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OFFICE OF THE
TOWN PLANNER

August 26, 2021

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

Dear Honorable Members,

On Tuesday, August 17, 2021 at 3:00 PM, the Technical Review Committee met to review the agenda items for the August 31, 2021 meeting of the Planning Board. In attendance were Al Ranaldi, Michael Gagnon, Michael Gamage, Leslie Quish, Jeffery Almond, and Francine Jackson. Michael Reilly reviewed the submitted subdivision and zoning applications and submitted written comments to the Committee. Below are the Committee's recommendations.

Comprehensive Permit

a. Whipple-Cullen Farm	AP 29 Lots 150 and 311	Project Update
- Old River Road Development, LLC	Old River Road	

On June 24, 2020, the Planning Board approved with conditions the Preliminary Plan submission of this project. The approved project consists of 150 condominium units made up of 75 duplexes with one private access roadway off Old River Road and a second private access roadway off George Washington Highway. A total of 38 units will be designated as affordable according to RI Housing regulations.

As a condition of approval, certification from a 3rd party Rhode Island licensed engineer shall be required prior to Final Plan approval of each phase as shown in the plan set submission. The 3rd party Rhode Island licensed engineer shall inspect and certify that the following project components have been installed according to the submitted plans and commonly accepted construction methods. The project components to be inspected and certified are as follows: all

proposed erosion controls, all proposed retaining walls, all proposed slope stabilization areas, the installation of riprap behind buildings number 85 through 112, the project's drainage system, the project's sewer system, the project's roadway pavement construction (road subbase, compaction, and pavement), all curbing and sidewalk construction, and all proposed landscaping depicted on plan set sheet L1.0 only. The Town shall retain the 3rd party Rhode Island licensed engineer. The applicant shall reimburse the Town for all expenses associated with the duties of the 3rd party Rhode Island licensed engineer.

Several intense storm events have transpired during the construction of Phase 1. Many detention basins and erosion control measures did not perform as designed. The Town's 3rd party engineer is present to give the Board an update as to the condition of the site and the overall Phase 1 construction.

Major Land Development Review

Cumberland Farms	AP 31 Lots 08, 09, & 10	Master Plan Discussion/
- Kirkbrae Development Corp	George Washington Hwy	Approval

This application is under the 2016 Subdivision Regulations and represents the combination of three (3) wooded lots into one commercial lot containing one convenience store, five gas dispensers, one quick serve restaurant with drive-thru and associated parking and stormwater management systems. The project is in front of the Planning Board at the Master Plan Review stage. A Public Informational meeting was held in July.

On **June 15, 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 **September 13, 2021**, 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:

- *Site Plan Set for Cumberland Farms, Oracle #RI8815, 644, 646, 648 George Washington Highway (Route 116), Lincoln RI 02865, prepared by Civil Design Group, Site Plan CFG04.0 dated May 12, 2021, Grading & Drainage Plan CFG05.0 dated May 12, 2021, Utility Plan CFG07.0 dated May 12, 2021; ALTA/NSPS Land Title Survey CFG02.0 dated February 26, 2020; Exterior Elevations A-200 and A-201 dated April 30, 2021; Exterior Elevations AR-2.0 and AR-2.1 dated April 30, 2021; Aerial Plan AP-1 dated May 12, 2021; Pylon Signage A000.1 dated April 30, 2021, and three photo renditions.*
- *Letter from Joelle C. Rocha, Esq, of Duffy & Sweeney, LTD, 321 South Main Street, Suite 400, Providence, RI 02903 regarding Major Land Development proposal for 644, 646, and 648 George Washington Highway, dated August 17, 2021.*
- *Pylon Signage, Cumberland Farms, George Washington Highway, Lincoln, RI 02865, prepared by Harrison French and Associates. LTD, Franklin, MA, dated 04-30-2021.*
- *Letter from the Narragansett Bay Commission regarding 648 George Washington Highway, Lincoln, RI, Proposed Cumberland Farms and Restaurant, to Mr. Philip Henry, Civil Design Group, LLC, dated June 14, 2021.*

- *Report titled Traffic Impact Study, Convenience Store with Gas Station and Fast-Food Restaurant, 644-648 George Washington Highway (Route 116), Lincoln, RI, prepared by McMahon Associates, Inc. 14 Breakneck Hill Road, Suite 201, Lincoln, RI 02865, and dated April 2021*

Site Layout

The project represents the combination of three (3) wooded lots into one commercial lot containing one convenience store, five gas dispensers, one quick serve restaurant with drive-thru and associated parking and stormwater management systems. The project is located at the corner of George Washington Highway and Blackstone Valley Place. The buildings will face George Washington Highway. There is a proposed access point on George Washington Highway and one access point on Blackstone Valley Place. The plan submission exceeds Master Plan requirements.

Due to the combination of two different uses and the nature of these proposed uses, the TRC would like the proposed layout and circulation reviewed by the fire department at this stage. A full review by the fire department of the site layout and architectural plans will be a condition of Master Plan approval.

An abutter to the project expressed concerns about the proposed location of the underground gas storage tanks. The tanks were proposed to be located at the lower southeastern corner of the site. The abutter is concerned about future tank failure and the possibility that the gas would travel underground onto his property. Based on this concern, the applicant relocated the proposed tanks to the middle of the fueling area along the property line fronting George Washington Highway. The applicant submitted a response to comments letter dated August 17, 2021 that provides a narrative of the proposed fuel tanks' safety features. Full tank details will be provided at the Preliminary Plan review stage.

The Technical Review Committee noted several conditions of approval that they would like to bring to the applicant's attention. All permits are required at the preliminary plan stage. This includes, but is not limited to the following: Physical Alteration Permit from RIDOT, approval from the Narragansett Bay Commission, approval from RIDEM's Underground Storage Tank (UST) program, and approval from RIDEM's RIPDES/UIC/Stormwater programs. As a condition of final plan approval, all site construction shall be inspected and certified to be constructed in accordance with the plans by a licensed civil engineer. This certification shall be provided to the Town upon completion of the site work.

Zoning

The property is zoned BL-0.5 (Business Limited). The proposed project will require a Special Use Permit for the gas station use and increased signage. The convenience store and quick serve restaurant with drive thru are permitted uses in this zoning district. Conditional Master Plan approval will be required before the project can advance to the Zoning Board. The Technical Review Committee reviewed and offered comments on the submitted Zoning applications for Special Use Permits. The comments are presented further down in this report.

The applicant provided their proposed pylon sign design for the two uses for general discussion with the board. The Technical Review Committee reviewed the proposed pylon signs and felt that they fit within the general design and height/massing of the existing signage along George Washington Highway. The Technical Review Committee reviewed and offered

comments on the submitted Zoning application for a Special Use Permit to increase signage. The comments are presented further down in this report.

Utilities

Public sewer and water are located within the surrounding public rights-of-way. The applicant must provide water and sewer availability letters at Master Plan stage. The TRC would like to note that the sewer main in George Washington Highway is a Narragansett Bay Commission sewer main. On June 14, 2021, the applicant received a sewer availability letter from the Narragansett Bay Commission. Public water is provided by the Lincoln Water Commission (LWC). The applicant has been in communication with LWC and is awaiting a letter of water availability. If the Board sees fit to grant Master Plan approval, the Technical Review Committee recommends as a condition of this approval that the applicant obtains and submits a letter of water availability.

Wetlands/Stormwater Runoff

The proposed site layout indicates several stormwater management areas and systems. The Town Engineer reviewed these stormwater management systems at a Master Plan level and did not note any major engineering concerns. A detailed analysis will be conducted at the Preliminary Plan stage.

Parking

The parking for the two proposed buildings and their stated uses meet the Town's parking requirements as set out in the Town's Zoning Ordinance. However, the Technical Review Committee noted concerns with the proposed loading zones. The Technical Review Committee noted that the loading zone for Cumberland Farms blocks access to three parking spaces and the loading zone for the restaurant blocks access to 14 parking spaces as well as the exit aisle for 11 more parking spaces. The applicant made note that they have control of their vendors' delivery schedule and will arrange for appropriate delivery times to reduce possible interference with pedestrians and vehicle movements. The applicant has also stated that three parking spaces can be designated as "employee parking". The Zoning Official has reviewed the plan but has not issued a written opinion as to if this layout is acceptable. The applicant has presented viable options to this concern. Therefore, if the Board sees fit to grant Master Plan approval, the Technical Review Committee recommends as a condition of this approval that the applicant obtains and submits a letter from the Zoning Official that the loading zone layout is acceptable.

Traffic

The proposed project will add two access points within close proximity to a major intersection – George Washington Highway and Blackstone Valley Place. The TRC expressed concerns about traffic congestion at the intersection. The Town prefers the driveway access on Blackstone Valley Place be located as far north as possible to avoid conflicts with queued traffic.

While a full traffic study is required and reviewed at the Preliminary Plan stage, the applicant provided a traffic analysis and a supplemental memorandum of the project at the master plan review stage. The Town recently received the full traffic report. However, the town and the Technical Review Committee did not review the full report.

The Technical Review Committee reviewed the submitted traffic analysis and memorandum. The data presented indicated that the intersection of George Washington

Highway and Blackstone Valley Place could accommodate the proposed project and corresponding entrances.

It should be noted that the TRC as well as the applicant recognized that the traffic analysis and subsequent traffic report did not include any specific traffic generated from the newly renovated High School and corresponding new traffic pattern. The applicant will perform new traffic counts after school begins and incorporate this data in an updated traffic report. This updated report will be reviewed and presented at the preliminary plan review.

Another traffic concern brought out at the Public Informational meeting was the increase of automobile lights shining into the neighbors' windows across from the proposed project. The applicant demonstrated that the proposed project is hundreds of feet away from the houses located across George Washington Highway and anticipates that there would be minimal impact on the neighbors. To mitigate automobile lights, the applicant is exploring obtaining permission from the State of Rhode Island's Department of Transportation (RIDOT) to install a low vegetative buffer in the existing RIDOT easement along the front portion of their property. The automobile light concern will be reviewed further at the preliminary plan stage of review.

Comprehensive Plan

The Technical Review Committee reviewed the goals and objectives of the Comprehensive Plan. The TRC feels that the project is consistent with the goals and objectives of the Comprehensive Plan of preserving the balance between business land use and residential land use in the community. The proposed project is located in a zoning district that allows these land uses. In the applicant's response to comments letter dated August 17, 2021, the applicant presented a detailed analysis as to how the proposed project is consistent with the Comprehensive Plan.

Based on the Master Plan submission and review, the Technical Review Committee confirmed that the applicant successfully addressed the technical requirements of the subdivision regulations for a Master Plan review stage. The Technical Review Committee still has some concerns regarding the project; however, the applicant has been actively working on addressing them at this review stage. Therefore, if the Board sees fit to grant Master Plan approval, the Technical Review Committee recommends as a condition of this approval that the applicant obtains and submits a letter of water availability and the applicant obtains and submits a letter from the Zoning Official that the loading zone layout is acceptable.

As stated above, the Technical Review Committee noted several conditions of approval that will be required at the preliminary plan stage. They include, but are not limited to, the following: Physical Alteration Permit from RIDOT, approval from the Narragansett Bay Commission, approval from RIDEM's Underground Storage Tank (UST) program, and approval from RIDEM's RIPDES/UIC/Stormwater programs. As a condition of final plan approval, all site construction shall be inspected and certified to be constructed in accordance with the plans by a licensed civil engineer. This certification shall be provided to the Town upon completion of the site work.

Minor Subdivision Review

Louisquisset Pike Subdivision
- North End Realty LLC

AP 43 Lot 34
Louisquisset Pike & Twin River Rd

Bond Review /
Approval

This application is under the 2016 Subdivision Regulations and represents the subdivision of one lot into two residential house lots. As a condition of approval, public improvements are required. These improvements are granite curbing and grass sidewalks, as depicted on the submitted preliminary site plans, be installed along the entire frontage of the property and grass sidewalks. These improvements must be reviewed and approved by Rhode Island Department of Transportation through a Physical Alteration Permit process.

The applicant has applied for a building permit. However, the Town determined that the public improvements must be installed first and the subdivision recorded before a building permit to construct a house is issued. An acceptable alternative to installing the public improvement before a building permit is issued is to post a cash bond for the cost of installing the improvements at a later date.

If the Planning Board is comfortable with bonding the cost of the public improvement and allowing the applicant to begin construction of a house, a guarantee bond amount of \$33,912 was calculated and includes the following: granite curbing, pavement repair, grass sidewalk installation and traffic control – See attached worksheet. This bond would be in the form of cash.

Boulevard Avenue Subdivision
- Joshua George

AP 10 Lot 332
0 Boulevard Avenue

Reconsideration of
Preliminary Plan Approval

This application is under the 2016 Subdivision Regulations and represents the subdivision of one lot into four residential house lots. Two of the four lots will have single-family houses constructed on them while the other two lots will be developed as two duplexes. Granite curbing and cement sidewalks will be installed along the entire length of the property.

The application received preliminary plan approval with conditions on July 28, 2021. However, the Town determined that misrepresentations were made during the discussion and ultimate approval of the project. The Town Solicitor advised the Administrative Officer that the Planning Board should exercise their authority and ask the applicant back for a discussion and reconsideration of the Preliminary Plan Approval.

Recommendation to Town Council - Zoning Ordinance Amendments
a. Ordinance 2021-11 Amending Ch. 260, Zoning, Article VI Signs
permitted in all districts, Sections 260-34 and 260-35

Review and Discuss /
Approval

Rhode Island courts have made several rulings regarding sign ordinances. Proposed Ordinance 2021-11 amends Chapter 260, Zoning, Article VI Signs to comply with the outcome of several cases. Modifications were made to Section 260-34C(1) - Temporary Signs and Section 260-35 A and B were deleted.

According to Section 20-342 of the Town of Lincoln's Code of Ordinances, the Planning Board must study and offer recommendations to the Town Council for all zone changes. The Planning Board's recommendation must be made in accordance with Section 20-343 of the Code of Ordinances which 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:

1. 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
2. Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, presented in article 1 of this chapter.

The Technical Review Committee did not receive or review the proposed amendments. Therefore, the Technical Review Committee cannot offer any recommendations at this time.

Zoning Applications (*) – September Zoning Applications

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

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.

Cumberland Farms, 165 Flanders Rd., Westborough, MA. 01581 - Application for Special Use Permit for increased signage for new commercial facility located at 644,646, and 648 George Washington Highway, Lincoln, RI. 02865. AP 31, Lot 8,9,10 Zoned: BL-0.5

Members of the Technical Review Committee reviewed the submitted plans and application for Special Use Permit for increased signage for new commercial facility located at 644,646, and 648 George Washington Highway, Lincoln, RI. 02865. The Technical Review Committee recommends **Approval** of the Special Use Permit. The proposed sign package is minimal in nature compared to the overall size of the facility. The applicant took great care to submit only the signs they need to promote their business. The Technical Review Committee feels that the Special Use Permit will not alter the general character of the surrounding area and will not impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Cumberland Farms, 165 Flanders Rd., Westborough, MA. 01581 - Application for Special Use Permit to allow a gasoline filling station with accessories, no auto repair for a new commercial facility located at 644,646, and 648 George Washington Highway, Lincoln, RI. 02865.

AP 31, Lot 8,9,10

Zoned: BL-0.5

Members of the Technical Review Committee reviewed the submitted plans and application seeking a Special Use Permit to allow a gasoline filling station with accessories, no auto repair for a new commercial facility located at 644,646, and 648 George Washington Highway, Lincoln, RI. The Technical Review Committee recommends **Approval** of this Special Use Permit. The proposed project is located within a commercial area of town and along a main commercial travel corridor (George Washington Highway). The Technical Review Committee feels that the Special Use Permit is consistent with the goals and objectives of the Comprehensive Plan, will not alter the general character of the surrounding area and will not impair the intent and purpose of the zoning ordinance.

Timothy O'Halloran, 37 Lakeview Ave, Lincoln, RI. 02865 -Application for a Dimensional Variance for minimum relief for extending depth of existing deck located at 37 Lakeview Ave, Lincoln, RI. 02865.

AP 17, Lot 100

Zoned: RS-12

Members of the Technical Review Committee reviewed the submitted plans and application seeking a Dimensional Variance for minimum relief for extending the length and width of an existing deck located at 37 Lakeview Ave, Lincoln, RI. 02865. The Technical Review Committee recommends **Approval** of this Dimensional Variance. The existing deck can only accommodate two chairs. The Technical Review Committee feels that the application presents the least relief needed. The Technical Review Committee feels that granting the dimensional variances 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