

Lincoln Planning Board
March 22, 2023
Approved

The regular meeting of the Planning Board was held on March 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 Mike Reilly, Member Ned London, Member Jeff Almond and Member Tom Tuytschaevers.

Member Tom Salvatore was absent.

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

5. Consent Agenda- Zoning Applications

Carly McEnergy - AP 29 Lot 148 – 1147 Great Road – SUP (Livestock)

Application for a special use permit to allow the keeping of three ducks in a RS-20 zone. Finding that the special use permit request is in keeping with the character of the area, is consistent with the Comprehensive Plan, and, with the proposed condition, would not have a negative impact to the abutters, the Planning Board forwards a **positive recommendation** on this application to the Zoning Board of Review with the condition that the enclosure be designed as to prevent rodents and predators.

Carly McEnergy - AP 29 Lot 148 – 1147 Great Road – SUP (Farm Stand)

Application for a special use permit to allow a flower stand in a RS-20 zone. Finding that the special use permit request is in keeping with the character of the area, is consistent with the Comprehensive Plan, and would not have a negative impact to any abutters, the Planning Board forwards a **positive recommendation** on this application to the Zoning Board of Review

Maria's Breakfast & Lunch – AP 6 Lot 426 – 616 Smithfield Ave - SUP (Restaurant)

Application for a special use permit to allow a restaurant use in a VCMU zone. Finding that the special use permit request would not alter the general character of the surrounding area nor impair the intent or purpose of the Zoning Code nor Comprehensive Plan, the Planning Board forwards a **positive recommendation** on this application to the Zoning Board of Review.

Maria's Breakfast & Lunch – AP 6 Lot 426 – 616 Smithfield Ave - Dimensional Variance

Application to allow 17 off-street parking spaces when 31 are required for their proposed restaurant to relocate to the existing building. Considering the existing conditions and previous uses of the site the Planning Board finds that the relief requested would not alter the general character of the surrounding area nor impair the intent or purpose of the Zoning Code nor Comprehensive Plan. The Planning Board forwards a **positive recommendation** on this application to the Zoning

Consent agenda: Accept a motion to accept the consent agenda; made by Member Almond, second by Member Reilly. All in favor

4. Major Land Development Review- Major Subdivision Review

A. Wilbour Plat Matthew Wilbour. AP 44 Lot 191 Preliminary Plan. 16 Lantern Road Public Hearing

Town Planner Berry: This Major Subdivision combined Master and Preliminary Plan application proposes the subdivision and development of a 2.04-acre residential lot into two (2) lots. There is an existing single-family residence on proposed Parcel A that is to remain on the portion of the lot that has frontage on both Whipple Road and Lantern Road that is zoned RS-20. Proposed Parcel B is a new lot intended for single-family development. Although only comprising two (2) lots, the application is classified as Major due to waivers for concrete sidewalks and granite curbing. No zoning relief is required. No road extension is required as the site has frontage on Lantern Road and Whipple Road. The new home is proposed to be serviced by a private well and a septic system. This was bumped up from a minor subdivision to a master subdivision. Last month it was approved to combine Master and Preliminary plan phases, so tonight is the Preliminary public hearing. Split Zoning lot RS-20 and RA-40, just over 2 acres. *Shows site plan* basic driveway access in a "T" so they do not have to back on into Lantern Rd. Proposed single family home with the septic in the rear. There is a swell to catch storm water runoff in the driveway, and improvements to catch from the roof drains. One of the conditions from the TRC is the draining be approved in the building phase by the Town Engineer. *Shows zoning map* this is a split zone however the lots do meet the RA-40 (the more restricted zoning). There will be tree-clearing, lots of vegetation on the property now. *Shows Google map view from Lantern Rd.; last month there was discussion of the stonewall; the proposed lot will be the break in the rock wall to avoid disturbance to maintain the character of the area. No zoning concerns, meets both zone requirements.

1. Section 23 Article A (4) to not provide granite curbing.

2. Section 23 Article A (5) to not provide concrete sidewalks.

It is a narrow paved road, any curbing would prohibit any delivery truck, postal, trash trucks could be a safety issue, and it is constant in the neighborhood not to have it. There is a wetlands area located south/southwest of the subject property. A Wetlands Report was provided to verify the wetland edge and wetland buffers on the site. Only the very rear of Parcel B is impacted by the buffer, but the proposed limits of disturbance is set plenty of distance away. The 200' RIDEM jurisdictional area does cover much of Parcel A, but no improvements are proposed on this lot. None of the improvements are in the DEM buffer wetland area. The applicant proposes private well water and septic for the new lot. The existing home has well and septic. The applicant provided a water table verification as required by the preliminary plan checklist for the septic system. The Town engineer recommended a condition that the OWTS/ISDS permit be obtained prior to approval of the Final Plan. The Town Engineer has reviewed the stormwater and drainage patterns and recommends that the final review of drainage be conducted as part of the building permit review process.

Motion by Member Reilly to open public hearing, Second by Member Tuyschaeyers.

Jonathan Guise –Lives directly across the street. Biggest concern would be the way the driveway enters Lantern Road. The uphill curve and slant to the right, enough uphill- I think it will be a blind driveway with the set up. The Town had the road widened because it is a narrow road. My biggest concern is it being a blind driveway, and the well proximity.

Paul Pasielly- Agrees with John for the driveway and the way the traffic goes up the road. Also questions the well in proximity to the house. Will there be a buffer for privacy?

Motion to close the public hearing by Member Reilly, Second Member Almond. All in favor.

Town Engineer Quish: There are setbacks for the septic system. They don't have permits for the septic yet. They did a soil check to make sure the soil has the right amount of infiltration for the septic system. When they submit to DEM, there are setbacks that they will have to meet. When they make the application they have to show all the wells to a certain distance from the property line.

Member Reilly: Looks like it is the skinniest point of east Lantern Rd.

Town Engineer Quish: If drive was comes out the other side, flip the well.

Member Tuytschaevers: Can we put driveway in another place?

Town Engineer Quish: Need DEM for septic.

Chairman Bostic: If the driveway is moved it would still be tight.

Member London: Wetland side?

Town Engineer Quish: The south lot.

Chairman Bostic: It is a short area, 30ft. improve it? Narrow Rd.

Town Engineer Quish: Recommend line of sight to location.

Chairman Bostic: Site visit before TRC to see area to be left cleared.

Town Engineer and Town Planner make sure everything meets sight distance, move it closer to drive and three trees near wall.

Member Almond: Modify conditions.

Town Planner Berry: Condition 1: The driveway for Parcel B shall be located as to eliminate or minimize disturbance to the existing stone wall.

Council: come back next month and review again.

Matt Wilbur: Understand to bring driveway closer.

Chairman Bostic: Maybe it will be enough to move.

Applicant is asked to continue to next month.

Town Planner Berry: February to April is 77 days. Ask applicant to review plan, this is only 65 days.

Need to as applicant to agree.

Applicant agrees.

Member Bellamy: Public comment on the buffers please clarify.

Chairman Bostic: Talk about buffer zones or trees you're planning on putting in.

Applicant: Arborvitae trees on the lot line.

Chairman Bostic: Add those to the plan, and the line of sight.

Town Planner Berry: The existing vegetation I would rather preserve what's there, then plant new ones.

Typically we don't require single family homes to have a buffered. If you're going to do it, it's fine. If you came back with a proposal with what you want to keep/ plant.

Motion to continue the project made by Member Reilly, Second by Member Almond. All in favor.

Town Planner Berry: Move driveway to the east, provide site calculations, and propose a reasonable buffer plan.

B. Whispering Oaks Subdivision Oakley Holdings, LLC & Philip A. Oakley & Lisa M. Misiaszek. AP 43 Lots 15 & 91 100 & 110 Jenckes Hill Road. Master Plan Review.

Town Planner Berry: This Major Subdivision Master Plan application proposes the subdivision and development of a 13.29-acre site comprising two existing lots each with an existing single-family residence into nine (9) lots. A 900' new public roadway and cul-de-sac is proposed to create frontage and vehicular access for subdivision. Public water and sewer is proposed. Waivers are requested for the interior lot angles, the minimum 150' centerline offset for the new road, the minimum 20' easement width, and the minimum 30' roadway width (they're proposing 26'). No zoning relief is required. The site currently has frontage on Jenckes Hill Road. Public sewer on Pine Tree Lane. HOA: This project triggers the Town's inclusionary zoning requirement. Twenty percent of 9 lots is 1.8 so the developer must deed restrict 2 lots or pay the fee-in-lie for 1.8 units. General Site Note #6 on sheet 5 of 6 reads "The project is subject to Article VII Inclusionary Zoning with two (2) lots proposed as an affordable unit [sic]."

We're only at the Master plan, it is a conceptual phase so we don't have to have every exact detail. This is something that the TRC spoke to the applicant about (the lot lines deviating from 90 degrees, overall some deviation from 90 degree lot lines is ok. The applicant proposed public water and sewer for all nine (9) lots. The gravity sewer main will have to be extended from Pine Tree Lane. Stub outs to homes on Pine Tree Lane and AP 43 Lot 96 are being provided. At the point where the gravity system is infeasible and a low pressure force main (LPFM) is required, the LPFM must be located outside of the public right-of-way beginning on proposed Lot 3. The Town doesn't want a private low pressure main on a public road

so they will have to jut it out, and come along. One of the other waivers is to decrease the easement length from 20ft. to 10 ft. They will need an HOA so they have joint responsibility. TRC is recommending generators so there won't be any issues with sewer/septic systems in a power outage. Concern with topography, and would like to see a plan in the preliminary phase. All improvements are outside wetland buffers and DEM jurisdiction. Concerned with some of the improvement, but right now meets master plan requirements.

Member Reilly: Road width?

Town Planner Berry: Road width requirements is 30 ft. wide. Asking to reduce it to 26ft. Staff and TRC support that. Cul De Sac is a low traffic road and want to reduce the amount of maintenance and the plowing and traffic speed is reduced by the natural calming of the road. The center line distance, we discussed this at TRC, sub regulations require 150 ft. 88ft from the center line. 4 way intersection, this is not the most desirable outcome. This is a low volume road, low traffic. This would be the best scenario. TRC is supportive of the waivers in the master plan phase.

John Shekarchi: Engineer D'Amico and Surveyor Marsh and Long worked out the layout with us.

D'Amico: Did the engineering aspect of the project. There is a high point so road pitches. We are talking about a sewer for pumping service gravity. Everything will be private, the pump system relevant to each homeowner. Low pressure force main to the right of the right-of-way. 2-2.5 low pressure force main. Don't need the 20 ft. for the easement. Maintenance is done from the terminus manholes to clean it out. Center of the line of Pine Tree lane. Center line of new road way ends up being 88 ft. works out better, but short 62ft. relative to 150ft on the requirements. Need PAP from DOT for the curb cuts. Only real conflict is the left hand turn and someone else turning right, both at the same time. DOT won't really require 150, they would just be off set. This is the closest location for the gravity sewer. There is a home that doesn't look like it is connected. The homes are all on septic e would provide lateral. Pool/pool house is not on the property line, but the fence is. We propose to provide an easement to continue with the use of the pool area. There is a shed that would need to be relocated, it is in the right-of-way. For the sewer, more than welcome to have a requirement to be responsible for sewer mains in the deed.

Town Planner Berry: The shed is 10 Jenckes Hill Rd. The shed would have to be removed or brought into compliance. Don't want to create a lot with a shed on it.

Member Reilly: With the road, questions the reduction of the road.

Damico: We would like to reduce the width from 30ft to 20ft. Only the people who are living here would be driving down there.

Chairman Bostic: Questions safety of road width with firetrucks.

Damico: Low traffic should be able to go around. Reduce the "heat island" effect: reduce the amount of black tar- helping the environment if we can. Secondly the amount of runoff, we're looking at filters. Reduce the amount of runoff, to treat runoff (water quality and storage). The homes themselves will have collection systems for roofs and driveways for high frequency storms. Reducing pavement width is a positive water quality action.

Town Planner Berry: Speed issue, with larger widths are typically encouraging for speed. Narrow roads discourage faster drivers.

Damico: High point, maximum grade 8%- almost 34 ft. difference of elevation from top to cul-de-sac. Need fill near driveway areas, two different drainage systems- either sand filter or bio retention filter. Most likely bio retention filter.

John Shekarchi: Strain in the water system.

Damico: We have a request for water availability with the Water Department. Taking a while because of the water issue. We will construct an 8 inch line specifically for fire, we will have a hydrant right in this area. We propose wells. If we don't get the tie in approval the infrastructure will be there. There is a 12 inch main in Jenckes Hill Rd.

Pimentel: the narrowed roadways do help limit speed. We're concerned with the environment and balancing it all. That is why we have the offsets. Need the appropriate waivers. Finally neighborhood analysis is 6.5-13 units we're right at 9. Looked at on 40 separate houses, residential 1 unit per 60,000 sq. /ft. we're are 1 in 62,000 so we are less dense.

Town Planner Berry: Conditions; this would be for next month, if there are any changes for next month.

Member London: Drainage? Down the road if they sell will they have to maintain?

Town Planner Berry: Their responsibility, not part of the HOA. The shared would be part of the HOA.

Damico: The Town would maintain a catch basin all the other is part of the HOA.

Motion made by Member Reilly to move to next month for a public informational meeting. Second by Member Almond. All in favor.

5. Comprehensive Permit Review

A. Whipple Cullen Old River Road Development, LLC AP 29 Lot 150 107 Old River Road Final Plan Discussion/Approval

Town Planner Berry: 150 units age restricted comprehensive project from June 2022, preliminary hearing approval. There is no public right-of-way. It is a private development. Third party engineer was brought into the final plan. Final plan application for the entire project. Final plan in one shorn and then accept third party engineer review conditions based on the phases. Full final plan applications, we've done our best with the conditions to clarify preliminary condition number 10. Recent findings of the drainage complication, staff has also come up with proposing new conditions of the final plan. Item 14 in red, and underlined to also address the drainage.

Dave Iglousy: Plans have not changed the conditions are satisfactory to the applicant. Final matches preliminary. Third party engineer has to submit to you.

Attorney DeSisto: Subsequent issues, structures and conveyed recommended final plan approval with the conditions. Improvement guarantee bond. 24 subdivision regulations.

Chairman Bostic: Understand plant grass and remediate drainage. There is good weather now where grass can grow. Before we pump the breaks on the bond.

Attorney DeSisto: Think the applicant should let us know where they are in the planting stages.

Chairman Bostic: Should we give them more time? Town Engineer Quish on board with that?

Town Engineer Quish: As in terms of the bond, I am going by what Attorney DeSisto recommends.

Chairman Bostic: Do you care about giving them more time?

Town Engineer Quish: I would side with Attorney DeSisto recommendations.

Attorney DeSisto: Bond: not just the vegetation.

Town Engineer Quish: Phase two under construction. After the final plan they'll move to the next section, the areas to loam and seed. Erosion control bond to establish vegetation- if something would happen, no bond for improvement.

Dave Iglousy: That's satisfactory.

Engineer Damico: Every two months for inspections and during other times when they were testing. They all pass standard, the rest are for leakages and the pressure. Sidewalk and paving Town specs and material met the intent of the design. We can say they have put in a big effort to reduce erosion. Riprap to reduce runoff and soil erosion.

Town Engineer Quish: Reengaged Scott Rabideau to continue with erosion control inspection and downstream. Last storm nothing came out of the retention basin. Riprap received runoff, what happened was a lot of this road bypassed into the basin and followed the slope down. I was there with DEM. What they did was tipped it to the temporary basin to go into the bigger basin.

Member Reilly: Timeline of all the erosion control to be done or in phases.

Town Engineer Quish: All in phases.

Member Reilly: I thought at one point we were approving all the underground for all the phases, a long time ago trying to get all the infrastructure done not waiting for all the phases.

Town Engineer Quish: He has the infrastructure here done, there were some issues around Christmas. Since Christmas they have made a big effort with the earth work. It took months to build the basin, dealing with temperate conditions with a permit system. If you think about the amount of runoff with stabilized grass versus recently excavated soils it doubled the impervious coverage and that much more runoff.

Chairman Bostic: If we are successful in the final plan still follow through with the phase process right?

Dave Iglousy: Yes, your third party engineer will be approving and submitting to you each phase.

Nick Campione: Applied grass seed to most of the slopes in phase 2 and phase 4 area. It is a quick germination process with the seed, and growth- in 3 weeks could have grass. Would solve erosion issues that we have. The construction phase two we are wrapping around the corner to phase four with utility and drainage and wrapping back to phase three. This pound is built out waiting for grass to grow. We have a temp basin with a sand filter, and want to leave that as long as we can while construction proceeds. The runoff is getting cleaner.

Member London: Flock logs? Those aren't designed for dirt.

Nick Campione: Designed to pull out silt of suspension, what is left is a hard shell as long as it comes in contact with the silt it just drops the silt. Right out of suspension and the water is visually clean. Put where runoffs. There is also a powder mixture that can place under the erosion and mix in with the seed.

Motion to move application to final plan

Town Planner Berry reads conditions: This is basically a red line of the preliminary plan conditions. Certification from a 3rd party Rhode Island licensed engineer shall be required prior to Final Plan upon substantial completion 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. 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, all proposed landscaping depicted on plan set sheet L1.0 only. The 3rd party engineer shall present their findings and certification report to the Planning Board at the next available Planning Board meeting. After Phase 1, building permits shall only be issued for each phase upon satisfactory certification of the previous phase. 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. This condition will supersede Preliminary Plan approval condition #10 and #14. Number 14 just required Final Plan review and approval of each phase as shown in the plan submission shall be conducted by the Planning Board. The Planning Board is conducting the final plan right now.

Member Tuytschaevers: What we're asking the third party engineer is impossible because we couldn't get a final plan. We were making final plan approval but the work couldn't be done.

Town Planner Berry: Typically you don't want to build all improvements before you get building permits and construct. You'd be driving construction vehicles over your curbs and destroying them. You want to do the paving after. Public projects you'd bond all those things you move forward with final plan approval and get building permits to construct the home in this instant there was no final plan approval yet, so they can get the building permits to build the homes and then in completion of each phase with the third party engineer.

Chairman Bostic: We allow the developer to put all the infrastructure in now than waiting

Member Tuytschaevers: Red line After Phase 1, building permits shall only be issued for each phase upon satisfactory certification of the previous phase. I don't know if this matters but is the project being constructed in a different order than the numbered phases

Chairman Bostic: Infrastructure in kind of a different order but the actual construction of the unit will be 1,2,3,4. Wouldn't want them to do phase two and phase four and then try to connect later.

Town Planner Berry: in addition to the other conditions Condition 14; with the exception of the stockpile areas, active construction and the future roadway and sidewalk area(s). Phase 4 shall be loamed, seeded, fertilized and covered with an erosion control blanket prior to obtaining approval from the Planning Board to commence with the building permits for phase 3. The vegetation in these areas shall be maintained until the applicant obtains approval from the Planning Board to commence with the building permits for phase 4. So this is basically addressing the immediate concern.

Chairman Bostic: So basically we can incorporate the motion with the whole page of conditions.

Attorney DeSisto: That is correct, also with the additional condition that the Town Engineer Quish propose bond and cash amount.

Motion made by Member Bellamy to accept new conditions drafted with additional condition as stated by the Solicitor for the bond to be prepared. Second by Member Reilly. All in favor.

6. Review of Minutes: February 22, 2023 Planning Board Meeting

Motion made by **Member Reilly**, to dispense the reading on the minutes February 22, 2023. Second by **Member London**. All in favor.

Correction notice by Member Tuytschaevers to change tense in a sentence.

February 22, 2023 draft correction.

Motion to accept the amended minutes: Motion made by **Member Reilly** Second by **Member Almond**. All in favor.

7. Planner's Report

A. Bank Newport - Major Land Development Final Plan Recording

Town Planner Berry: Final plan that was approved for the Bank Newport Project. This was the plan that was shown to the Planning Board for the final plan modification. TD bank approval and final plan came back for approval, Bank Newport and essentially same use different plan- had to come back for modifications. When The Board did approve it, it was just before me. I noticed despite the approval there was no site plan. I had to go back and make sure there was a plan for the major land development that was constant to what was discussed. There were some delays based on an NBC permit, the Town engineer knows about that in detail. All those issues have been rectified. Those building permits have been issued.

B. Comprehensive Plan Update

Town Planner Berry: We had our bid opening, RFP went out last month. Bid opening on Monday, Chairman Bostic will be on the review committee- we will look over the bids and make a recommendation and have some interviews and make a recommendation to council for April. At this point I don't want to reveal too much info until we're through with the interviews. Just wanted to keep updating you guys that we are moving along.

8. Adjournment

Motion to adjourn at 8:41 pm made by Member Almond. Second by member Reilly. All in favor.

Respectfully submitted,

Grace Gervais