

LINCOLN PLANNING BOARD

February 22, 2023

Approved Minutes

The regular meeting of the Planning Board was held February 22, 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, Member Meagan Bellamy, Member Tom Salvatore, and Member Tom Tuytschaevers.

Member Mike Reilly, Member Ned London and Member Jeff Almond were absent.

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

5. Consent Agenda was considered in one motion. There was no separate discussion of these items.

A. Zoning Applications (Consent Agenda Items)

I. Windmoeller & Hoelscher Corp. AP 28 Lot 149 Variance Application. 23 New England Way

Summary: Application for a dimensional relief to allow an addition of an industrial building to encroach 38.44' into the required 50' front setback and relief to allow 51 off-street parking spaces where 78 spaces are required.

Analysis: *Please see the separate TRC memo issues on the Major Land Development Master Plan application for a more detailed analysis of the proposal.* The office 5,874 sq. ft. addition is proposed at 11.66' from the front property line, a 38.44' encroachment into the required 50' setback in the ML-0.5 zoning district. Alternative locations for the addition are restricted by the wetlands to the north and east, the drainage easement to the north, and lack of land area between the building and the property line to the south. The subject building is the last building on a dead-end road (New England Way) in an industrial district, so the encroachment would not impact any abutters nor is anyone driving this portion of the road unless they are going to Windmoeller & Hoelscher. W & H own AP 28 Lot 11 which abuts the north end of the subject property and wraps around the cul-de-sac to side of New England Way across from their manufacturing facility. Therefore, the TRC found that the encroachment would not have a negative impact on the surrounding area. The Comprehensive Plan's Economic Development Element supports the expansion of existing industrial businesses so long as there are no impacts to residential neighborhoods. The Lincoln Zoning Ordinance requires 78 spaces for this project. The applicant is proposing 51 spaces, leaving them requesting relief for 27 spaces. To justify the relief, the applicant provided a "Zoning Relief Narrative" which is part of the distributed materials with the application. The narrative explains that they anticipate 28 on-site employees and 20 remote employees at any time. Therefore, in the unlikely event that all of the remote workers were on-site at the same time, they would have sufficient parking and an additional 3 spaces left for visitor parking. The applicant was successfully able to demonstrate that they have sufficient parking for their needs.

II. Lea & Kristine Donovan AP 21 Lot 10 Variance Application 16 Sir Charles Road

Summary: Application for a dimensional variance to allow a garage expansion/addition to an existing dwelling that would encroach up to 5' into the required 20' side yard setback.

Analysis: There is an existing home with an attached 12'-wide single-car garage that the applicant is proposing to expand to 24' wide to accommodate a second car. The TRC was concerned that the materials provided were not sufficient to know the true dimension of the request, as a 12' addition to a building indicated to be 30' from the property line would only require a 2' encroachment, not a 5' encroachment. However, the TRC found that there were several other homes in the area nonconforming to their side setbacks, so the relief would not be inconsistent with the character of the area. The single family use and consistency with the area lead to the finding that this is consistent with the Comprehensive Plan. The TRC also found that a 15'-18' setback from the side property line would still be maintained and therefore the addition would not be injurious to the nearest abutter, particularly as their home is set further back with existing vegetation in between the properties.

III. Valley View Towing, Inc. AP 7 Lot 86 Special Use Permit

Summary: Application for a special use permit to allow a Commercial Parking use in a BL 0.5 zone in addition to the existing car repair use.

Analysis: The applicant would like to park 5 tow trucks on their 14,270 S.F. lot. The lot is one of 3 lots (2 of which are owned by the applicant) that form a small island of BL 0.5 zoning that is surrounded by residential zoning (RS-12 and RG-7) with industrial zoning nearby due east. The TRC was concerned with the aesthetic impacts of parking the trucks, especially considering that the site is already packed with cars for the repair shop. Repair shops typically do not need 5 tow trucks, so this does not appear to be the least relief necessary and the tow trucks bring additional pressure to return cars to the location and turn the property into an impound. The Comprehensive Plan Economic Development Element recommends that Town "Carefully manage commercial and industrial expansion so as to protect the neighborhoods, character and natural environment of Lincoln." The TRC found the application inconsistent with this language. Furthermore, Zoning Code Section §260-16: *Transportation Uses* (D) states "Garage or open lot primarily for passenger and/or commercial vehicles. No gasoline service and no automotive repairs. The parking area shall meet the construction requirements of Article V." The exclusion of automotive repairs in the regulations for Commercial Off-Street Parking uses lead the TRC to the finding that the Special Use Permit would not be consistent with the intent of the Zoning Code.

Consent agenda: Accept a motion to accept the consent agenda; made by Member Salvatore, Second by Member Tuytschaevers. All in favor.

4. Major Land Development Review

A. Windmoeller & Hoelscher Building Addition AP 28 Lot 149 Master Plan Application Windmoeller & Hoelscher Corp. 23 New England Way Public Informational Meeting

Shekarchi: Public part of the presentation. We have the engineer and the building contractor. We have applied for a Dimensional Variance at the Zoning Board meeting scheduled for next month, if we are successful this evening.

Engineer Paul Carlson (insight engineering services): Existing, 5.73 acres of land with an existing 20,000 sq. /ft. building, existing parking along the west and northern edge. We have some wetlands located to the east and north, those have been flagged by Scott Rabideau and verified. Drainage easement running along the northern section, from western side of New England Way. Proposed project, 6,000 sq. /ft. addition located on the northwest corner and also 10, 000 sq. / ft. warehouse space located on the southeast portion of the property. The drainage easement located just to the north confines this building to this area and the wetland buffers that confines this space to the west. What is being proposed is 51 spaces that will occupy new spaces along the northeast corner and new area to the south- what is necessary for this particular is 70 what we are seeking is relief for the rest of the spaces for this. The existing building

office space is currently in this location with the warehouse in the southwest. The additional office space with fit just outside to the west. The warehouse space will be tied to the existing warehouse on this location. The Dimensional Variance we will be seeking is along the front yard setback, looking for about 12ft of relief, required 50ft is.

Shekarchi: If there are any questions on the easement we can put on it we will be responsible for maintenance of it and if we do any work to it we would put it back to the state it was previously.

Member Salvatore: Question on the warehouse addition, you said it was 10,000 sq. /ft.? In the TRC report it says 12,297 sq. /ft.

Engineer Paul Carlson: It is 12,297 my apologies.

Member Salvatore: And you said 53 parking? TRC says 51.

Engineer Paul Carlson: 70 is required, 51 is what is proposed.

Chairman Bostic: Maybe go over why you feel you don't need the additional parking spots.

Andrew Wheeler (President of Windmoeller and Hoelscher): the nature of the business is manufacturing. We need new office space but the number of people traveling on a daily basis is high, 15/20- 51. The bulk of the modification is for the warehouse. This building hasn't been modified since 1977.

Shekarchi: The maximum number for who will be there doesn't go over what was proposed.

Member Tuyschaeyers: With 53 spaces and 51 employees that doesn't leave a lot of spaces for sales reps/ customers or anyone else who might come.

Andrew Wheeler (President of Windmoeller and Hoelscher): We now have 70 employees and expect to be over 100 but those who will be in Lincoln on a daily basis will not increase. We will have flexible office space, we will accommodate for those just fine.

Shekarchi: What is the capacity on a daily basis, presently and with the addition?

Andrew Wheeler (President of Windmoeller and Hoelscher): Presently on the 70 we have about 35 who report to the Lincoln office. Not all of them report on a daily basis. Other locations for service based locations- installing equipment, if we get to the point where Lincoln gets to 50 people on a daily basis I think that would be a stretch.

Town Planner Berry: Justification for the variance at the Zoning narrative part of the Zoning Application that said there would be 28 onsite employees, 20 sales working remotely. 51 spaces would accommodate all 48 staff if they were required to all work on site.

Member Tuyschaeyers: Parking based on number of employees or based on size of the building?

Town Planner Berry: Its two part answer because there are two uses that go towards the parking calculations, the office space is about the square footage, and the warehouse distribution is calculated by employees.

Member Tuyschaeyers: Has the fire department considered how tight this is in terms of getting a truck in and out of they needed?

Town Planner Berry: Jeff Almond is on the TRC if he represents the fire than yes, but no in terms of a preliminary plan being submitted to the fire department officially. (Showing plans) Point of some of the areal views: Zoning map located in the industrial corner at the end of the cul-da-sac. Wetland layers nothing will be across the street but they own the property that wraps around so if there was any spill out on the street parking, there is really absolutely no traffic and no impact- in an unlikely scenario if a couple cars had to park there out on the street they are on a dead end of an industrial corner that they own the developmental rights for.

Member Salvatore: Has the company provided the applicable DEM permits?

Town Planner Berry: No they wouldn't be required to at Preliminary Plan. One of the recommended conditions is just a reminder for the DEM permits to be submitted as part of Preliminary Plan.

Shekarchi: We will get those started after we get Zoning started next month. We will come back for the preliminary file.

Chairman Bostic: So you are looking for a positive recommendation from us to go to Zoning.

Shekarchi: Correct.

Town Planner Berry: As part of the consent agenda you made a positive recommendation on their Variance Applications to the Zoning Board of Review. Major Land Development, Master Plan is before you to decide this evening and be conditioned to getting approval from the Zoning Board.

Shekarchi: If that is successful we will continue to preliminary then final.

Town Planner Berry: Would we like to see if any members of the public are here to speak?

Chairman Bostic: It's not a public hearing.

Town Planner Berry: It's a Public Informational hearing.

Chairman Bostic: That's not what it says on the agenda. Says it's a Variance Application

Shekarchi: Item 4, Mr. Chair.

Chairman Bostic: My apologies. We need to open a Public Hearing.

Motion to open public hearing made by **Member Tuytschaevers**. Second **Member Bellamy**.

All in favor.

No abutters list. Mailed to abutters and ad in the paper.

No one from the public willing to speak. Motion made to close the public portion. Motion made by **Member Tuytschaevers** Second by **Chairman Bostic**. All in favor.

Shekarchi: Ask to give a positive recommendations, and approve Master Plan and continue with the process.

Chairman Bostic: We need to entertain a motion to approve or deny Master Plan

Town Planner Berry: Remind Board of the conditions the TRC

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.

Member Tuytschaevers: Make motion for approval master Plan with subject with the 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.

Motion Seconded by Member **Salvatore**. All in favor.

5. Major Subdivision Review

A. Beauregard Subdivision AP 44 Lot 180 Bond Review LB Corp / Stephen Beauregard East Lantern Rd

Town Planner Berry: Preliminary Plan approval on a major subdivision 6-lot subdivision with a street extension on East Lantern Rd. Remediation Bond to ensure that the Town can install soil erosion control measures in the unlikely event that the Town needs to intervene. The Town Engineer has calculated a bond in the amount of **\$54,930**. The applicant is seeking final approval, the applicant finalizing improvements and in order to do that The Engineering Department and Public Works require Remediation Bond from the applicant. The applicant did mention to the Engineer non cash form of Surety Bond. TRC doesn't make a recommendation on that aspect of the bond, just forwarded positive recommendation on the figure of **\$54,930**.

Chairman Bostic: The Surety Bond has to be approved by the Finance Department. It looks like he intends to do all the infrastructure for us- so wouldn't need a bond for any of that.

Town Planner Berry: If he changes his mind he would have to come back.

Town Engineer Quish: Told Mr. Beauregard he has to wait, and post the bond first. We calculated it to cover the erosion control costs, and yes he will do all the work all the infrastructure will be installed prior to recording the subdivision and creating the lots. At the point he does come in and record we'll come back and to the improvement bond to cover the outstanding items of work such as top course of road, and anything else he hasn't done yet. Feels that \$54,930 is sufficient.

Member Tuytschaevers: Makes and motion to approve Remediation bond in the amount of \$54,930 and that we approve a non cash bond subject to the Director of the Finance Department. Second by **Member Bellamy**. All in favor.

B. Wilbour Plat AP 44 Lot 191 Master & Preliminary Plan Review Matthew Wilbour 16 Lantern Road Request to combine Phases 2

Town Planner Berry: Simple two lot subdivision- waivers for sidewalk and curbing making this a Major Subdivision. Existing condition, single family residents and a double driveway both access points are on Lantern Rd. they also have frontage. RA-40 and RS-20, these two lots will need the RA-40 Zoning requirements. *shows subdivision plan. 40,000 sq. /ft. lot here and a 48,000 sq. /ft. No improvement are required for parcel A, parcel B they are proposing a single family residence the driveway access for vehicle. Proposed right now it is on a private well, in the front located on the side of the driveway, a septic system to the rear. Wetlands were located and a wetland report, wetlands is not on the site- south of the site. The edge of the DEM jurisdiction does come on parcel B but it is outside the limit of disturbance (well outside DEM jurisdictions). DEM jurisdiction go over parcel A, but no improvements are going to parcel A. Waiver requests for the sidewalk and curbing, narrow pavement and right of way and no existing curbs or sidewalks. The TRC did support the waivers for curbing and sidewalk. Tonight is not a public informational hearing, they did ask to combine Master and Preliminary phases because of the simple request. They initially submitted a Minor Subdivision and Preliminary Plan application and when we told them that it was actually because of the waivers bumped up a category they resubmitted and asked to combine. Tonight we have the application and tonight we would approve to go to a Public Hearing for next month.

Member Tuytschaevers: Asks where wetland is.

Town Planner Berry: * shows on map

Member Tuytschaevers: Grading question.

Town Planner Berry: There is minimal grading, couple of 2ft lines shown.

Member Tuytschaevers: Seems there is a gentle grade running from Lantern down towards the wetlands, I am reading it is downhill from Lantern to the house. So does that mean water going down the driveway into the garage, the owner will want to come back and change the grade.

Engineer Paul Carlson (insight engineering services): The overall site is relatively flat. We will be submitting to RIDEM as part of that application we will be modifying/reviewing the grading. If this is graded slope down the driveway will be picked up, so anything will be shed to the west and down.

Chairman Bostic: We discussed the stonewall in the last meeting.

Town Planner Berry: There's an existing stone wall and there is a gap the survey plan doesn't show the stone wall. From street view it appears the driveway would be in the exact location and would not require disturbances of the stone wall. But we wanted level of assurance they wouldn't have to build it there and the driveway could be modified as to avoid and disturbance to the wall.

Member Tuytschaevers: TRC doesn't say avoid disturbance it says eliminate or minimize disturbance to the existing stone wall- those are different concepts. Avoid is great, minimizing I don't know what that means. Eliminate means there is disturbances and we're going to get rid of it. I like avoid.

Engineer Paul Carlson Anything from the driveway perspective and the stone wall we can certainly accommodate the best we can. We need to maintain 12-14ft of driveway out to East Lantern so depending on the width of that stone wall we may have to make some minor tweaks to that wall but will work between the space that is there.

Member Salvatore: Motion to combine Preliminary and Master Plan. Second by **Member Tuytschaevers**. All in favor.

Member Salvatore: Motion to move to Public Hearing for the Preliminary plan review. Second by **Member Bellamy**. All in favor

6. Review of Minutes A. January 25, 2023 Planning Board Meeting

Motion made by **Member Tuytschaevers** to dispense the reading on the minutes January 25, 2023.

Second by **Member Salvatore**. All in favor.

January 25, 2023 draft correction.

Motion to accept the draft minutes: Motion made by **Member Bellamy**, Second by **Member Tuyschaeyers**. All in favor.

7. Planner's Report

A. Municipal Resiliency Program

Summary of findings report is complete it was sent out via email it is also posted on social media and on the Planning site. We are very happy with that report. Been working with the RI infrastructure Bank internally they have notified us they are targeting a March 1st Municipal Resiliency Program Action grant- will be the release date and we are open for 6 weeks. We are coordinating with staff for the major concerns in the meantime project identification with the administration and the core team.

B. Grant Writer

We have selected Lisa Andoscia from Rosewood Consulting Inc. she has a pretty stellar track record, bringing in grants in the millions for many of the community's. We are really excited to have her on board.

C. Comprehensive Plan

RFP is going to go live on Monday February 27th, we will have that open accepting bids until March 20th. Review the bids, make recommendation in turn to the Council- most likely scheduled for April.

D. Application Checklists

I've been working with the existing checklist, it is pretty dated, unclear, and some are inaccurate. Working on some of these checklist, I just want to let The Board know for me to move ahead with administrative function. Everything within the checklist has to consistent to the subdivision regulations no room for interpretations (unless it has to do with amount of copies, checklist says 17, but I only need 11 sets). Typically for a final plan on a record plan you want to record just the lots and not the improvements, but the checklist doesn't specify that. Subdivision plan with record plan with the record lot to go to land evidence.

Attorney DeSisto: No solicitor report: Next month discuss the Whipple Cullen Project. Issues with the project that The Planning Board should supervise. With the Boards permission to sit down at next month's meeting. The Board approves this.

8. Adjournment

Motion made by Member Bellamy, Second by Member Salvatore. Meeting adjourned at 8:42 pm. All in favor.

Respectfully submitted,

Grace Gervais