsdale Ave and Front Street are to remain, except that the access on Lonsdale Ave is proposed to be restricted to ingress only. A traffic assessment was submitted by Joe Casali Engineering, Inc. The report compared the previous use which it classifies as a "single tenant office building" to the proposed multifamily use. It found that the AM peak hour trips would be reduced from 13 to 11 and the peak PM trips would be reduced from 13 to 12. The report states that it used conservative estimates for the occupancy and the assumption of 2.46 residents per dwelling unit. The assessment concludes that "the proposed use will have less of an impact on traffic for the adjacent roadways."

A Physical Alteration Permit (PAP) shall be required from RIDOT prior to submission of the Final Plan.

Curb Opening on Front Street.

Staff raised the issue that the existing curb opening dimension on Front Street is 18'. There was discussion during the TRC meeting as to whether this was sufficient, and it was noted that the Town Engineer's memo recommends widening this entrance. The applicant noted that the proposed use has less anticipated trips (albeit it not by a significant margin) than the previous use. They also noted that they are trying to minimize additional costs for site improvements as affordable housing development is financially challenging. Lastly, they noted that RIDOT would weigh in on this as Front Street is a state road. The DPW Director agreed with the applicant, that the existing opening was sufficient. The applicant state that they would rather revise the

site to have one-way traffic than to widen the curb opening on Front Street. This alternative option was not discussed at length, but is not supported by the Town Planner at this time. The Town Planner asked for crash data at this location to help determine whether there is a safety issue. As the TRC was divided on this issue, no official recommendation is forwarded other than for the Planning Board to consider this issue further to determine whether the proposed 18' opening is sufficient.

Utilities

The development is proposed to have public water and sewer. The sewer availability letter has been provided. The water availability is being assessed by the Lincoln Water Commission and is anticipated to be determined prior to the public hearing on the matter anticipated to be held on June 28. Staff will provide an update on the water utilities at said time.

Wetlands/Stormwater Runoff

The applicant provides an impervious cover calculation on sheet 2 of 3 of the Civil Plan Set. The calculation demonstrates that there are 26,533 SF of existing impervious coverage and a proposed impervious coverage of 25,118 SF. Therefore, there is a proposed reduction in impervious surfaces by 1,415 SF. Because the applicant improving the existing conditions, the applicant is not required to provide addition stormwater mitigation.

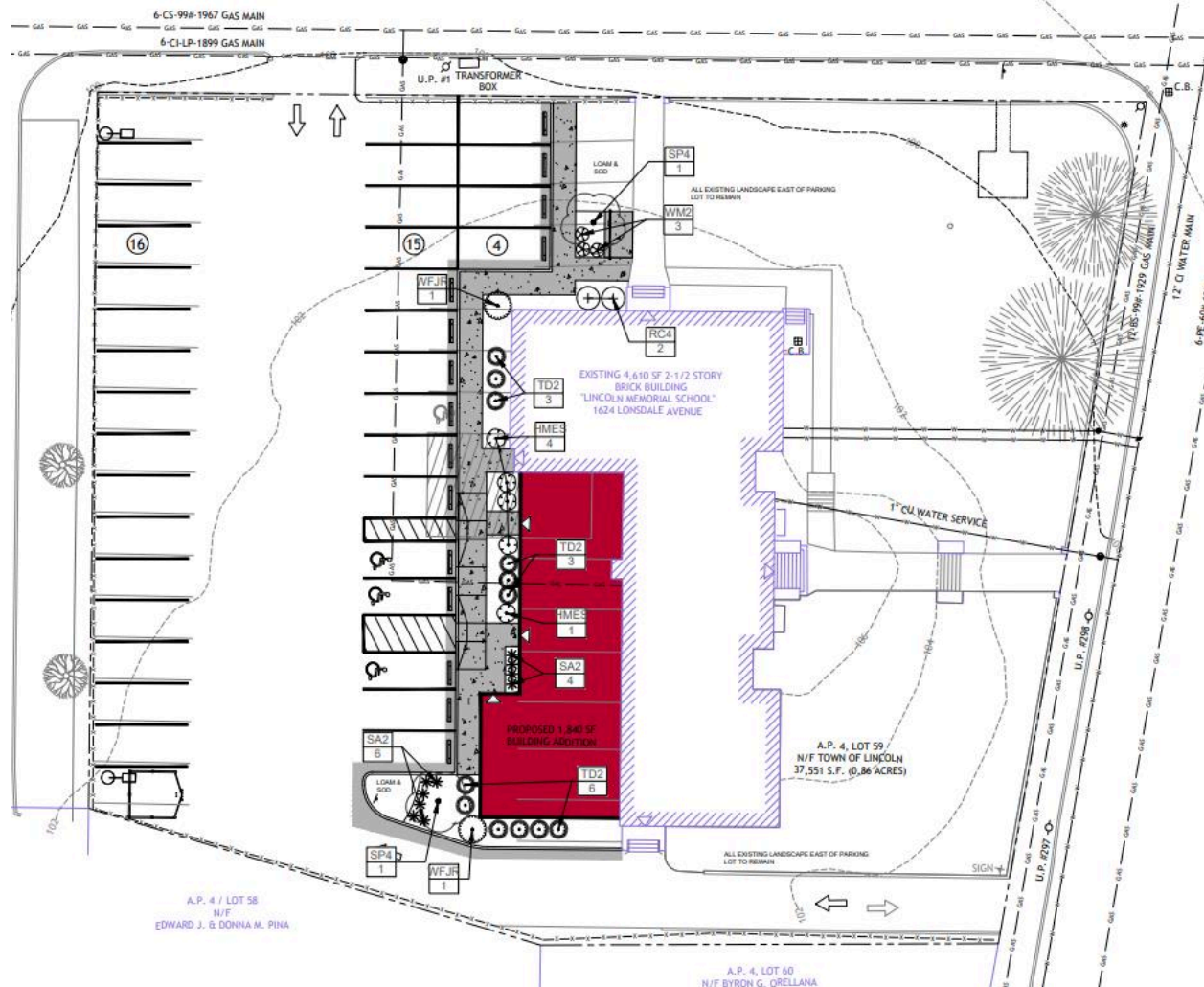
Lighting

There are two proposed light poles, one in the southwest corner and the other in the northwest corner of the lot intended to illuminate the parking area. Both light poles are noted to comply with the 20 height maximum. The only other proposed lighting is attached to the building. All lighting will be down shielded and dark-sky compliant. A photometric plan was submitted that confirms minimal spillover onto abutting properties.

Landscaping:

All of the existing landscaping is to remain. In addition, a landscaping plan was submitted and reviewed by the DPW Director. The plan proposes 1,415 SF of new landscape area found in the area just east of the easterly row of parking and also south of the new addition. The DPW Director and TRC found the proposed landscape plan to be satisfactory.

Landscape Plan



PLANT SCHEDULE

FLOWERING TREES	CODE	QTY	BOTANICAL / COMMON NAME	B&B	CALIPER
	SP4	2	Stewartia pseudocamellia / Japanese Stewartia	B&B; 8'-10' HT.	
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	CONT/B&B	SIZE
	HME3	5	Hydrangea macrophylla 'Endless Summer' TM / Bailmer Hydrangea Mature Height: to 5'	CONT	5 gal
	RC4	2	Rhododendron x 'Cunningham's Blush' / Cunningham's Blush Rhododendron	CONT	5 gal
	TD2	12	Taxus x media 'Densiformis' / Dense Yew	24" - 30"; B&B	
	WFJR	2	Weigela florida 'Java Red' / Java Red Weigela Mature Height: 30"	CONT	5 gal
	WM2	3	Weigela florida 'Midnight Wine' TM / Midnight Wine Weigela	CONT	3 gal
PERENNIALS	CODE	QTY	BOTANICAL / COMMON NAME	CONT/B&B	SIZE
	SA2	10	Sedum x 'Autumn Fire' / Autumn Fire Sedum	1 gal	

Environmental Issues

The applicant provide a Phase 1 Environmental Site Assessment. The report concludes:

SAGE has performed a Phase I ESA of the Subject Property in general conformance with the scope and limitations of ASTM Practice E1527-21 and the EPA's AAI Rule and those exceptions identified in this report. Based upon the above findings, SAGE recommends the completion of a GPR to determine the location of the presumed #2 fuel oil feed and return lines and to assess for the presence of any unregistered USTs, and the removal of the presumed #2 fuel oil feed and return lines under the supervision of an environmental consultant to evaluate whether a release has occurred at the Subject Property.

Although outside of the scope of this Phase I ESA, SAGE recommends a Title Search be completed due to limited ownership information provided by the Town of Lincoln, a Hazardous Building Materials Assessment Survey be completed in advance of any renovations due to the age of the building, and that the fluorescent light bulbs be stored in a manner to minimize the risk of breakage. (p. 26)

Staff requested that the applicant respond to the recommendations. The recommendations are summarized in a memo from Sage Environmental to Eric N. Zueno dated April 5, 2023. **Staff is recommending a condition that the applicant shall comply with the recommendations in the Phase 1 Environmental Site Assessment report and shall convey the Summary Report summarizing the findings of the investigations to the Administrative Officer.**

Comprehensive Plan Analysis

The multifamily use is consistent with the Future Land Use Map allocation of High Density Residential. In addition, the Town Planner finds this proposal to be consistent the following goals and policies in the Comprehensive Plan.

Housing Goal: To encourage the private market to provide a range of housing types for Lincoln's residents and to apply responsible government intervention in the housing market for those groups whose needs are not being met by the private sector.

Housing Policy 2: Continue the Town's efforts to carry its share of the overall housing need for the Northern Rhode Island Region through development of new housing, upgrading of existing structures and conversion of existing non-residential structures to housing use.

H2 – Continually work to bring the Town's subsidized/affordable housing levels in compliance with Rhode Island Affordable Housing Act. . .

H3 – Work to address housing needs with a variety of mechanisms.

H4 – Lonsdale. Promote additional public housing in the Front Street area of Town. . .

H9 – Lincoln will work to convert existing structures for affordable housing if such options arise.

Affordable Housing Strategy #1 Build and preserve affordable housing.

Affordable Housing Strategy #3 Identify funding sources and use existing resources to develop and preserve affordable housing

Findings of Fact for Comprehensive Permit Applications per § 45-53-4 (a)(4):

(A) The proposed development is consistent with local needs as identified in the local comprehensive community plan with particular emphasis on the community's affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies.

1. Lincoln still in the process of developing its affordable housing stock in order to satisfy its local needs. The development of 26 affordable units is consistent with Lincoln's Affordable Housing Plan and Comprehensive Plan Housing Element goals and policies by helping the Town increase its affordable housing stock in a compatible area with existing infrastructure and no environmental impacts.

(B) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance and subdivision regulations, and/or where expressly varied or waived local concerns that have been affected by the relief granted do not outweigh the state and local need for low- and moderate-income housing.

2. The application requires relief as identified in their application and in this TRC report. All other aspects of the proposal comply with the Town's zoning ordinance and subdivision regulations. The lot width, opaque fence, landscape buffer and parking relief do not outweigh the state and local need for low – and moderate-income housing.

(C) All low- and moderate-income housing units proposed are integrated throughout the development; are compatible in scale and architectural style to the market rate units within the project; and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units.

3. All 26 units are affordable. There are no market rate units.

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

4. This is an adaptive reuse project. There are no environmental impacts anticipated. All of the existing trees are to remain. Additional pervious surface and plantings are proposed. There is a 1,415 SF reduction of impervious area proposed.

(E) There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.

5. The applicant proposed to maintain the historical character of the building. The applicant will be required to cooperate with the Town in the relocation of the veteran's monument, or will provide an easement so that the Town can maintain the monument in the event that it is not relocated.

6. The proposed use is consistent with the residential and commercial uses in the surrounding area.

7. The project will be serviced by public water and sewer.

8. The proposed use is anticipated to be a reduction in peak AM and PM trips when compared to the previous use. The emergency service vehicles would be able to access the building the same way they have previously. Therefore, the project does not present significant negative impacts to pedestrian and vehicular traffic.

9. There is a 1,415 SF reduction of impervious area proposed. This will improve the existing conditions of stormwater run-off.

(F) All proposed land developments and all subdivisions lots will have adequate and permanent physical access to a public street in accordance with the requirements of § 45-23-60(5).

10. The project has two-way access on Front Street and ingress from Lonsdale Avenue.

(G) The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, unless created only as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.

11. No subdivision of lots is proposed.

If the Planning Board does not adopt the above findings, please note that the Planning Board may deny the comprehensive permit for any of the following reasons in § 45-53-4. (a)(4)(vii):

- (A) If the city or town has an approved affordable housing plan and is meeting housing needs, and the proposal is inconsistent with the affordable housing plan; provided that, the local review board also finds that the municipality has made significant progress in implementing that housing plan;
- (B) The proposal is not consistent with local needs, including, but not limited to, the needs identified in an approved comprehensive plan, and/or local zoning ordinances and procedures promulgated in conformance with the comprehensive plan;
- (C) The proposal is not in conformance with the comprehensive plan;
- (D) The community has met or has plans to meet the goal of ten percent (10%) of the year-round units or, in the case of an urban town or city, fifteen percent (15%) of the occupied rental housing units as defined in § 45-53-3(4)(i) being low- and moderate-income housing; provided that, the local review board also finds that the community has achieved or has made significant progress towards meeting the goals required by this section; or
- (E) Concerns for the environment and the health and safety of current residents have not been adequately addressed.

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, May 16, 2023, the Technical Review Committee (TRC) met to review the agenda items for the May 24, 2023 meeting of the Planning Board. TRC members in attendance were Joshua Berry, Mike Gagnon, Mike Reilly, Francine Jackson, and Russell Hervieux.

Based on the submitted material, the TRC finds that the applicant has successfully addressed the comprehensive permit requirements in state law as well as the technical requirements of the Lincoln Subdivision Regulations for a Preliminary Plan review stage and **recommends that the Planning Board adopt the findings of fact, approve the request to combine master and preliminary plan review stages, and approve the application with the following relief, subject to the conditions below:**

Relief:

1. Zoning Code Section §260-22 – lot width of 159.38 where 232.5 is required.

2. Zoning Code Section §260-31(b)(8) - six-foot landscaped setback between the parking areas and street-right-of-way.
3. Zoning Code Section §260-31(f) – to allow a chain link fence where an opaque fence is required to be maintained between the parking area and the adjoining residential district.
4. Zoning Code Section §260-31(A) – 35 parking spaces are proposed where 52 are required.

Recommended Conditions:

1. All 26 units shall be deed restricted affordable units for 99 years.
2. The applicant obtain a PAP from RIDOT prior to Final Plan submittal.
3. The applicant shall work cooperatively with the Town to relocate the veterans monument. Should the Town decide not to relocate the monument, the applicant shall provide an easement to the Town to maintain the monument.
4. Once the project reaches 90% occupancy, and anytime deemed necessary afterward, the Administrative Officer shall assess the off-street parking and determine whether additional parking is required. Should the Administrative Officer determine that additional parking is required, upon the written determination from the Administrative Officer, the applicant/owner shall construct additional parking in the area directly north of the Lonsdale Avenue entrance. In this event, the applicant/owner shall be required to submit a revised Final Plan which shall be reviewed as a minor change pursuant to Subdivision Regulations Section 10 (B).
5. The applicant shall comply with the recommendations in the Phase 1 Environmental Site Assessment report and shall convey the Summary Report summarizing the findings of the investigations to the Administrative Officer.
6. Final Plan review shall be delegated to the Administrative Officer.

Respectfully submitted,

Joshua Berry, AICP

Joshua Berry, AICP

Town Planner

Administrative Officer to the Planning Board



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

OFFICE OF THE
TOWN PLANNER

May 19, 2023

Lonsdale Minor Land Development –Preliminary Plan
AND
Change of Zone Request from RL-9 to RG-7
TRC Report

Project Name: Lonsdale Minor Land Development
Application Type: Minor Land Development and Zone Change
Review Phase: Preliminary Plan
TRC Meeting: 2/14/2023
Project Address: 0 Lonsdale Avenue
Plat and Lot: AP 4 Lot 36
Zone: RL-9 (zone change proposed to RG-7)
Land Area: 47,715 SF
Future Land Use: Residential Medium – High Density
Owner/Applicant: Miller Properties, LLC

Proposal Summary:

This project consists of the development of 4 connected residential units (a quadplex) on a single lot approximately 1.1 acres' in area. The units are designed side-by-each (townhouse style) sharing a single driveway to Lonsdale Avenue. Public water and a private septic system are proposed. A zone change from RL-9 to RG-7 is required to allow the multifamily use either through a special use permit or through the requested condition of the change of zone.

The submission included the following plan and report:

- *Preliminary Plan Submission for Lonsdale Minor Land Development*, prepared by Timothy J. Behan PE. of Commonwealth Engineers & consultants, Inc, dated 5/9/23.

A.P. 4 LOT 81
N/F
PAULETTE M. BEDARD

COMPOST FILTER SOCK AND LIMIT OF DISTURBANCE (TYP)

ELJEN GSF DRAINFIELD (48 PADS)

4" SDR-35 INV.=111.10

4" SDR-35 INV.=111.55

4" SDR-35 INV.=111.10

UNIT-1 2-BDRM 22'x43' TOF=115.0

UNIT-2 2-BDRM 22'x43' TOF=115.0

UNIT-3 2-BDRM 22'x43' TOF=115.0

UNIT-4 2-BDRM 22'x43' TOF=115.0

GARAGE 11'x19'

GARAGE 11'x19'

GARAGE 11'x19'

GARAGE 11'x19'

PROPOSED ROOF DRAIN 6"S.DR-35 TO 4" SDR-35 AT THIS LOCATION 6"S.DR-35 INV.110.65

PROPOSED WATER SERVICE

PROPOSED ROOF DRAIN 6" SDR-35 INLET INV.=110.00 2-INCH MINUS CRUSHED STONE APRON

GRASSSED OVERFLOW ELEV.=111.00 SEE DETAIL

BENCHMARK: NAIL IN TREE ELEVATION=115.48

2,500 GAL. DOUBLE COMPARTMENT SEPTIC TANK WITH ZABEL 8"x18" A100 FILTER CARTRIDGE

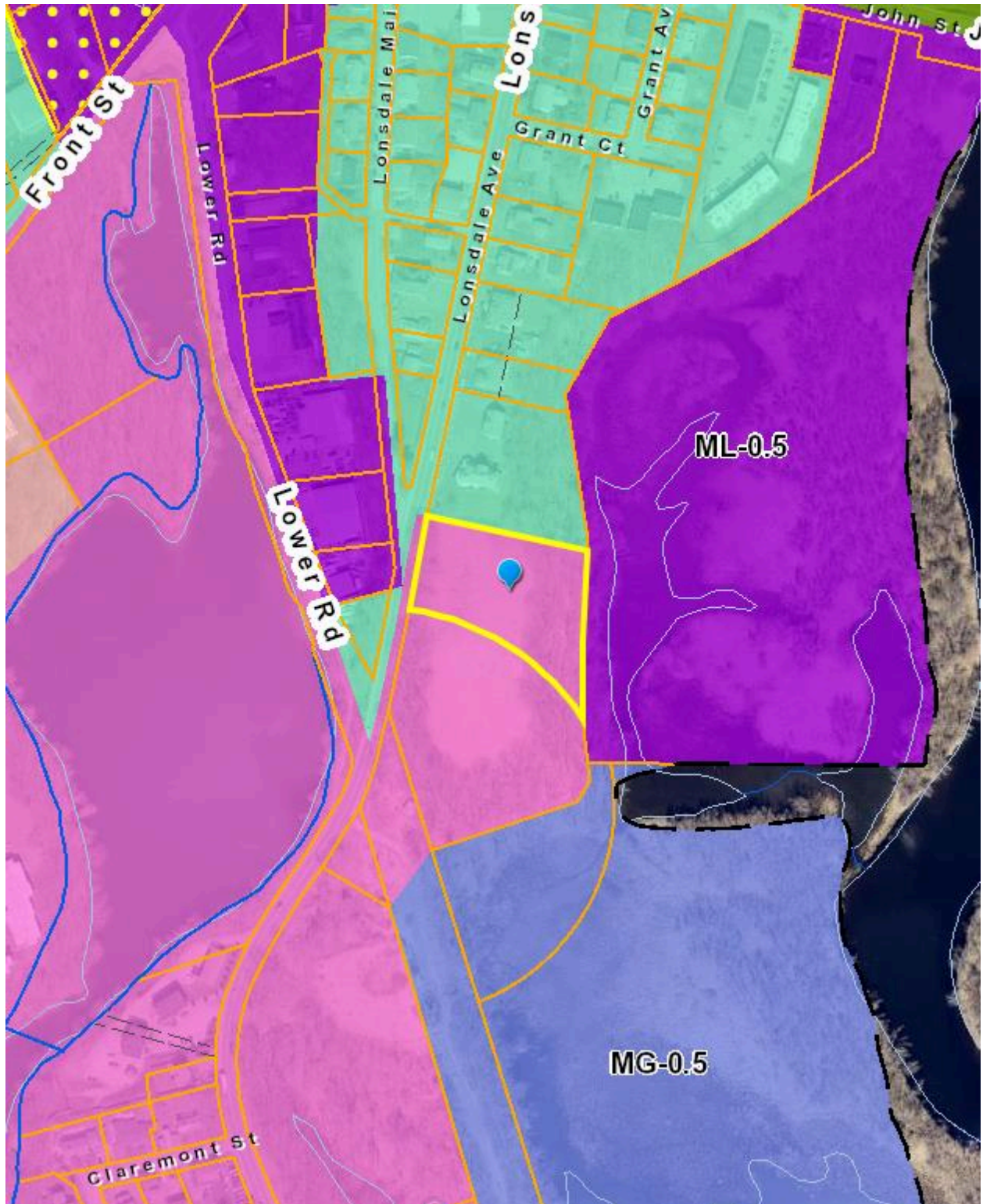
PUBLIC WELL 400-FOOT SETBACK

2-INCH MINUS CRUSHED STONE CHECK DAM AND SEDIMENT FOREBAY SEE DETAIL

PROPOSED STORMWATER INFILTRATION POND 100-YEAR STORM ELEV.=110.82

LONSDALE PUBLIC R.O.W.

Zoning Map



Aerial Image



Site Layout

The proposed quadplex is situated in the center of the lot as to comply with the side setbacks. There is a shared driveway to access the units, with 2 additional spaces provided on each side of the lot. There is a drainage basin proposed in the front (southwestern corner) of the lot. The septic system is proposed behind the quadplex, just outside of the wetland buffer deriving from the wetland that is to the east of the subject lot.

Zoning & Land Use Analysis

The parcel is zoned RS-9 currently and is requesting a change of zone to RG-7. The reason for the change of zone is that multifamily uses are not permitted in RS-9 zoning, whereas multifamily uses are allowed in RG-7 with a special use permit. All of the proposed improvements comply with the RG-7 zoning regulations.

An analysis of the abutting land uses and zones show that the proposed use and zone change are appropriate at this location. The property abuts RG-7 zone directly to the north and southwest. The adjacent use to the north is the Lincoln Funeral Home. There is an industrial zone to the east and also to the west/northwest with a boat repair shop. The RL-9 district abuts the subject lot to the south. Notably, the Lincoln Water Commission owns the lot directly to the south, and south of that is the Lincoln Almond Field which hasn't been used since the 90's and is a brownfield. For this reason, there is no concern that granting the change of zone would create further development pressure to the south. The proposed use would be consistent with the uses and zoning to the north, and is less intense than the industrial zones to the west and east.

Requested Condition with the Change of Zone

The applicant has requested, "that as part of the zone change, the Town Council allow the lot to specifically allow for four (4) units as demonstrated on the plan submitted. The request would give relief from Article III: Use Regulations Section 260.9C; said relief would be in the form of a special use permit, which is a conditionally permitted use."

The TRC had mixed feelings about this recommended condition. Some members opposed the condition on the basis that it undermines the zoning code and the process by which multifamily uses are reviewed. However, the Town Planner pointed out, after giving due respect not to undermine the Zoning Board, that this particular application for 4 units will have numerous meetings and will have to be approved by two different bodies. Requiring a third approval body for 4 units seems harsh, particularly as other multifamily projects may not necessitate Planning Board and Council approval. Ultimately, the TRC felt that this issue is a policy determination beyond their scope of review, and does not forward any particular recommendation on the requested condition.

Wetlands

There is a wetlands area located east of the subject property. A wetlands report has been requested and is anticipated to be available prior to the public hearing in June. Staff was comfortable moving the application forward in lieu of the wetland report because the applicant submitted their approved septic plan from RIDEM. Since the septic system is the improvement that is closest to the wetland buffer, and RIDEM would not approve the septic system in the buffer, staff was reassured that there is no conflict but would still like the report prior to the public hearing to confirm.

Utilities

The applicant proposes private septic and public water for the new lot. The applicant provided a septic system plan approved by RIDEM and a water availability letter from the Lincoln Water Commission.

Traffic

The proposed 4-unit development is not anticipated to generate a significant number of vehicle trips or negatively impact the traffic in the area.

Grading

Only minimal grading is anticipated for the driveway, quadplex and septic system improvements. Grading will be required for the proposed drainage basin in the front of the property by Lonsdale Ave. Please see the Grading & Utilities Plan for details.

Stormwater

The Town Engineer has reviewed the stormwater and drainage patterns and recommends that groundwater recharge, water quality volume, and sediment forebay sizing calculations be provided. The applicant has been notified that **this must be submitted and reviewed prior to Preliminary Plan approval**. In addition, there was a concern regarding the location for emergency overflow as it would be preferred that the drainage basin overflow into the wetland rather than into the road. It should be noted that the applicant is not required to design beyond the 100 year storm, and that the DPW Director thought that it was fine as proposed, stating that if there was a storm event beyond the 100 year storm, that there'd be water everywhere. The TRC did not stipulate any specific condition on this issue, but asked that the applicant engage in further conversation with the Engineer to explore agreeable solutions to this potential problem.

Affordable Housing

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

Required Elements of the Zone Change Recommendation:

Town of Lincoln Zoning Code § 260-91 *Review by Planning Board* states:

Among its findings and recommendations to the Town Council with respect to a proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map, the Planning Board shall:

A. Include a statement on the general consistency of the proposal with the Comprehensive Plan of the Town, including the goals and policies statement, the implementation program, and all other applicable elements of the Comprehensive Plan; and

B. Include a demonstration of recognition and consideration of each of the applicable purposes of zoning presented in Article I of this chapter

A. Comprehensive Plan Analysis:

The proposed four-unit residential development is consistent with the Comprehensive Plan goals and policies. The proposed multifamily use and density of 0.28 units/acre are consistent with the Future Land Use Map designation as *Residential Medium – High Density*. The multifamily land use would be compatible with the mix of surrounding uses and would not negatively impact character of the area or the natural and historic or cultural that contribute to the attractiveness of the community. The development of the housing units is aligned with the following goals and policies:

Housing Goal: *To encourage the private market to provide a range of housing types for Lincoln's residents and to apply responsible government intervention in the housing market for those groups whose needs are not being met by the private sector.*

Housing Policy 2: *Continue the Town's efforts to carry its share of the overall housing need for the Northern Rhode Island Region through development of new housing, upgrading of existing structures and conversion of existing non-residential structures to housing use.*

B. Purposes of Zoning Analysis

The Town of Lincoln Zoning Code Section § 260-1 *Introduction; purpose* provides the following purposes of the zoning regulations:

- A. Promoting the public health, safety, and general welfare of the Town of Lincoln.
- B. Providing for a range of uses and intensities of use appropriate to the character of the Town and to reflect current and expected future needs.
- C. Providing for orderly growth and development which recognizes:
 - (1) The goals and patterns of land use contained in the Lincoln Comprehensive Plan;
 - (2) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution;
 - (3) The values and dynamic nature of freshwater ponds, the shoreline and freshwater wetlands;
 - (4) The values of unique or valuable natural resources and features;
 - (5) Availability and capacity of existing and planned public and/or private services and facilities;
 - (6) The need to shape and balance urban and rural development; and
 - (7) The use of innovative development regulations and techniques.
- D. Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.
- E. Providing for the protection of the natural, historic, cultural, and scenic character of the Town or areas therein.
- F. Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.
- G. Providing for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.
- H. Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.
- I. Providing for the opportunities to establish low- and moderate-income housing.
- J. Promoting safety from fire, flood, and other natural or man-made disasters.
- K. Promoting a high level of quality in design in the development of private and public facilities.
- L. Promoting implementation of the Lincoln Comprehensive Plan.
- M. Providing for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.
- N. Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.

- O. Providing for procedures for the administration of the Zoning Ordinance, including, but not limited to, variances and special use permits

Where applicable, the proposed zone change complies with each of the stated purposes of zoning. In addition to general consistency with each of the applicable purposes, the proposal especially exemplifies items B and H.

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 proposed multifamily use and density of 0.28 units/acre are consistent with the Future Land Use Map designation as *Residential Medium – High Density*
- b. The four-family housing development is consistent with Comprehensive Plan Housing Element overall goal to provide a range of housing types and policy #2, to carry its share of the overall housing need for the Northern Rhode Island Region.

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

- c. The proposal requires a zone change from RL-9 to RG-7. If approved by the Council, the project will be in compliance with the RG-7 regulations. Pending the outcome of the requested condition to allow the multifamily use without a special use permit, the applicant may be required to obtain a special use permit from the Zoning Board of Review.

(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 are located outside of the wetlands and associated buffers under RIDEM jurisdiction.
- e. No significant negative environmental impacts anticipated from the proposed project.
- f. The development is subject to all state and local environmental regulations.
- g. The parcel does not lie within the Watershed and Wellhead Protection Overlay District nor within the RIDEM Groundwater Protection Area.

(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.

- h. This is not a subdivision of land. Building on the existing lot according to pertinent regulations would not be impractical.
- i. 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.

- j. The new development will have adequate and permanent physical access to Lonsdale Avenue, a public state 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.

- k. This is not a subdivision of land, this finding is not applicable to this project.

(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. This is not a subdivision of land, but the proposed improvement provide for safe circulation of pedestrian and vehicular traffic and surface water run-off.
- m. 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.

- n. The Town Engineer has reviewed the utilities and drainage improvements for compliance with Town regulations at the Preliminary Plan phase.

TRC Recommendations*:

**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.*

A. Minor Land Development Recommendation:

Based on the submitted materials and the discussion during the May 16th 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.

Pending the submittal and satisfactory review of a wetlands report and groundwater recharge, water quality volume, and sediment forebay sizing calculations prior to the public hearing, the TRC unanimously voted (5-0) to recommend the Planning Board adopt the findings of fact and APPROVE the Lonsdale Minor Land Development preliminary plan application with the following conditions:

1. The applicant shall obtain approval for the change of zone to RG-7 from the Town Council.
2. In the event that the Town Council does not approve the requested condition to allow the multifamily use by-right, the applicant shall obtain a special use permit from the Zoning Board of Review.
3. The applicant obtain a PAP from RIDOT prior to Final Plan submittal.
4. Final Plan review shall be delegated to the Administrative Officer.

B. Change of Zone Recommendation:

Based on the submitted materials and the discussion during the May 16th TRC meeting, the TRC found that the zone change application successfully addresses the technical requirements of the Zoning code § 260-91 *Review by Planning Board*. **The TRC unanimously voted (5-0) to recommend the Planning Board forward a positive recommendation on the change of zone application from RL-9 to RG-7 at AP 4 Lot 36 to the Town Council based on the findings that the application is consistent with the Comprehensive Plan as well as the purposes of zoning under Zoning Code Section § 260-1.** The TRC did not forward a recommendation on the requested condition to allow the proposed multifamily development without a special use permit.

Respectfully submitted,

Joshua Berry, AICP

Joshua Berry, *AICP*

Town Planner

Administrative Officer to the Planning Board