



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

OFFICE OF THE
TOWN PLANNER

February 18, 2022

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

Dear Honorable Members,

On Tuesday, February 15, 2022 at 3:00 PM, the Technical Review Committee met to review the agenda items for the February 23, 2022 meeting of the Planning Board. In attendance were Al Ranaldi, Michael Gagnon, Leslie Quish, Russell Hervieux, Peggy Weigner, Jeff Almond, Michael Gamage, 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

Perry Subdivision
- Oliver HJ Perry Jr.

AP 43 Lot 123
Louisquisset Pike & Twin River Rd

Public Hearing – 7:00 PM
Preliminary 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 preliminary plan as submitted, approve with

changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary 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 application is in front of the Planning Board as a Preliminary Plan Review – Public Hearing.

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 Final Plan approval will be that the existing barn/garage will have to be removed within 30 months of the Final Plan approval unless a single-family house is built on the record lot 2. This condition must be noted on the Final Plan 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 from the Subdivision Regulations. The applicant is requesting the Board waive the requirement 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 presented his argument and supplied pictures to the Board during the January meeting.

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 approved at the Building Permit 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. The application is in front of the Planning Board for a Public Hearing. Barring any unforeseen concerns brought out at the Public Hearing, the Planning Board should discuss and officially vote on the requested waiver. 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 Preliminary Plan review stage.

The TRC would like to point out that a note should be placed on the Final Record Plan stating;

- “The existing barn/garage will be removed within 30 months of the Final Plan approval unless a single-family house is built on the record lot 2. This condition of approval is in accordance to the 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.”

Comprehensive Permit Review

Cobble Hill Subdivision
- Lonsdale Land Management LLC

AP 15 Lots 67 and 84
Cobble Hill Road

Public Informational Meeting –
7:00 PM
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 application is in front of the Planning Board as a Master Plan Review – Public Informational Hearing.

The master plan submission included the following:

- *Lincoln, RI, Minor Subdivision prepared for Lonsdale Land 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's 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. These concerns will be closely reviewed during the Preliminary Plan review stage.

Zoning

Lot 84 (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 67 (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'. All three of the proposed reconfigured lots will exceed the required average lot depth to average lot width ratio of 2:5 to 1 as required in the Subdivision Regulations.

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 must be paid 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 discussed the affordable housing aspect of this application. 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. This TRC member recommended that the two proposed house lots be designated and deed restricted for 99 years according to the rules and regulations administrated by RI Housing.

Comprehensive Permit Waivers

The submitted Comprehensive Permit application requests five (5) waivers. Two (2) Zoning Ordinance waivers are requested. The waivers are for minimum lot width on the two proposed house lots. The RS-12 zones requires 100 feet of frontage for all new lots. The two proposed house lots do not comply with this requirement and are requesting waivers of 7.47 feet (Record Lot 1) and 8.55 feet (Record Lot 2).

Three (3) waivers are requested from the Subdivision Regulations. All three of the proposed reconfigured lots will exceed the required average lot depth to average lot width ratio of 2:5 to 1. 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.

Consistency with the Comprehensive Plan

The Technical Review Committee discussed the proposed project as it relates to the Consistency with the area and the Comprehensive Plan. The TRC feels that the proposed lots to be accessed from Cobble Hill Road are consistent to the existing residential development along this roadway. Cobble Hill Road is a very old roadway. Originally many large homesteads existed. These homesteads were later subdivided according to the zoning district (if one existed) at the time. Consequently, the roadway is made up by a variety of residential lot sizes. The proposed project is consistent with the historical development of the roadway.

Based on the Master Plan submission and Technical Review Committee review, the Technical Review Committee identified several items that the Planning Board should discuss and possibly take an official vote on. The items are as follows:

1. The submitted Comprehensive Permit application requests five (5) waivers. Two (2) Zoning Ordinance waivers are requested for minimum lot width on the two proposed Record Lots 1 and 2. The RS-12 zones requires 100 feet of frontage for all new lots. The two proposed house lots do not comply with this requirement and are requesting waivers of 7.47 feet (Record Lot 1) and 8.55 feet (Record Lot 2).
2. Three (3) waivers are requested from the Subdivision Regulations. All three of the proposed reconfigured lots will exceed the required average lot depth to average lot width ratio of 2:5 to 1.
3. 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.
4. 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. The Planning Board should discuss this item and determine if the number of affordable units is acceptable based on the Town's Affordable Housing goals.

This Comprehensive Permit application is in front of the Planning Board for a Public Informational Hearing. If the Planning Board agrees with the proposed waiver requests and the number of affordable units, the Technical Review Committee feels that the applicant has successfully addressed the technical requirements of the subdivision regulations for a Master Plan review stage.

Major Subdivision Review

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

AP44 Lot 33
Lantern & East Lantern Rd.

Final Plan Modification
Bond Reduction

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 still 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.

During the January 26, 2022 Planning Board meeting, several Board members recognized that people currently live in these houses and may not be aware of this condition of approval. The existing homeowners may want or not want a split rail fence or the proposed plantings. The Planning Board asked the developer to meet with the eight homeowners and discuss their options. The Board also asked that the developer provide some type of acknowledgement by each homeowner of their preferred option.

The developer met with the homeowners to discuss their options. The developer provided the Technical Review Committee with the required acknowledgements. A total of seven homeowners prefer the new tree and shrub planting design. One homeowner did not want a fence or anything planted in his front yard. The TRC was satisfied with the developer's efforts and the final outcome.

A guarantee bond for \$143,643 was originally posted by E.A. McNulty for Phase II of the Leslie Way Subdivision located on Plat Map 44 Lot 33 along East Lantern Road. The Planning Board previously reduced the bond value to \$96,363 to reflect E.A. McNulty's contribution to the Town reconstructing the road. Since that time, E.A. McNulty has completed all outstanding items of work with the exception of the split rail fence.

The Town Engineer inspected this property multiple times during construction however; a final inspection prior to the Technical Review Committee meeting was not possible due to snow cover. As such, the TRC recommends that the Planning Board reduce the bond value to \$30,188 for the outstanding split rail fence (or approved alternate) pending a final inspection by the Town Engineer once the snow has melted. Following the final inspection, the Town Engineer can submit a memo indicating that she inspected the site and the outstanding split rail fence (or approved alternate) was successfully installed. With receipt of this memo, the Administrative Officer can release \$66,175.00 to the developer.

Minor Subdivision Review

Pascale Drive Subdivision
- The Seaview Realty LLC

AP11 Lot 63
Pascale Drive

Preliminary Plan Review

On **February 15, 2022**, the project received a Certificate of Completeness. This application is under the 2016 Subdivision Regulations and is classified as a minor subdivision. According to our Subdivision Regulations, the Planning Board shall, within sixty-five (65) 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 preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by **April 21, 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 **90 day approval-vesting period**.

The master plan submission included the following:

- *Lincoln, RI, Minor Subdivision Plan prepared for The Seaview Realty, LLC, Survey of AP 11 Lot 63, River Road, Pascale Drive, Zone RS-12 & RL-9, prepared by Marsh & Long Surveying, Inc. and dated December 10, 2021, revised to February 16, 2022.*

Site Layout

The project represents the subdivision of one existing residential lot into four (4) residential lots. A new roadway is not required. A house already exists on this lot with access from River Road. Granite curbs exist on both sides of Pascale Drive. A new sidewalk is proposed according to the plan set.

Proposed record lot 1 will have access from River Road. Proposed record lot 2, which contains the existing house, will have access from Pascale Drive. The plans indicated that the existing driveway will be reconfigured to the new access point. Proposed record lot 3 and 4 will have access from Pascale Drive.

The Technical Review Committee reviewed the submitted application. Several items were identified and addressed on the current plan set. The TRC would like to point out that the proposed subdivision directly abuts Lonsdale Elementary School property. The TRC expressed concerns for the future new homeowners due to the school's activities. Most notably, the noise and lights generated by the activity at the baseball field. The TRC and the applicant decided that a permanent vegetative screen along the property line between the subject lots and the Lonsdale Elementary School property would help mitigate the school's activities. A proposed vegetated screen is shown on the plan set.

Zoning

The property is split zoned by two zoning districts. Record lot 1 is zoned RL-9 (Residential Limited) and record lots 2-4 are zoned RS-12 (Residential Single Family). All proposed lots meet the requirements of the Zoning Ordinance.

Utilities

Record lot 1 will be serviced by public sewer and water located in River Road. Record lot 2-4 will be serviced by public sewer and water located in Pascale Drive. The public utilities for record lot 2, which contains the existing house, will be reconfigured and installed in Pascale Drive. A water availability letter is required from Lincoln Water Commission.

The Town Engineer noted the following: Proposed Record Lot 1 requires a Physical Alteration Permit from RIDOT. River Road is a state roadway. Plan needs to show pavement restoration limits for utility connections. Curb to curb restoration is required. Proposed Record Lots 3 and 4 shall have a combined restoration spanning all utility connections for both lots. Proposed Record Lot 2 shall have a restoration spanning all utility connections for this lot.

Wetlands/Stormwater Runoff

Stormwater management systems on the proposed residential lots 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* and reviewed at the building permit stage.

Based on the Preliminary Plan submission and Technical Review Committee review, the Technical Review Committee feels that the applicant has successfully addressed the technical requirements of the subdivision regulations for a Preliminary Plan review stage. If the Planning Board agrees, the TRC recommend the following conditions be addressed:

1. Install a new sidewalk according to the submitted plans.
2. Install two (2) foot granite curb returns for the proposed driveway entrances according to the submitted plans.
3. Install a vegetated screen along the property line between the subject lots and the Lonsdale Elementary School property according to the submitted plans.
4. Proposed Record Lot 1 requires a Physical Alteration Permit from RIDOT.
5. Submit a water availability letter from the Lincoln Water Commission for all proposed lots.

The Administrative Officer would like to point out to the Applicant and the Board that minor subdivisions have a **90 day approval-vesting period**. The applicant will need to satisfy the conditions of approval within 90 days of preliminary plan approval, request an extension of the approval vesting period in writing or return to the Board to establish and post a bond for the conditions.

Zoning Applications (*) – March 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 February 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.

Highland Falls Condominiums, 2 School St., Lincoln RI 02865 – Application for Special Use Permit for additional signage for residential condominium project, located at Albion Mills Company Inc. 2 School St., Lincoln, RI. 02865.
AP 2, Lot 048 Zoned: RG-7

Members of the Technical Review Committee reviewed the submitted plans and application seeking a Special Use Permit for additional signage for residential condominium project, located at Albion Mills Company Inc. 2 School St., Albion, RI. 02802. Multiple buildings and entrances make up this existing residential condominium complex. The Technical Review Committee recommends **Approval** of this Special Use permit for additional signage. The applicant presented a thorough proposal that compliments the existing functionality of each building. The Technical Review Committee feels that the application presents the least relief needed. The Technical Review Committee feels that granting the special use permit 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