

LINCOLN PLANNING BOARD

November 16, 2022

Approved

The regular meeting of the Planning Board was held November 16, 2022. This meeting was at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

This was an in-person meeting. The public was able to view the meeting in person or by utilizing the web streaming available on <https://lincolnri.civicclerk.com/web/home.aspx>.

Application materials are available on the Planning Department's webpage:
<https://www.lincolnri.gov/181Planning>

Chairman Bostic called the meeting to order at 7:00 p.m. The following members were present: Ken Bostic, Megan Bellamy, Jeff Almond, Mike Reilly, Ned London, and Tom Tuytschaevers, Member Tom Salvatore was absent.

Also in attendance were Town Planner Joshua Berry, Town Engineer Leslie Quish and Town Solicitor Anthony DeSisto.

There was no Consent Agenda.

Major Subdivision Review

A. McManus Subdivision	AP 21 Lot 70	Master Plan Public Informational
Daniel C. & Deborah McManus	552 River Road	Meeting 7:0PM

Town Planner Berry presented the proposed project as per the Technical Review Committee review of November 8, 2022. (Copies provided in the packets to the Board.) * The TRC review is advisory in nature, and in no case shall the recommendation of the TRC be binding on the Planning Board in its activities or decisions.

The plans were viewed by the Board and detailed by the Town Planner.

Attorney Michael Resnick for the applicant/owner thanked the Board for the staff report prior to the hearing and said they had the opportunity to review and it was very comprehensive. He stated they had their second final meeting with the Technical Review Committee in November and received a unanimous recommendation with waivers and certain conditions. Attorney Resnick stated they have no objection to conditions. He noted the waiver particular regarding the sidewalk and granite curbing were the subject of several discussion at the TRC meetings and

there really is no connection. They are islands into themselves. Mike Gagnon, Public Works Director, had concerns relative to the safety of workers and equipment with respect to maintenance of granite curbing that have no connectivity. His recommendation to the Planning board is to waive all curbing and sidewalk requirements.

Chairman Bostic asked elaboration regarding the easement for the driveway through the other property.

Michael Darveau, President, Land Surveying, Inc. addressed the Board to clarify the easement. He stated that the property in the back was developed in mid-1990's. The easement was provided so they did not have to cross the wetlands and cross over the river. This has been in place since the beginning of the configuration of the original lot. The plan is for it is to stay there and not change any of that and the driveway is existing.

Chairman Bostic asked if that is recorded like that. Mr. Darveau stated it is recorded like that.

Member London wanted to know if all the construction is outside the buffer zone.

Mr. Darveau stated that the majority would be within the buffer zone of the wetlands. He said there are different types of buffers for different types of wetlands. This was submitted before the rules changed and is still under the old rule prior to July 1 of this year. The stream or river that runs through the property has a 100' perimeter wetland and that is what it is classified as; and this is all within the buffer zone of the river. The adjoining wetland areas are classified he believes as a wooded swamp area and as such have no buffers. They are within the 100' perimeter of the wetland buffers for the river. That is where they applied to DEM for approval.

Motion by Member Reilly motions to open the Public Hearing, second by Member Almond. Motion approved by all members present.

Chairman Bostic stated all abutters had been notified.

A resident of Dexter Rock Road who is not an abutter but lives upstream voiced concerns about wetland buffers, runoff, and zoning.

A resident of 569 River Road; which is across the street from the property, had concerns also about water runoff and flooding and wanted to know if there is a plan in place. In addition, he wanted to know if there would be any changes to the brook that runs through his property.

Motion to close the Public Hearing by Member Reilly, second by Member Almond. Motion approved by all members present.

Chairman Bostic said one of the questions was about zoning and setbacks and how they fit in the area.

Attorney Resnick stated from their due diligence these three (3) lots are RS 12 and they are in full conformance with zoning. There is no zoning relief required from their research, Public Works Director Mike Gagnon or the Planners Report. In addition, in regard to the other environmental concerns they will be meeting with DEM in the next couple of weeks. In addition, if they were not able to obtain DEM approval this development it would not be constructed.

Chairman Bostic asked Attorney Resnick to elaborate more on the other residents concern about the drainage. Chairman believes this is all stated by law but asked how they will control the drainage. In addition, how they will keep the runoff on the property and not allow it on the residents' property.

Attorney Resnick states that the owner/applicant has an absolute obligation to manage stormwater on site and insure there is no increase of water in surrounding areas. The own/applicant has no obligation to fix what is generally occurring. He also stated that at this conceptual stage, they are not obligated to provide these plans but they will provide them and answer all questions at the full hearing.

Mr. Darveau stated that in regards to drainage part of DEM review is looking at drainage and then the Town will look at it. Therefore, it would be done twice.

Chairman Bostic asked town Engineer Quish to explain about the water when they actually construct a house and what they are required to do so that the runoff from the roof does not end up going in someone's yard.

Town Engineer Quish explain in detail what is necessary, such as a rain garden.

Chairman Bostic asked the Planner if the zoning is correct in that area.

The Planner stated that it is correct.

Member Bellamy asked if the existing shed is an issue.

Planner Berry stated that it is not part of the proposed improvements and not part of the proposed lot lines.

Mr. Darveau responded to a question by Member Bellamy regarding the guardrail by pointing it out on the plans and said they are not removing any of the guardrail.

Town Planner Berry entered the letter from the DPW dated November 10, 2022 into the record.

Member London asked if it would be a crushed stone driveway. Mr. Darveau said they are proposing a crushed stone driveway.

Chairman Basic asked if both the houses were going to be tied in to sewer and water. Mr. Darveau responded that water and sewer letters are required at preliminary. The Town Engineer has provided the sewer letter but they are still waiting for the Water Department letter.

Chairman Bostic questioned a well in a wetland area. Attorney Resnick stated they have no intent to do a well.

Town Planner Berry states that the TRC recommended approval with condition as stated in the TRC report dated November 8, 2022.

Attorney Resnick said the NBC permit is a condition at preliminary. They have submitted a water availability letter. Town Engineer Quish responded that they typically do.

Member Reilly made a motion to accept the TRC recommendations and conditions and adopt the findings of fact in the staff report including waivers, second by Member Almond. Motion approved by all members present.

Comprehensive Permit Review

A. Edgewood Estates	AP 34 Lot 460	Comprehensive Permit
Edgewood Developer, LLC	0 New River road	Pre-Application Review

Town Planner Berry advised that this proposed project is in front of the Board for a comprehensive permit/pre application review.

Attorney Shekarchi for the applicant said this is informal unique presentation. We usually do not come in for a pre-application; however, they are looking for some guidance. They have been back and forth with this property a lot in the last year or two with Al, Leslie, Mike and a little with Joshua. Across the street is less dense RG 7 and the condo's in the rear are less dense. Now they are back to a seven (7) lot subdivision with zone change and a cul-de-sac. This property is RS 20 and a little bit troublesome. They started with a five (5) lot, then eight (8) lot and now back to back to a seven (7) lot subdivision requiring a zone change with a cul-de-sac. They are looking for some guidance in which direction to proceed.

Fred Ferland, Owner /Applicant reviewed the history of the proposed project. He described the plans for the proposed project presently.

He was hoping the Board would give him a direction in which to proceed with the project.

Chairman Bostic asked Attorney Shekarchi about the plans that were now in front of the Board. Attorney Shekarchi said the plans in front of the Board at this time would require a zone change. He stated that the Board would provide input after the proposed project was in front of the Board for review. They would apply for zone change and come back to the Board to see if it was supported. Chairman Bostic asked what happens if you comply with current zoning. Attorney Shekarchi said it would be a minor subdivision with no need to go to zoning, however it might have some waivers. Planner Berry stated that if they come in with the Comprehensive Permit that they would only have to do lots and not a road. A discussion continued about the pro and cons of different ways to proceed. Planner Berry stated he would be looking for the least impact to the land; afford housing if possible, and compatibility with the neighborhood. Those are the three main things they are looking for. There are other plans on file

Chairman Bostic liked that plan in front of them but maybe just a little too big. Discussion continued with the various options, house vs duplexes.

No motion needed.

Review of Minutes

- A. October 17, 2022 Planning Board Workshop
- B. October 26, 2022 Planning Board Meeting

Motion by Member Reilly, second by Member Almond to dispense with the reading of the draft minutes of October 17, 2022 Planning Board Workshop and also of October 26, 2022 Planning Board Meeting. Motion approved by all members present.

Chairman Bostic had a small complaint regarding the Board's packets. He requested the packets include drawings from previous months, letters, reports, agenda, and previous meeting draft minutes to be in each of the Board's packets for accuracy. If there is no staff available to deliver the packets the Chairman asked that the packets be mailed as the cost of mailing was minimal.

Motion by Member Reilly to table the draft minutes of October 17, 2022 Planning Board Workshop and the draft minutes of the October 26, 2022 Planning Board meeting for review next month, second by Member Almond. Motion approved by all members present.

Planners Report

- A. Approved MDL Final Plan Maple Realty at AP 28 Lot 137
- B. Approved Minor Subdivision Final Plan Pascale Drive Subdivision at AP 11 Lot 63
- C. Approved Minor Subdivision Final Plan Jorden Subdivision at AP 19 Lot 21

- D. Approved Minor Subdivision Final Plan Rado Subdivision at AP 24 Lot 6
- E. Approved Comprehensive Permit Final Plan Cobble Hill Subdivision

Town Planner Berry said all above listed have been reviewed for consistency, accuracy and any conditions by the Administrative Officer.

Planning Board Policy

- A. Process for Scheduling Public Informational Meetings and Public Hearings.

Recap from the Lincoln Planning Board Workshop Oct. 17, 2022.

Planner Berry is unaware of any other community that does the two meeting process. The Administrative Officer has the authority to schedule a public hearing. Eliminating the extra meeting from the process would reduce total meetings, time, and expenses for applicants, making clearer and succinct agendas. Applications could be put on as a pre-application at the discretion of the Planner eliminating extra meetings and streamline the entire process. This was just discussion at the workshop as the full Board was not in attendance.

Town Solicitor read Section 16 of the major subdivision regulation at Master Plan.

After a lengthy discussion between the Board and Planner regarding pros and cons of the two meeting process it was decided to continue Items A (Process for Scheduling Public Information Meetings and Public Hearings and B (Affordable Housing Fee in Lieu) until next month.

There was no Solicitor's Report. There has been no decision on the Women's Development Corporation project.

Motion to adjourn by Member Reilly, second by Member London. Motion approved by all members present. Meeting adjourned at 8:45pm.

Respectfully submitted,

Elizabeth A. Gagnon
Secretary to the Planning Board