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OFFICE OF THE
TOWN PLANNER

January 21, 2022

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

Dear Honorable Members,

On Tuesday, January 18, 2022 at 3:00 PM, the Technical Review Committee met to review the agenda items for the January 26, 2022 meeting of the Planning Board. In attendance were Al Ranaldi, Michael Gagnon, Leslie Quish, Russell Hervieux, Peggy Weigner, and Francine Jackson. Below are the Committee's recommendations.

PLEASE NOTE: 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 and Land Development and Subdivision regulations. The comments expressed in this report shall not be interpreted as an approval or denial of any of the projects listed below.

Major Subdivision Review

The Fairgrounds Subdivision
- We Dig Investments, LLC

AP 42 Lots 12, 13, 42, 43, & 147 Master Plan Review
Kendall Drive

This application is under the 2016 Subdivision Regulations and represents the reconfiguration of five (5) lots into ten (10) residential lots accessed by a new roadway and cul-de-sac. One residential lot out of the reconfigured design has an existing house on it. The project is in front of the Planning Board at the Master Plan Review stage. A Public Informational meeting was held in December 2021.

On **November 09, 2021**, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within ninety days (90) days of

certification of completeness or within such further time as may be consented to and obtain a written waiver of the deadline from the applicant, approve the master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the master plan review must be made by **February 07, 2022**, or within such further time as may be consented and obtain a written waiver of the deadline from the applicant. This review approval has a **two (2) year approval-vesting period**.

The master plan submission included the following:

- *The Fairgrounds, Major Subdivision, AP 42 Lots 12, 13, 42, 43, & 147, Diesel Drive, Lincoln RI Master Plan Submission*, prepared by Pare Engineering, revised to January 11, 2022.
- Report entitled, *Master Plan Report for the Fairgrounds Major Subdivision, Assessor's Plat AP 42 Lots 12, 13, 42, 43, & 147, Diesel Drive and Kendall Drive, Lincoln RI Prepared for: We Dig Investments, LLC, 23 Business Park Drive, Smithfield, RI;* prepared by Pare Engineering, dated October 8, 2021 revised to January 11, 2022.
- Town of Lincoln - Letter of Sewer Availability dated November 18, 2021.
- Letter of Acceptance, Oluseyi Grace and Akinkunmi Akanji dated 12-13-2021.
- Letter of Acceptance, John R. and Nicole M. Diebold dated 12-13-2021.

Site Layout

The project represents the reconfiguration of five (5) lots into ten (10) residential lots accessed by a new roadway and cul-de-sac. One residential lot out of the reconfigured design has an existing house on it. This lot (AP42 Lot 147) will be reduced in size. The reduced lot and the existing house continue to meet the Zoning Regulations. Two of the proposed house lots will be designated as affordable according to the requirements of Rhode Island Housing.

The project is located off the existing cul-de-sac at the intersection of Kendall Drive and Jason Drive. The existing cul-de-sac will be removed and the intersection will be reconfigured. The applicant presented a revised intersection design that was reviewed by the Technical Review Committee. The committee is comfortable with the design and noted that it accomplishes the design elements discussed earlier.

According to the applicant, their team has been in contact with the abutting property owner of AP 42 Lot 129 – 22 Kendall Drive regarding the reconfiguration. According to the applicant, in general the property owner is comfortable with the proposed design. A Letter of Acceptance from the property owners of 22 Kendall Drive (Diebold) acknowledges the proposed plans. The letter states that the property owner, “take no issue with the currently proposed plans for “the Fairgrounds Major Subdivision”...”. Another Letter of Acceptance from the property owners of 19 Kendall Drive (Akanji) similarly acknowledges the proposed plans. The letter states that the property owner, “take no issue with the currently proposed plans for “the Fairgrounds Major Subdivision”...”. The TRC reminded the applicant that the plans must detail the new driveway for AP 42 Lot 129 – 22 Kendall Drive. The plans must include construction methods and materials of the driveway, lawn, sprinkler system (if applicable), fencing, lighting, mailbox, landscaping etc., at Preliminary Plan stage. Provide notarized approval of these changes by the owner of AP 42 Lots 129 and 130. No burden can be placed on this property owners.

The original site plan called for the abandonment of Paul Street (a paper street) that is adjacent to the subject project. The applicant indicated that they will not be pursuing the

abandonment. The plans have been revised according to the Zoning Ordinance. The new site plans shows a continuous evergreen buffer planting along the entire property lines of the four proposed lots.

The proposed cul-de-sac is 911 feet long. The maximum cul-de-sac length in an RS-20 zone is 720 feet per Section 22.C.8 of the Land Development and Subdivision Regulations. A 911 foot cul-de-sac is proposed. Therefore, a waiver is required.

Zoning

The property is zoned RS-20 (Residential Single Family). As presented, the proposed project meets the requirements of the Zoning Ordinance.

Utilities

Public sewer and water are located within the Kendall and Jason Drive public rights-of-ways. The Town issued a letter of sewer availability was issued on November 18, 2021. The applicant has submitted the necessary information on the proposed water usage to the Lincoln Water Commission. A hydraulic modeling study is pending. The applicant must provide water availability letter at Master Plan stage. The applicant's engineer stated at the Technical Review Committee meeting that in the event public water is not available, the applicant is prepared to install private wells on each lot.

Wetlands/Stormwater Runoff

At the preliminary plan stage, the stormwater management system design must be designed to account for the proposed dwellings and driveways on the individual separate lots. Applicable RIDEM and NBC permits are required at the Preliminary Plan stage.

Based on the Master Plan submission and Technical Review Committee review, the requested roadway length waiver is the only outstanding item to address. If the Planning Board approves this waiver, the Technical Review Committee feels that the applicant has successfully addressed the technical requirements of the subdivision regulations for a Master Plan review stage.

Sables Road Subdivision – Phase 2
- Angell Road Development Co.

AP44 Lot 33
Lantern and East Lantern Rd.

Final Plan Modification

This application is under the 2005 Subdivision Regulations and represents the second phase of a subdivision of one lot into 8 single-family residential lots having access from East Lantern Lane. On November 8, 2006, this project received Preliminary Plan Approval with conditions. Final Plan was granted by the Administrative Officer and the subdivision was constructed.

Due to existing drainage problems at the time this project was reviewed and seasonal high groundwater in the area, a drainage swale and driveway culverts were proposed and constructed in front of the proposed lots on East Lantern Road. The swale and culverts would be maintained by the individual property owners as a restriction on their deeds. A split rail fence was proposed to be located in front of this drainage swale as a visual delineation.

The developer is in front of the Planning Board requesting a Final Plan modification. The modification is to reduce the lengths of the fencing and add additional trees and shrubs. A landscape design plan was provided. The developer felt that this design would be more

aesthetically pleasing for the 8 new homeowners and accomplish the original goal of delineating the swale for the existing and future residents.

The Technical Review Committee reviewed the submitted landscape architect plan and felt that the new design accomplishes the original goal of delineating the swale. If the Planning Board approves the modification, the developer will install the improvements and return to the Board for the release of the guarantee bond.

Chase Lane Subdivision
- Hugh and Kristin McConeghy

AP 43 Lot 71
Chase Lane

Final Plan Review
Bond Review

This application is under the 2016 Subdivision Regulations and represents the extension of the existing Chase Lane roadway, constructed a new cul-de-sac, and creating two new residential lots and associated stormwater management systems. The proposed subdivision requested two subdivision waivers. Final Plan was not delegated to the Administrative Officer.

Following the project's approval, the developer constructed the proposed improvements. Construction was overseen by the Town Engineer (Leslie Quish) and the Public Works Director (Michael Gagnon). Multiple site inspections were conducted throughout the construction. The Town Engineer identified outstanding items of work and determine a bond amount to complete the public improvements at the appropriate time. A guarantee bond amount of \$27,456 was calculated and includes the following outstanding items of work: bituminous surface course, and guard rail – See attached worksheet.

The Technical Review Committee feels that the application successfully constructed the project according to the Town's Land Development and Subdivision Regulations and review and approval. Final Plan approval and approval of the guarantee bond are the two outstanding items to this subdivision project.

Kirkbrae Ledges – Phase 11
- Kirkbrae Ledges, LLC

AP 32 Lot 45
Lancers Lane & Hemlock Road

Bond Review

On June 23, 2021, a guarantee bond in the amount of \$171,523 was reviewed and approved by the Planning Board. The applicant posted the bond and recorded the final plan for the above noted major subdivision. The applicant has diligently worked to complete the outstanding public improvements according to the submitted construction plans.

To date, the required fencing has been installed and the surface course of pavement within the Timberland Drive and the existing portion of Lancers Lane has been installed. Since that time, National Grid has installed the required street lights and the street sign has been installed. These installations were confirmed by the Town Engineer (Leslie Quish) and the Public Works Director (Michael Gagnon). The owner/developer requests to reduce the bond by \$24,150 which represents the cost of the recently completed improvements. The remaining guarantee bond amount will be \$90,850.

Perry Subdivision
- Oliver HJ Perry Jr.

AP 43 Lot 123
Louisquisset Pike & Twin River Rd

Master Plan Review

On **January 18, 2022**, the project received a Certificate of Completeness. This application was elevated to a Major Subdivision due to two Subdivision Regulations waiver requests. This application is under the 2016 Subdivision Regulations. According to our

Subdivision Regulations, the Planning Board shall, within ninety days (90) days of certification of completeness or within such further time as may be consented to and obtain a written waiver of the deadline from the applicant, approve the master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the master plan review must be made by **April 18, 2022**, or within such further time as may be consented and obtain a written waiver of the deadline from the applicant. This review approval has a **two (2) year approval-vesting period**.

The master plan submission included the following:

- *Minor Subdivision Plan*, prepared for Oliver HJ Perry Jr., AP 43 Lot 123, Old Louisquisset Pike Twin River Road, Lincoln RI, prepared by Marsh Surveying Inc., dated April 12, 2021, and revised to December 22, 2021.
- *System Design #0217-1482 for Oliver Perry, 15 Twin River Road, Lincoln, Rhode Island of AP 43 Lot 123, Pole #66 Twin River Road, Lincoln, Rhode Island, dated August 1, 2018 and revised on August 16, 2018.*
- Letter from Lincoln Water Commission, dated June 1, 2021, to Stephen T. Long, Marsh & Long Surveying Inc., 450 George Washington Highway, Smithfield, RI, regarding AP 43 Lot 31 – Twin River Road.
- Letter from the Lincoln Zoning Official to the Administrative Officer of the Planning Board regarding Proposed Subdivision of 1674 Old Louisquisset Pike (AP 43 Lot 123), dated September 8, 2021.
- Letter from the Public Works Director to the Lincoln Planning Board regarding Proposed Subdivision of 1674 Old Louisquisset Pike (AP 43 Lot 123), dated January 20, 2022.

Site Layout

The project represents the subdivision of one existing residential lot into two residential lots. A new roadway is not required. Record lot 1 will be reduced from 123,942 SF to 40,136 SF. A house already exists on this lot with access from Old Louisquisset Pike. Record lot 2 will be 83,806 SF with access from Twin River Road.

Currently, a pre-existing barn/garage exists on this proposed lot. According to the Zoning Regulations, a barn/garage is considered an accessory use to the residential dwelling unit. Separating the two uses is not allowed. However, according to a letter issued by the Zoning Official on September 8, 2021, he will allow the owner to apply for a subdivision and if successful a condition of the approval will be that the existing barn/garage will have to be removed within 30 months of the approval unless a single-family house is built on the record lot 2. This condition must be noted on the final plans in order to be enforceable by the Zoning Official. The Technical Review Committee did not express any concerns about this condition of approval.

The applicant is requesting two waivers form the Subdivision Regulations. The applicant is requesting not to install granite curbing and sidewalks along Old Louisquisset Pike and Twin River Road. Members of the TRC pointed out that the corner lot, which was recently approved for a two lot subdivision, is installing curbing and a grass sidewalk along both streets. The committee questioned why the applicant would not install curbing and a grass sidewalk along Old Louisquisset Pike.

The applicant is requesting not to install curbing and a sidewalk along Twin River Road. The TRC expressed concerns about this request. The Director of Public Works expressed many

concerns as to why curbing and a sidewalk is requested on an existing roadway. In a letter issued to the Planning Board and dated January 20, 2022, the Public Works Director formally expressed his concerns and recommended to the Planning Board to waive all curbing and sidewalk requirements.

The applicant was prepared to make his argument for the requested waivers to the TRC but the Administrative Officer asked the applicant to make his argument to the Planning Board. The Administrative Officer explained that the TRC only reviews each application for compliance with the Subdivision Regulations and the Zoning Ordinance. The TRC does not have the power to waive requirements of any regulations.

Zoning

The property is split zoned by two zoning districts. Record lot 1 is zoned RS-20 (Residential Single Family) and record lot 2 is zoned RA-40 (Residential Agricultural). Record lot 1 as proposed meets the requirements of an RS-20 zoning district. With the condition of approval noted above regarding the accessory use, record lot 2 will meet the requirements of the Zoning Ordinance within 30 months from Final Plan approval.

Utilities

Record lot 1 is currently serviced by public sewer and water. Record lot 2 will be serviced by public water and an onsite wastewater system. This system was approved by the RIDEM on August 8, 2018. Record lot 2 will also need a Physical Alteration Permit from RIDOT.

Wetlands/Stormwater Runoff

The proposed house on record lot 2 will control its own stormwater runoff with individual stormwater management areas. Approximate dwelling footprint and its separate stormwater management systems for record lot 2 must be designed and permitted at the Preliminary Plan stage. Stormwater management systems will be required for roof and driveway runoff in accordance with the *State of Rhode Island Stormwater Management Guidance for Individual Single-Family Residential Lot Development*.

Based on the Master Plan submission and Technical Review Committee review, the requested waivers of installing curbing and sidewalks along the two roadways are the only outstanding items to address. If the Planning Board approves this waiver, the Technical Review Committee feels that the application can advance to the Public Informational meeting review stage.

Comprehensive Permit Review

Cobble Hill Subdivision
- Lonsdale Land Management LLC

AP 15 Lots 67 and 84
Cobble Hill Road

Master Plan Review

On **January 18, 2022**, the project received a Certificate of Completeness. This application is under the 2016 Subdivision Regulations and has been submitted as a Comprehensive Permit. According to our Subdivision Regulations, the Planning Board shall, within one hundred and twenty days (120) days of certification of completeness or within such further time as may be consented to and obtain a written waiver of the deadline from the

applicant, approve the master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the master plan review must be made by **May 18, 2022**, or within such further time as may be consented and obtain a written waiver of the deadline from the applicant. This review approval has a **one (1) year approval-vesting period**.

The master plan submission included the following:

- *Lincoln, RI, Minor Subdivision prepared for Lonsdale lane Management LLC and Stephen A & Maureen F. Smith, Survey of AP 15 Lot 84 and AP 15 Lot 67, Cobble Hill Road, Reservoir Avenue, Zone RS-12 / Zone RL-9, dated October 19, 2021 and prepared by Marsh & Long Surveying, Inc.*
- *Report – Comprehensive Permit Application, Two-Lot Minor and Administrative Subdivision, 298 Reservoir Avenue and 0 Cobble Hill Road, Assessor' Plat 15; Lot(s) 67 and 84, prepared for Lonsdale Land Management, Inc., prepared by Pimentel Consulting, Inc., dated January 6, 2022.*
- *Letter of Eligibility: Cobble Hill Road Subdivision, Cobble Hill Road/Reservoir Ave, Lincoln, RI, Plat-15, Lot 67, prepared for Mr. Joseph Kishfy, Lonsdale Land Management, LLC, 1740 Lonsdale Ave, Lincoln, RI 02865, prepared by RI Housing, dated October 13, 2021.*
- *Letter – Narrative, RE Cobble Hill Road, Plat 15, Lots 67 & 84, prepared by John Shekarchi, Esquire #5105*

Site Layout

The Comprehensive Permit represents the subdivision of Lot 67 into two residential lots, and adding 36,640 SF of land to existing Lot 84. Lot 84 contains an existing dwelling unit. An accessory use located on the 36,640 SF piece of land will be added to this property. Lot 84 will increase in size from 1.28 Acres to approximately 2.1 acres. This lot is accessed from Reservoir Avenue.

Lot 67, which currently contains a pre-existing non-conforming use on it with no primary residential use, will be reduced from 2.75 acres to approximately 1.92 acres. The pre-existing non-conforming use will be eliminated. Lot 67 will be subdivided into two residential lots. Record lot 1 will be 37,176 SF and record lot 2 will be 46,281 SF. Each proposed lot will be accessed from Cobble Hill Road. The master plan submission does not address the granite curb and concrete sidewalk requirement for each proposed lot. These requirements were not requested as waivers.

Vehicular access to the pre-existing non-conforming building will continue to utilize the existing dirt right-of-way. This right-of-way also provides access to Lot 66. An easement is required in order to formalize this existing right-of-way. The existing electrical service is shown to be going through one of the proposed houses. The applicant will need to relocate this electrical service or make other arrangements to power the pre-existing non-conforming building.

Zoning

Lot 67 (Reservoir Avenue) is split zoned by two zoning districts. The existing house is located in the RS-12 (Residential Single Family) zone. The existing dwelling unit meets the requirements of the zoning district. Lot 84 (Cobble Hill Road) is entirely located in the RS-12 zone. The two proposed lots each require lot width waivers and lot depth waivers. The required lot width is 100'. Record lot 1 is proposing 91.4' and record lot 2 is proposing 92.5'.

Utilities

Record lot 1 and 2 proposed for Lot 84 will both be serviced by public water and sewer. A water availability letter from the Lincoln Water Commission is required. Cobble Hill Road was just paved in 2021. If approved, when all utility connections are completed, the final pavement repair shall be curb to curb and span the length of all utility connections for both lots. This requirement must be shown on all future plans sets. Narragansett Bay Commission permits are required at the preliminary plan stage. A sewer assessment fee of \$950.00 per new lot will be before Final Plan is recorded.

Wetlands/Stormwater Runoff

According to the submitted site plan, wetlands are located on lot 84. However, a copy of the wetland's investigation report was not provided. At the preliminary plan review stage, approximate dwelling footprints and their separate stormwater management systems must be designed and permitted. Stormwater management systems are required for roof and driveway runoff in accordance with the *State of Rhode Island Stormwater Management Guidance for Individual Single-Family Residential Lot Development*.

Affordable Housing

According to the application submission, one of the two proposed single-family residential homes will be designated and deed restricted according to the rules and regulations administrated by RI Housing. Each house will contain four bedrooms. The affordable house lot will be sold to a household earning a maximum of 120% of the area median income (AMI). The Technical Review Committee did not fully discuss the affordable housing aspect of this application. However, one member of the TRC noted that this Comprehensive Permit will put the town in a neutral position in terms of our affordable housing requirements.

Comprehensive Permit Waivers

The Technical Review Committee did not address the requested waivers during this review.

Consistency with the Comprehensive Plan

The Technical Review Committee did not discuss if this proposal is consistent with the Comprehensive Plan during this review.

Based on the Master Plan submission and Technical Review Committee review, the Technical Review Committee would like the applicant to address the noted concerns brought out at the TRC meeting and come back in February for further review.

Zoning Applications (*) – February Zoning Applications

PLEASE NOTE: The recommendations below that are offered by the Technical Review Committee to the Planning Board are offered for the Board to consider. The Planning Board may elect to adopt the recommendations as presented or modify one or more of them.

Continued from the December meeting

Terrapin Properties, LLC, 8 Davis Street, Cumberland, RI 02895 – Application for Special Use Permit to convert church building into a four unit residential building located at 1568 Lonsdale Avenue.

AP 4, Lot 53 Zoned: RG-7

A new site plan was submitted by the applicant to address concerns presented by the Zoning Board members. Members of the Technical Review Committee reviewed the newly revised plans and application seeking a Special Use Permit to convert an existing church building to a four unit residential building located at 1568 Lonsdale Ave, Lincoln, RI. 02865. The applicant is not proposing any new exterior construction. The Technical Review Committee recommends **Approval** of this application. Originally, the Technical Review Committee struggled with the proposed parking design submitted in the application. The applicant revised the plans to include a new parking design. The TRC feels that this new parking design successfully addresses the concerns that the Committee presented at its first application review.

PLEASE NOTE: According to Town Policy, the Town Of Lincoln will not provide garbage or recycling services to properties having four or more residential units. The applicant will be required to contract a private company for all garbage and recycling services.

Continued from the December meeting

Antonio and Alice Duarte, 1 Winterberry Rd., Lincoln, RI. 02865 - Application for Dimensional Variance for front set back relief located at 1 Winterberry Rd, Lincoln, RI 02865.

AP 45, Lot 386 Zoned: RA-40

(Continued from September 4, 2021 Zoning Board hearing – No new information was provided by the applicant)

Members of the Technical Review Committee reviewed the submitted plans and application seeking front setback relief located at 1 Winterberry Rd, Lincoln, RI 02865. The property is located at the end of a cul-de-sac. Setbacks for the property curve with the radius of the cul-de-sac causing a need to request a dimensional variance. The Technical Review Committee recommends **Approval** of this Dimensional Variance. The Technical Review Committee feels that if the house was located on a straight throughway rather than at the end of a cul-de-sac, a dimensional variance would not be required. The proposed addition is needed to relocate the kitchen per the submitted plans. The proposed location of the addition compliments the existing functionality of the residence. The Technical Review Committee feels that the application presents the least relief needed. The Technical Review Committee feels that granting the dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

Albert V. Ranaldi, Jr. AICP

Administrative Officer to the Planning Board