

Town of Lincoln  
Planning Board  
100 Old River Road, Lincoln, RI  
Minutes of January 25, 2023 Meeting

The regular meeting of the Planning Board was held January 25, 2023. 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.

Present: Chairman Ken Bostic, Members Meagan Bellamy, Tom Salvatore, Ned London, and Tom Tuytschaevers, Member Mike Reilly and Jeff Almond were absent.

Also in attendance: Town Planner Joshua Berry, Legal Counsel Mark Hartmann and Town Engineer Leslie Quish.

Chairman Bostic acknowledges the services of Elizabeth Gagnon who has been The Planning Board recording secretary for over 10 years. Appointing the new recording secretary Grace Gervais.

**5. Consent Agenda all items listed below are considered in one motion. There will be no separate discussion of these items unless a Planning Board Member or the applicant so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.**

**A. Zoning Applications (Consent Agenda Items)**

**I. William & Tracy Cheney AP 38 Lot 99 Variance Application 259 Railroad Street**

Summary:

Application for a dimensional relief for a front setback encroachment on a corner lot to allow an addition (kitchen) on an existing two-family building.

Analysis:

The proposed 25' x 19' kitchen addition is proposed at 9.6' from Railroad Street where a 20' setback is required in RG-7 zones. The subject property is a corner lot, also fronting on 4th Street. The TRC found that there is no alternative design that would comply with the setbacks due to the existing decks and pool in relation to the existing building. The existing nonconforming building already encroached into both front setbacks, and is further into the Railroad St setback (8.4' away) than the proposed addition. The TRC also noted that there are numerous structures built within the front setbacks in the surrounding area, so relief would not impair the character of the area. Finding that the addition would be in character with the surrounding area, and finding that there are no compliant alternative locations on the subject site, the TRC unanimously (6-0) recommends that the Planning Board make a *positive recommendation* on this application to the Zoning Board of Review.

**II. Sharon, William & Amanda Lima AP 9 Lot 57 Variance Application 365 Great Road**

Summary:

Application for a use variance to allow a pet grooming facility in an accessory building within an RL-9 zone.

Recommendation:

Taking into account the history of commercial uses of this site, and finding that the use would not be harmful or out of character with the surrounding area, with the stipulation that the applicant is able to demonstrate that there is adequate off-street parking, the TRC voted 5-1 to recommend that the Planning Board make a *positive recommendation* on this application to the Zoning Board of Review.

Consent agenda: Accept a motion to dispense the consent agenda; motion made by Member London.

**Member Bellamy** comments to remove an item from the consent agenda, item A-II Dog grooming.

**Chairman** asks the legal counsel, if they should accept the rest of the agenda and go back to the removed item?

**Legal Counsel** Recommends going to the removed item and returning to the rest.

Discuss A-II has been removed, Member Bellamy's comment is "the dog grooming business

**Town Planner Berry** explains the application is of an existing non-conforming office use and an accessory structure with limited use.

**Member Bellamy** agrees with the understanding that there is no other use. Concerned there is another dog grooming place on Front St. about a mile down the street. Concerned about competition.

**Town Planner Berry** explains we don't look at competition as a factor from a land use perspective. We're looking at impacts to the neighborhood. The core of the use, and that The Zoning Board has enough information to decide we felt it was an appropriate use of the site. It is a restricted site, getting in and out of the site- parking is limited and tight.

**Chairman Bostic** asks the requirement for parking?

**Town Planner Berry** explains it is so small there is only two spacing. We couldn't verify there was enough parking, because of the site plan provided. We looked at estimated spacing on google maps. It is by appointment only.

**Member Salvatore** questions the address. Address is confirmed as 365 Great Rd.

**Chairman Bostic:** I think by appointment only makes it more doable.

**Town Planner Berry:** Thinking of one employee car and one client car. That's why we made a positive recommendation.

**Chairman Bostic:** Originally it was a negative recommendation, and then issued a positive.

**Town Planner Berry** stated negative was not passed.

**Chairman Bostic:** states regulations on voting. TRC is a committee not a Board.

**Town Planner Berry:** Defer to Roberts Rules

Motion to return item back to the consent agenda by Member Bellamy and Second by Member London.

## **6. Comprehensive Permit Review**

### **A. Walker Lofts AP 2 Lot 84, 95, 96, 98 & 100 Bond Review Walker Lofts, LP 40 Walker Street**

On Wednesday, January 17, 2023, the Technical Review Committee (TRC) met to review and make recommendations on the bond calculation for the Walker Lofts project which is scheduled for the January 25, 2023 meeting of the Planning Board. TRC members in attendance were Joshua Berry, Jeffrey Almond, Leslie Quish, Francine Jackson, Mike Gagnon and Russell Hervieux. Also in attendance were Planning staff member Peggy Weigner and Mike Gamage. 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.

Summary: On October 27, 2021, the Planning Board granted a conditional Preliminary Plan approval on a comprehensive permit application to Walker Lofts, LC for their project "Walker Lofts." The project is a 126-unit mill redevelopment project with a 25% affordability requirement. The applicant is now in the process of seeking their Final Plan approval, but in doing so need to bond the public improvements

associated with the project. The conditions of the preliminary plan approval by the Planning Board are as follows, please take note of conditions 3, 4, 5 and 6 as they pertain to improvements that are part of the bond calculation:

Conditions of Preliminary Plan Approval:

- 1. A total of thirty-two (32) units or 25% of the total unit count will be designated and deed restricted as low and moderate-income units according to RI Housing standards. The thirty-two designated units shall remain designated and deed restricted as low and moderate-income units for a period of ninety-nine (99) years.*
- 2. A note be placed on the preliminary plans and construction plans stating that the applicant shall notify The Town at the appropriate time during the site work phase of the project if they discover any unidentified public infrastructure and allow the Town to evaluate the functionality and condition of the infrastructure. The applicant will cooperate with the Town to determine if any remedies are needed at that time. The Town will be responsible for any improvements to the public infrastructure if needed.*
- 3. The developer is required to line the sewer main in order to eliminate the existing water infiltration and increase the capacity of the sewer main.*
- 4. The applicant will remove and replace the existing sidewalk running along Walker Street with a new five-foot wide concrete sidewalk and a one-foot grass strip as shown on the submitted plan set.*
- 5. The portion of the Moshassuck Road that abuts the project will be reoriented, then leveled and overlaid with new pavement as shown on the submitted plan set. Some roadway sections will be completely reconstructed based on onsite observations at the time of paving.*
- 6. The existing fencing running along Walker Street will be replaced with fencing similar in style and appearance to the existing wrought iron fence that was original to the mill complex as shown on the submitted plan set. The existing memorial attached to existing fence will be removed and reinstalled onto the new fence.*
- 7. A Physical Alteration Permit from the Rhode Island Department of Transportation (RIDOT) is required for the proposed offsite improvements along the [sic] Moshassuck Road and Walker Street as shown on the submitted plan set.*

Based on these conditions, The Town Engineer has calculated a bond in the amount of **\$203,608**. Please see the attached memo and itemized calculation from The Town Engineer

Analysis: The TRC reviewed the bond in relation to the conditions. There were no concerns from the TRC, however, the applicant raised the issue that RIDOT is requiring that they bond the sidewalk and curb on Walker Street, and believes that it would be unnecessary to bond the same improvement twice, albeit to different entities. The TRC did not have a direct answer for the applicant during the meeting and acknowledged that the Walker Street improvements may be removed from the total bond amount should the Planning Board find that they are not necessary. Please note that the applicant requested that the Planning Board accept a non-cash bond in a form acceptable to the Finance Director and Planning Board, especially as this is an affordable housing project. The TRC conveyed that cash bonds are the preferred form, but defer to the Planning Board on this issue. Recommendation: The TRC unanimously voted to recommend that the Planning Board approve the bond for the Walker Lofts project in the amount of **\$203,608**.

**Town Planner Berry** this is a Comprehensive Permit. Applicant is seeking final plan approval and part of that process is to comply with conditions and public improvements. Engineers memo itemized improvements are 1. Level and overlay of Moshassuck Road, 2. Sidewalk with grass strip on Walker Street, 3. Granite curbing on Walker Street and Moshassuck Road, 4. Sewer main lining, 5. Ornamental fence on Walker Street. Applicant has a few questions on the improvements in regards to RIDOT also requires bonds as well- since it is a State Road.

**Attorney Joelle Rocha** for the applicant: Saylesville Mill redevelopment, 126 unit, 32 affordable. Here tonight for the signing of bond. Walker Street is a state road, permit from DOT all Walker Street improvements including sidewalk with grass strip, curbing on Walker Street and sidewalk; for permit for that we have to post a bond for it. There are three line items in the proposed bond that are already fully

bonded for the DOT bond. We are asking that they be removed, and then we would just ask to submit the bond form acceptable to The Finance Director, issue either a surety bond or a letter of credit.

**Chairman Bostic:** You'll know when you come back what you are looking for.

**Attorney Joelle Rocha:** We can give you a surety bond, if that's what you want- whatever The Board deems fit.

**Chairman Bostic:** It is in the regulations it is up to you.

**Attorney Joelle Rocha:** Agreement with the Finance Director and The Board. The ultimate number without those line items is \$162,200.36

**Town Engineer Quish:** Calculated value if the solicitor's office does confirm that the public improvements along Walker Street does not need to be included in the bond. \$162,200.36 includes level and overlay the existing road and Moshassuck Road, it includes lining a section of our sewer main lining. Includes installing ornamental fence on the private property side of Walker Street. Includes granite curbing on Moshassuck Road that is in the right-of-way- totaling \$162,200.36.

**Legal Counsel:** In agreement you can remove those items that are in The State bond from The Town Bond, but think Attorney Joelle Rocha should come back with The State bond so that you can approve The Town bond and DOT understanding at the same time.

**Attorney Joelle Rocha:** Won't have anything more, will only have PAP from the state. Will only have a permit, posting bond. We need the PAP to get final approval. I have the list that was submitted to DOT, which is all included in the bond.

**Legal Counsel:** Attorney DeSisto does want to see evidence of that bond from The State.

**Attorney Joelle Rocha:** I have to get the bond or I cannot get final approval from The Town. Submit the bond to The State and they hand me the permit, I give to Town Planner Berry to get final approval.

**Legal Counsel:** Want to make sure there isn't overlap. We need to see The State side.

**Attorney Joelle Rocha:** Sent over the line items for the PAP that are in the overlap. It is a State Road, there's a bond for the improvement of the State Road. I will give you the line items that are part of the permit.

**Member Tuytschaevers:** How do we know what The State bond covers?

\* Attorney Joelle Rocha hands out how they calculated the bond\*

**Chairman Bostic:** You think it would be acceptable if we made it a condition that until they proved a PAP.

**Legal Counsel:** I think my recommendation would be to continue next month, so Attorney Joelle Rocha and Attorney DeSisto can discuss.

**Attorney Joelle Rocha:** Worried about losing time. I have the list, I can show it to The Town Engineer.

**Town Engineer Quish:** It does include the items of work I have in my bond, I am in approval of the number. Only removed curbing on Walker, the grass strip and the sidewalk.

**Chairman Bostic:** That bond guarantee includes everything, State and Towns?

**Town Engineer Quish:** The \$203,000 includes everything since Attorney Joelle Rocha said it will be double bonded, spoke with Attorney DeSisto this afternoon it does not be double bonded. I reduced the price to \$162,000 to remove those items and she will be posting to the state. Only upon receipt of the bond will The State issue the PAP permit. I'm ok with the number, \$162,200.36 and ok with the calculator for DOT.

**Member London** questions which items.

**Town Engineer Quish:** It includes concrete sidewalk, grass strip, and granite curbing on Walker Street totaled about \$40,000, state priced \$55,000.

**Chairman Bostic:** So you'll be bonding it for more money. If they are going to have a performance bond for more of an amount than we're actually looking at, what else do we want? The Town is saying \$40,000 for the State work and they calculated it to \$55,000 plus the amount for The Town bond.

**Town Engineer Quish:** The \$203,000 covered both, i removed the work in the state right of way which brings it down to \$162,000 which was about \$40,000. The state required them to post a bond for 55,000. The state is at a higher fee.

**Chairman Bostic:** It will be bonded for \$10,000 more for the state side.

**Town Planner Berry:** Attorney DeSisto wanted confirmation of the DOT bond, it seems like we have that **Town Engineer Quish** confirmed it has additional estimates for that specific improvement. Attorney Joelle Rocha cannot submit that final plan without the PAP and the PAP confirms the items we are concerned about are covered.

**Legal Counsel:** You are satisfied with what will be covered by the State. We just want to be sure both The State side and The Town are satisfied.

**Member Tuytschaevers** If we remove from The Town and if the work doesn't get done The Town has no recourse if there isn't no bond.

**Attorney Joelle Rocha** it would be on the State, it is a state road. Will give Town Planner Berry a copy of the bond.

**Town Planner Berry:** Hesitation is based on what mechanism we have to ensure this. State right- of - way we defer to RIDOT.

**Legal Counsel asks if Town Engineer Quish** is ok with the price, she is comfortable with the price of it.

**Town Planner Berry:** Final plan is delegated to the administrative officer, I am not going to approve the plan unless those improvements are bonded.

Motion to reduce bond to \$162,200.36 verified that the state bond of \$55,000 is also included in that along with the items, and the PAP made by Member London, second by Salvatore.  
All in favor.

## **B. Lincoln Memorial Multifamily Development AP 4 Lot 59 Pre-Application Review Lonsdale Memorial Holdings, LLC 1624 Lonsdale Ave 2**

**Town Planner Berry** describes application as a multi-family, 100% affordable development. It is under a Comprehensive Permit. Density bonus of 25% they can come to 26 units without the comprehensive unit, but decided to go through with it because they can get a variance for parking and approval here. No a lot of site improvements just reworking the parking, not a ton of external work.

John Shekarchi attorney for the applicant: The Town is selling the building to my client. Only here at pre-app.

**Eric Zuena:** Recognizes the historic charm and will be preserving the outside, everything is on the inside, except the squaring off on the rear. The lot size is 086 acres. It is a three story building with the first floor somewhat submerged. Accommodate 26 affordable units, 9 of which will be in the new portion in the rear. Shows site plan, and submitted a boundary survey plan to The Board (includes topography and utilities). Wants to maintain curb appeal of the lot. Will maintain the monument at the corner of the site. Resealing parking in the rear. There are currently 26 parking spaces, and based on minor modifications in the top corner we can ramp up the parking to 35- 1.4 ratio. This is 26 affordable units, 20- 1 bedrooms, 4- 2 bedrooms and 2 studios. The square footing ranges from 500 sq. /ft. - just over 700 sq. /ft. We have great proximity to bus stations, based on the type of tenants we don't anticipate them having more than one car. We have areas to increase impervious surfaces, but we would like to keep the curb appeal the way it is. Other improvements, landscaping including a new dumpster and proposing a one way from the main road on John St., so trash removal can come in, remove trash and exit. The elevations will be a little different. The first floor unit will be at grade you will enter at the sidewalk to satisfy ADA needs, and we will have two levels that will match the existing floors. Mason work on the stairs and column work on the outside, the crown around the building needs paint. But overall is in great condition, we will be preserving the outside existing external wall monument. There is no brick existing today on the upper floors. There is an existing landscape buffer, and fence to shield parking the landscaping and the fence does that for us.

**Erick Schall:** Shows demo scope of work, majority of demo work is on the interior of the building- working with a historic consultant who is helping with the exterior of the building. 17 units in the existing structure and the top left will be the addition for the additional 9 units. Shows proposed plan- the new

addition will provide 1-bedroom units and additional 2-bedroom units. The addition stacks 3 floors up to match the existing floor plans, new addition height is shorter than the existing unit height. The mail room entry is at grade level, stairs will be existing- with minor code upgrades. Access points to the building will remain. Reuse existing openings which are windows right now as entry doors to the units from the inside of the plan. Shows outline of scoop of minor external work. New windows are smaller than the historic windows- not trying to match the existing structure since this part is an addition we have to follow historic protocol.

**Eric Zuena:** We know parking does not meet Zoning requirements and feel we have a plausible argument of what we're trying to do here. We also would like you to consider the combining of master and preliminary into one hearing with an administrative final if that is something you would consider, that would expedite construction coming this spring. We are currently doing geotech work with permission from The Town, environmental work and working with historic consultants. We're also working with The Town to deal with utilities. We understand electricity will need an upgrade, water lines will need an upgrade and the sewer is more complicated -heading towards the rear of the building towards the street.

**Chairman Bostic:** Is the drive way to today's standard? The width?

**Eric Zuena:** 19 ft. currently

**John Shekarchi:** PAP permit?

**Town Planner Berry:** Town Engineer Quish and I will determine if the PAP is needed. It is the change of use, we do believe they would require the Physical Alteration Permit. DOT needs to tell us otherwise. They are asking to combine the master and preliminary into one hearing, that (PAP) is something they would need to provide to go forward with that. Correspondence by Member Riley who is concerned about the parking. The area cannot support spillover parking onto the roads. Applicants said they could potentially add parking to the North of the building if they had too. Minor adjustments if they need to. Applicant is sure they have enough parking and didn't want to take away from the front greenery. Something we should have as a contingency. Usually it is a 1.2 ratio. It depends on how big the units are and there are a lot of factors. I don't feel comfortable with that being something we should go with yet, though they are above that right now with 1.35 spaces. Staff felt comfortable at the preliminary stage with the parking. The tandem parking isn't necessarily the best option but would be best if they were assigned to the 4- 2 bedroom units, so there is no confusion.

**John Shekarchi:** If The Board agrees that we want to have a comprehensive permit, so you have total jurisdiction including zoning.

**Town Planner Berry:** It is your decision to make.

**Eric Zuena:** If we could work with one team, we always come out with the best product. The Comprehensive Permit allows us to work together to get this done, rather than working with multiple boards. Parking- we have not done many multi- family projects in Lincoln, but have in Cumberland and Pawtucket. The majority of these will be one bedroom, more and more of these will not have vehicles or maybe one, using other ways of transportation- a bus route is right there. These are 100% affordable units. The curb appeal, and engravings will be maintained and landscaped as we move forward.

**John Shekarchi:** in the past we haven't done many comprehensive permits, letter of eligibility prior, if we go with the comprehensive permit would it be ok to start the process as it is pending?

**Chairman Bostic:** Likes the 100% affordable. Torn with a little more parking, but likes landscaping and grass if not needed.

**Town Planner Berry:** I would say with the potential water utility complications you have to resolve, sewer utility complications you have to resolve I don't think it would save you any time. In addition you are asking to combine master and preliminary into one hearing with an administrative final, and to waive it in preliminary plan phase- I don't feel comfortable doing that. If master plan was separate from the preliminary plan phase that would be a different request, but you are asking to hold off a letter of eligibility to final- I wouldn't approve that.

**John Shekarchi:** We will apply for a letter of eligibility while we work on the utility complications.

**Town Planner Berry:** You would also have to get in touch with DOT, for a physical alteration permit, with all those applications, I don't think the letter of eligibility would be what would hold it up.

**Bill Kitsilis:** Additional parking- I drove by it and from a community perspective and landscaping, I don't think additional parking should be where the greenery is- but open to discuss.

**Member Tuytschaevers:** Two questions, elevators? And are they required?

**Eric Zuena:** No, elevators, full sprinkler system- three units in the back are fully ADA accessible.

**Member Tuytschaevers:** Fire escapes?

**Eric Zuena:** two historical fire stair enclosures, on both sides of the building.

**Member Bellamy:** Is there a plan right now for parking, assigned parking?

**Eric Zuena:** 26 parking spots, by re-striping the corner more efficiently we are able to make 4 tandem parking for the (4)2 bedroom units. Those 4 lanes would be depicted to those, anticipating if someone had two vehicles. Opportunities for more spacing, parallel spacing that doesn't impact the lawn as much, or turn in on Lonsdale Ave- 4-5 more spaces. 35 spaces with 26 units, we think it is ok.

**Member Bellamy:** What is the zoning regulation?

**Town Planner Berry:** 2 per unit- so this would be 52.

**Member Bellamy:** I don't like the idea of additional parking on the front, and the walkway- is that a new buffer?

**Eric Zuena:** Right now it's paved, we are stripping it that way, and not sure what we will do with it yet, maybe a bike storage.

**Chairman Bostic:** question for **John Shekarchi**, letter of eligibility isn't that for financing?

**John Shekarchi:** no, by statute that is needed to come before you as the "super board" where you would have the ability to act as the Zoning Board. Power of Zoning as well.

**Chairman Bostic:** So that would be for the affordable aspect?

**John Shekarchi:** Yes, for the density bonus. Using that statute, you would work as Planning and Zoning. RI housing would say yes and endorse it and send it to **Town Planner Berry**.

**Town Planner Berry:** Under state law that established the Comprehensive Permit as approval.

**John Shekarchi:** Affordable project gives another set of eyes from the state.

\* **Eric Zuena:** Discusses the Anne and Hope project in similarity to the this project, they are working on that project as well, if needed they would pave section to add parking on the South side of the property\*

**Member London:** 20ft is that to scale, the curb cut on the North side? Is that to scale?

**Eric Zuena:** Yes, that is to scale. The actual two- way drive is much bigger.

**Member London:** And when you come around the building?

**Eric Zuena:** Not sure of the width.

**Member London:** Worried about a truck fitting,

**Town Planner Berry:** Fits a truck but not two way.

**Chairman Bostic:** Isn't there a monument on the corner of the property?

**Bill Kitsilis:** Give The Town an easement for it, we will maintain the landscaping around it. We don't want to change the feel of it, it has been part of the lot for so long.

**Town Planner Berry:** It would be easy to devise an agreement for that.

**Member Bellamy:** And there won't be any changes to the facade of the building?

**Eric Zuena:** Zero, the windows are 6-7 years old. Minor repointing and the columns need some carpentry work, the stairs also need a little bit of repair.

\*End of application discussion\*

## **7. Major Land Development Review A. Windmoeller & Hoelscher Building Addition AP 28 Lot 149 Master Plan Review Windmoeller & Hoelscher Corp. 23 New England Way**

**Proposal Summary:** This Major Land Development Project involves two (2) additions to a 20,604 sq. ft. existing industrial building and associated site improvements to expand the owner/applicant's manufacturing business. The applicant proposes a 12,297 sq. ft. addition for warehouse space to the rear (east) of the existing building and a 5,874 sq. ft. addition for office space in the front of the building (west). The project includes parking and drainage improvements associated with the additions. Zoning

relief is being sought from the front setback and for the off-street parking requirement. No road extension or new curb cuts are required as the site has frontage and two existing access points on New England Way. **Site Layout:** The subject lot is 5.73 acres with wetlands in the northern and the eastern portions of the parcel, limiting the buildable area of the property. The most significant available upland area is due east of the existing building, which is where the 12,297 sq. ft. warehouse addition is proposed. This location works best for the applicant to separate the warehouse and offices, and for proximity to the existing loading area in the northeast corner of the existing building. The 5,874 sq. ft. office addition is proposed in the front of the building to allow for easy access from the main parking area while establishing the desired aesthetic appearance from the street. There is insufficient area to south of the building, a 20' drainage easement to the north and wetlands to the north and east of the building, so despite the encroachment into the 50' front setback, the west of the building was the only viable option for the office addition. To accommodate the loss of a portion of the parking area in the front, a new parking area is proposed to the south of the building. The existing parking areas in the west (front) and north (side) are being reconfigured as need. The existing curb cuts at the north and south ends of the property are to remain. The existing loading area is to remain, which the applicant claims is sufficient for their existing and expanding needs.

**Town Planner Berry** Introduction- building addition that triggers major land development. The trigger is if it is more than 50% or more of the existing development, it counts as a full major land development, even though it is an addition. There are two additions, addition to the warehouse, over 12,000 sq. /ft., and the office space in the front. Relief is required for the front setback, 11.5 ft. from the front property line part of the application is a variance for the set back. Also variance for parking. This is not a public informational hearing today, this is a preliminary review of the master plan. Tonight they are asking to move to a public informational hearing for next month. TRC positive recommendation. Some changes to the parking, easement that runs through and wetlands. Minimize impact to the wetland area. Trash and condition for the parking. If we need to entertain any work to that pipe, The Town would not be responsible to repave any of those parking spaces, would be the cost of the owner / applicant. Economically there wouldn't be any negative impacts to the neighbors. We support this project. They do have an existing loading area that would help provide a warehouse. Office building was justified by the drainage, and wetlands, and separating customer entrance and warehouse- makes sense logistically. Variance for the parking, broken down based on how many employees work from home, go to the site, and are at a conserved estimate. **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.* Based on the submitted materials and the discussion during the January 17th TRC meeting, the TRC found that the application successfully addresses the technical requirements of the subdivision regulations for a Master Plan review stage and is consistent with the Comprehensive Plan. Upon a motion by Member Gagnon, seconded by Member Jackson, **the TRC unanimously voted to recommend the Planning Board APPROVE the Windmoeller & Hoelscher Building Addition Major Land Development master plan application with the following conditions:**

1. Obtain necessary dimensional relief for parking and setbacks from the Zoning Board of Review.
2. Provide applicable RIDEM permits for this application as part of the Preliminary Plan submittal.

**Paul Carlson Engineer introduced:** Currently this project has an existing 20,000 sq. /ft. building wetlands on the North and West side. 39 spaces on the front space. In this proposal 5-6,000 space office space component, all the existing office spaces are in the Northwest corner, the addition would be for ease/ ideal location. The 12,000 sq. /ft. of warehouse space, that space is necessary for the growth of the company. We do know we have to go before DEM for stormwater measures, right now there are no stormwater measures, and they discharge into the wetlands.

**John Shekarchi:** If we work within the easement area, we will put on the plans we will be responsible for piping; repaving. If The Town has to go in the easement area.

**Chairman Bostic:** How do the deliveries come and go, how will the addition impact that? Any change?



**Paul Carlson Engineer:** 1 truck comes in on a daily basis, it would be much more. The loading section is in the northern section, nothing else would change.

*\*Paul Carlson Engineer passes out renderings/ footprint\**

**Applicant:** Worked 34 years for the company- leader of this project. The addition towards the northwest part of the building because of the appearance to the customers. Strictly sales and service, not manufacturing. Need to have more parts in stock, want to increase to 15 million, we have grown significantly. Addition is necessary for the office, not necessarily more people in the office per day, but would like to attract more workers.

**Member Salvatore:** Who is your biggest customer?

**Applicant** Emcore- Bemus, TC transcontinental, we have customers who do \$25 million in one deal they might not do business in the next four years but they do come back. We build the business on trust and relationships.

**Member Bellamy:** Other locations in the US?

**Applicant:** No, we have sales throughout the US, this is the only office in the US.

**Member London:** Any concerns with building more impermeable surfaces? Is it simple?

**Paul Carlson Engineer:** Groundwater issues, but the approach in improving the new section, i don't see any issues in the stormwater design. Prior to preliminary submission, RIDEM would approach and approve.

**John Shekarchi:** You're improving the stormwater drainage because there currently isn't discharge control there correct?

**Paul Carlson Engineer:** Correct.

**Town Planner Berry** We will do a full review in the preliminary plan phase, all the drainage calculations.

*\*Would like to be placed on next month's public information hearing\**

Motion to move to public informational hearing. Motion made by Member London, second by Member Bellamy. All in favor.

## **8. Minutes:**

Oct. 18 2022, Oct. 26 2022, Nov. 16 2022

Motion made by Member Salvatore to dispense the reading on the minutes Oct. 18 2022, Oct. 26 2022, Nov. 16 2022. Second by Bellamy. All in favor.

Oct. 18 2022 draft correction.

Motion to accept the minutes: Motion made by Member Tuytschaevers, Second by Member London.

## **9. Solicitors Report:**

### **A. Update of Women's Development Corp. v. Lincoln Planning Board State Housing Appeals Board appeal**

**Legal Counsel Hartmann:** Decision- Negative for us, and the Town Council already heard Attorney DeSisto's report on this. Voted to appeal SHAB decision to Superior Court. Working on that appeal and should have that in by Friday to bring this case out to Superior Court. The only real details I can get into, the interveners of the case, neighbors, they have slid off the radar and will not go to Superior Court with us- we will be going up on our own.

**Chairman Bostic:** The condos made an agreement?

**Legal Counsel Hartmann:** Yes, that's what we were told. All we know is the way it will affect us, they are not coming up with us. Attorney Joelle Rocha is their attorney and has been working alongside us, and she won't be there for this part of this.

**Member London:** when you say the neighbors, the resident neighbors and the over 55 units?

**Legal Counsel Hartmann** Yes, those interveners were represented by the same attorney group.

**Chairman Bostic:** Any details on what their approval was based on?

**Legal Counsel Hartmann:** I don't want to get into too much of the decision, I am happy to supply copies to The Board. If The Board would like copies I can supply them to you.

## **10. Planner's Report**

### **A. Approved Administrative Subdivision Sharkey Subdivision at AP 31 Lot 137**

Looking for compliance with the regulations, zoning checklist. Example the High School DOT is selling the piece of land in the right-of-way and we have to do an administrative subdivision application, combine lot of the land that is sold is the right- of-way and incorporate it into the lot for proper record keeping. That is what the Sharkey Subdivision was, they purchased a small piece of right-of-way. Going to be happening quite a bit.

### **B. Municipal Resiliency Program update**

On December 8th we held a zoom workshop, with a lot of good information. We have a draft findings report that the core team of The Town and Administration are working to make sure we get our final recommendations and edits into that, once that is finalized, we will be meeting next week with RI Infrastructure Bank to go over project identification and will report back with what we feel is going to be on the outcome, take the finding and work with RI Infrastructure Bank and work towards funding opportunities.

### **C. Grant Writer update**

Working in tandem with identifying projects that we need and grants. Resources are pretty limited, some of the benefits of having a potential grant writer who is identifying grants and who has the time and expertise in grant writing. Our RFQ should have been in the paper today, we are advertising for a professional grant writer which would benefit us in the long run.

### **D. Comprehensive Plan update**

Been working with Town Planner Assistant Peggy Weigner in getting a RFP together, we have a draft and will get it finalized next week and will get an RFP on the Comprehensive Plan to go out in February- not sure the exact date, but no more than 3-4 weeks and then move forward with the process. The major Planning lift we are going to do and will change the vision of The Town. \$150,000 from ARPA fund allocated to this.

**Member Salvatore:** How will the Planning Board be involved in this?

**Town Planner Berry:** From start to finish. The consultant will take the main work load, and update with us constantly, coordinating how you will be involved/ how much you want to be involved.

**Chairman Bostic:** Affordable Housing plan involved in this- it is expired, correct?

**Town Planner Berry:** It isn't necessarily expired. It is outdated, not sure if expired is a legal term. The recommended time frame to update it has passed. We will use it until we have it updated.

**Member London:** Does The Town have a say in this?

**Town Planner Berry:** Yes, absolutely. This is a plan for the people, and want to have a wide base participation.

### **E. Accessory Dwelling Unit legislation update**

Been working with the APA legislative community pretty intimately to the lead on this particular issue, fighting for some changes that would allow local control and flexibility for accessory dwelling units where they are not for family members and/or not owner occupied. Understanding mandating ADU's for family members, state law already mandates family members. That won't change, what we are concerned about is making sure we have mechanisms in place to restrict short term rentals, restrict single family zoning not becoming single family zoning, and accessory dwelling units stay accessory to a primary dwelling and not a two-family.

**Chairman Bostic:** Did they not pass something, you can do an in-law's right, and you don't have to apply

**Town Planner Berry:** It was passed last legislative session, right now there is a 20,000 sq. /ft. rule, if you don't change the footprint of your house in any zone you are required to approve an accessory dwelling. Also, it says accessory dwelling units can be detached, above, the existing legislation said it had to look like a single family home and in the primary dwelling. They expanded that a little bit and what was passed last session

## **11. Planning Board Policy**

Continued from November, if The Board has anything more to add.

### **A. Process for Scheduling Public Informational Meetings and Public Hearings (continued from November)**

Discussed with Attorney DeSisto, I am fine with just leaving it as we are doing it and if we find that we want to revisit this again later that is fine. I still feel the same that we could do a lot of these projects going right to a Public Informational Hearing, but will leave as it is. From a TRC perspective I can use my discretion to have recommendations made in one meeting; for example if we have master plan I thought we could have all the information in one TRC meeting, instead of making recommendation for you to move to Public Informational meeting, have another TRC meeting- I felt it was just cleaner to make a recommendation on how we felt on the project and they don't have to go back to TRC again. They would have three meetings on the Master Plan (1- TRC, Planning Board Meeting, and a Public Informational Hearing). That would be the only change.

**Chairman Bostic:** Agrees, once the TRC looks at the project whatever the technical issues are, they aren't going to change.

**Town Planner Berry:** If they were going to change, that would be a special circumstance, but in general I think we could look at and make a recommendation.

### **B. Affordable Housing Fee In Lieu (continued from November)**

Looking at potentially revoking the ordinance, which is something that the administration has some interest in. I do have a couple of reservations about doing that, we have an inclusionary Zoning ordinance at 5 units we have to do 20% affordable. In the Town of Lincoln if you are in RS-A40 zone you don't have the option to make those units in a Fee in Lieu. The numbers are very difficult, projects may not pencil out in certain zones, and price points if they have to make the units all in kind and they have to sell some at an affordable rate- can be economically very difficult. There's no ordinance drafted, but we would look at the fee in lieu and strike it, which is under state law something we can do.

**Chairman Bostic:** I don't necessarily agree with striking it, but I think that we need to work with legal counsel and know upfront what the intent is, instead of waiting until the end. In my opinion it changes the whole project.

**Town Planner Berry:** The ordinance does say as it stands now that they have to let you know in the preliminary plan phase- I'm not sure if that has always been the practice of The Board.

**Chairman Bostic:** It has not been.

**Town Planner Berry:** What I was hoping to do is incorporate the cost of the land into the cost designated by RI Housing and that number is \$63,000 for 2022, probably will slightly go up- calculated yearly. Right now we can't take \$63,000 and make an affordable housing unit- not enough money to do so, huge problem; by State statute we have two years to spend it. Should have a proactive mechanism to use it.

**Chairman Bostic:** Just be another tool when they come in for a project.

**Town Planner Berry:** Over \$250,000 for that account, we have some more money earmarked to go in that account, but don't pay it until they get the Building Permit. Some units will have to pay that fee, but until they do you never know the finances. Rough \$260,000 in that account.

**Chairman Bostic:** Could you offer it as a tax credit?

**Town Planner Berry:** Absolutely, I just don't feel like it would be my place. It would be the place of the Town Council.

**12. Adjournment**

Motion made to adjourn: Motion made by Member London, Second by Member Salvatore. All in favor.  
Meeting adjourned at 9:30 pm.

Respectfully submitted,

Grace Gervais