

Town of Lincoln Planning Board
100 Old River Road, Lincoln, RI
Minutes of April 26, 2023 Meeting

The regular meeting of the Planning Board was held April 26, 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 - excused.

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

5. Consent Agenda- Zoning Applications

Joseph & Beverly Iovini AP 43 Lot 130 Dimensional Variance 2 Bittersweet Lane Front Setback:

Application for dimensional relief to allow a front door overhang/portico over the front steps to encroach 5.32' into the 30' front setback in a RS-20 zone. Finding that the relief requested is a minor encroachment that is in keeping with and will not have a negative impact on the residential neighborhood, and finding that the application is consistent with the Comprehensive Plan and does not undermine the intent of the Zoning Code, the TRC unanimously (6-0) recommends that the Planning Board make a **positive recommendation** on this application to the Zoning Board of Review.

Kenneth R. Catallozzi AP 32 Lot 41 Special Use Permit 7 Kirkbrae Drive Residential Solar:

Application for a special use permit to allow a ground mount residential solar installation in an RS-20 zone. Finding that the special use permit is consistent with the Comprehensive Plan, and with the condition that the applicant demonstrate compliance with the performance standards for ground mounted residential solar photovoltaic installations in Zoning Code §260-19 to mitigate any safety and visual concerns, the TRC voted (5-1, Mr. Gagnon voted nay) 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 accept the consent agenda; made by Member Almond, second by Member Reilly. All in favor

4. Major Subdivision Review

A. Wilbour Plat AP 44 Lot 191 Preliminary Plan Matthew Wilbour 16 Lantern Road (continued from March)

Town Planner Berry: We reviewed this from the last few months, we had our Public Hearing on this last month, and outcome directed the applicant to do three things. Three items from last meeting. 1. Relocate driveway to the east. 2. Site distance calculations 3. Landscape plan. This is the revised plan *shows map* did not move the driveway all the way because of the existing retaining wall. Trying to meet the site distance and not to touch the wall. Maintain the existing wall. The proposed arborvitaes plan here. Screen

the back yard from the abutters. The Town Engineer and I did a site visit today, we found the retaining wall is prohibiting, along with the grade height and the curve. But maintaining the height of the wall- the line of sight is really blocked. Alternative would be to move the driveway either more east or to move it to the point where the curve is no longer an issue, but this would cause issues with the retaining wall. Staff does believe this can be reviewed in full detail in the building permit stage, do not have to solve tonight. We can revise to conditions to accommodate full staff review.

Matthew Wilbur: Applicant sworn in.

Chairman Bostic: Are you on board with the Building Official taking a look at where the best spot for this driveway would be and if you have to modify the stone wall to move it one way or another?

Applicant: Yes open to either options.

Chairman Bostic: Let's say you sell the lot, would this be a condition marked on the plan that this is something they would have to complete?

Attorney DeSisto: Has to be called out on the plan to be effective, it would be required in the deed, have to put subsequent purchase on notice, for it to be effective

Town Planner Berry: During final plan I am having conditions of Preliminary Plan approval printed on the plan and additionally I am receiving the building permit reviews to ensure compliance with The Planning Board.

Member Bellamy: Questions the arborvitaes, are you planning on clearing the land or maintaining what is there in addition to adding the arborvitaes?

Matthew Wilbur: The trees are for condition of the neighbor. What is there is only seasonal, they are only a screen for a portion of the year.

Town Planner Berry: Arborvitaes are an all year screens. What is there now is not full year screen. Does The Board want to make the landscape a condition of approval? Something I need to see built and inspect?

Chairman Bostic: I don't think it is anything required there is no hazard there. I don't want to restrict him. Asks Town Engineer.

Town Engineer Quish: There is no regulation.

Town Planner Berry: Say he shows it on the plan, but isn't consistent, if it is not a condition it is hard for my department to enforce.

Attorney DeSisto: Has to be a private easement or license in the deed. Make it private. Handled in the deed as restricted.

Member London: With the driveway and the line of sight and the speed, the concern of safety, does passing it off pass off our responsibility? It is a line of sight issue.

Town Planner Berry: If this was an existing vacant lot, and someone came in we would be looking at sight distance to manage that.

Member Reilly: Should we make condition of where we want the driveway?

Town Engineer Quish: It can be a condition that I would have to review sight distance at building permit time. What is on the plan might not be what is built.

Member Reilly: If we have to take down a portion of the wall for safety so be it.

Chairman Bostic: subject to final placement by The Engineer.

Town Planner Berry: TRC Report: Condition driveway shall be located to minimize disturbance to the existing stonewall, that would be revised to the driveway shall be reviewed at building permit phase with sight distance calculation provide. Safety, over preserving the wall.

Motion made by Member Reilly Preliminary Plan approval with conditions set forth from the TRC as amended. Second by Member Almond.

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 Public Informational Meeting

Town Planner Berry: This is a major subdivision master plan application proposing the subdivision and

development of a 13.29- acre site comprised of two existing lots each with an existing single -family residence into nine lots. A nine- lot subdivision, 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. No zoning relief is required. Each home will have a private driveway. Drainage areas are proposed in the northeast and southwest corners of the lots and subsurface drainage systems are proposed on each lot to capture flow from the roof drains. Sidewalks on one side of the new road, granite curbing, street trees and streetlights are proposed. There is a wetlands area located in the southwest corner of the property, to the rear of the proposed home on lot 7. All proposed improvements are outside the jurisdiction of DEM, DEM will be receiving the application. Lots do meet zoning minimums- does create difficulty with the side lot lines being perpendicular to the right of way. Asking for relief for that. Each home will have own driveway. 7 new homes, with two existing homes. Utility plan, they do propose to bring down the sewer line from Pine Tree lane. Did request some connections be prepared both for AP 43 lot 96 and Pine Tree Lane- applicant did oblige. There is a point in which the grade change does not allow the gravity system to work at that point they proposed low pressure force main- that would have to be publicly owned with a 10ft easement to service the rest of the homes. The home on the low pressure would require generators- one of the waivers is for that 10 ft. easement. They do show wells, in case the Water Department does not have capacity. Public water would be first choice if there is capacity available. Waivers: 1. Easements minimum 20' wide- proposed 10' sewer- easement along row. 2. Minimum street centerline offset 150'- proposed 88' street centerline offset. 3. Minimum roadway width 30'- proposed 26' roadway width. 4. All side lot lines shall be as near to right angles to a street right-of-way as practical of they shall be radial in arrangement when the street right-of-way is a curve- lots 5-9. This does trigger the inclusionary zoning, which would require 20% of the homes to be affordable, one affordable home and pay the .8 in fee in lieu.

Shekarchi: Sworn in for the applicant. Intent is to keep one of the homes for himself and the other homes are for his family. The engineer couldn't be here tonight but he addressed most of the engineering questions last meeting. At the TRC we agreed to have the HOA be responsible for the sewer and maintenance of that and we would provide laterals as we bring in the sewer.

Phil Oakley: Sworn in. The goal for us is to try for us to keep the two existing homes. When I purchased the older home it wasn't a prerequisite for the sale but I told the buyers I would like to keep the home. Named the street after grandmother. Four grandchildren will live there. The first home lot 2, it was built in early 1900, there was a fire and they fixed it. I have been trying to keep it authentic- wife and I plan to move in to the home. Grew up in Lincoln, plan to make it our permanent home.

Shekarchi: The corner of lot 9, unintentional encroachment on the pool. Encroachment on the neighbors, we will get an easement.

Chairman Bostic: New info on the water?

Shekarchi: Because of the concern of capacity, once we get to closer to the Preliminary. We will pay for the PARE study and hopefully get clearance back up would be wells.

Applicant: If we don't have the capacity we will do wells. The two homes on the property have Town water. The angles of the homes look close, but they are facing Davies and the open space behind us. The homes are set back a good distance from existing lots that abut.

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

Mary Anne Dale: Concerns with cutting the road with smaller that 30ft.

William Pepis: Concerns with water runoff, sediment runoff. Road being too narrow at 26ft, should be 28ft-30ft wide. Questions sidewalks in a RA zone. Footprint is 1500 sq. /ft. is it one story or two?

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

Chairman Bostic: Road width seems like an issue, maybe eliminate the sidewalk and put road width back.

Shekarchi: More than happy to do that. Designed it that way because it is a dead-end and to reduce runoff.

Town Engineer Quish: Likes the sidewalk to reduce runoff, but a good compromise would be to go with no sidewalk and wider road.

Phil Oakley: Prefers not to have the sidewalks.

Shekarchi: In preliminary plan we will bring the engineer to see which alternative would be best. Water runoff will be discussed with engineer with the new proposed plan.

Member Bellamy: Questions if there was a hardship with the reduced width of road.

Shekarchi: Just to reduce the runoff.

Member Bellamy: Any historical burial grounds on the property?

Phil Oakley: Not that we are aware of.

Chairman Bostic: Any stone walls?

Phil Oakley: Not disturbing it much, only for one driveway.

Motion made by Member Almond with approved conditions stated in TRC. Second by Member London.

C. Edgewood Estates Edgewood Developer, LLC 0 New River Road AP 34 Lots 460 Master Plan

Town Planner Berry: This is a major subdivision master plan application proposing the subdivision and development of a 2.46 -acre site into three lots for single-family development. All three proposed lots have frontage on New River Rd. and no new roadway is required. Public water and sewer are proposed. Existing condition is the existing access road easement for town sewer line. Dimensional relief will be before you next month. A waiver is requested for the interior lot angle on proposed lot 3 as well as zoning relieve required for substandard lot width for proposed lot 3. Waivers may also be required for curbing and sidewalks requirements on New River Rd. Water and sewer is proposed and I have received a letter from the water department- the didn't want to see the water line running through lot 1 and lot 2, no easement and disturbance through someone's property. We didn't discuss curbing and sidewalk waivers. I think this could be discussed during preliminary stage.

Shekarchi: Fred Ferland is here he is the owner of the LLC, we've been going back and forth on this site for over a year. After talking with staff we thought this would be the best plan, only three lots. Pretty basic.

Engineer for the applicant: What we have is on lot one a depression that takes the drainage New River Rd. we put curbing along that then the water is just going to sit there in the street. There is no formal drainage in that area. We plan on having flat slop grass along our frontage, a safer sidewalk. 5-6ft grass area to allow for the water to drain.

Shekarchi: Pimentel wasn't able to make it tonight but the purpose of intent of the comprehensive plan has been met.

Chairman Bostic: Other than the third lot being oddly shaped, everything looks good. What's the status on the water?

Shekarchi: Sent letter to the Water Department. We will put wells if we must.

Town Engineer Quish: Utility for lot three sewer. Sewer easement that runs through the property. Condition is the lines will run under the driveway. Want the condition to be clear the paved driveway is not the town's responsibility, but the sewer below it is. Clarify in the deed the driveway is not the Towns responsibility. The split between lots for the water for service connections for one service. The one for lot three should come off their own frontage.

Shekarchi: If we must we will put a well.

Chairman Bostic: Will the water lines go in anyways should the time come you wouldn't need wells.

Member Reilly: With the subdivisions they run the lines just in case so it is all set up

Engineer for the applicant: He has given us permission to tie in, from how I interpreted it.

Town Planner Berry: Ultimately indicating there would be service. They are ahead of what they need.

Member London: The elementary school there- but any consideration of traffic during that time?

Engineer for the applicant: Three houses will generate minimal traffic. They will be able to back in and head out their driveway rather than backing up.

Town Planner Berry: This is a lease dense proposal. Best for traffic

Motion made to approve application to Public Informational Hearing by Member Almond, Second by Member London. All in favor

5. Comprehensive Permit Review

A. Whipple Cullen Old River Road Development, LLC 107 Old River Road AP 29 Lot 150 Bond Review

Town Planner Berry: Final plan approval and part of the final plan is the Engineer bond. The specific circumstances myself and the Town Administrator has decided to have the Town Engineer to conduct two bonds 1. Standard Improvement Bond, and also calculated a 2. Stabilization Bond, earthwork for temporary basins, loaming, seeding basically to cover any stabilization issues that the Town wouldn't be able to manage. The Improvement Bond came to \$2,666,000.00 and the Stabilization Bond \$544,295.00. I did receive correspondence from the applicant requesting a continuance their attorney could not make it, however the applicant did attend to give you updates.

Ken Bach: Shows the Board the progress. The maroon in phase one and portion of phase two are all occupies. The red units are under construction, siding and different phases of finishing, the gray are foundations. Controlling the runoff because the land will be occupied. Riprap area that takes water from phase one all the way down into the woods. The runoff issues are all finished. Two temporary basins, and riprap swales to collect sediment. The green is grass. Several stock piles, there is a loam pile that should be out by the end of the week. That flat area we will loam and seed it- little more stabilization. Importing gravel for phase 3 and phase 4 roadway. *shows movement of water in slide show, shows pictures of vegetation. Shows riprap swale, and sod to prevent sediment. Started hydro seeding and landscaping the yards.*The biggest challenged is the grade and the lack of vegetation. We're getting good establishment of grass. Phase two is pretty much done with infrastructure. Everything is working. Phase three we installed all the sewer, drainage and were about 30% done with the water. Water pressure test scheduled for May 5th. We have gas scheduled, electric scheduled paving scheduled. Phase four all the product on site, waiting to be installed, hoping we can start in two weeks. Started cleaning up the frontage and building the wall. The buffer, screen we installed it but we installed last year and the hot summer we lost about 30 trees and replanted.

Chairman Bostic: Had questions for the engineer but he is not here. One of the biggest projects for the Planning Board. If you could come back next month or June with the Engineer and maybe you can add to this and show us exactly what you're time span is. From today to what you are telling us you will be getting done by June and hopefully you'll be there by June It will give us a better idea. I just don't want to discount it -it is a big responsibility and anything could happen, it is insurance. Just want to make sure we do our due diligence.

Member Reilly: When you say one way or another what are you talking about? We can still get a feel on which way we want to go.

Chairman Bostic: I'm not at that point I have questions for the engineer. I think it is best to wait a few more months. Checks and balances.

Member Reilly: I want to at least get to stabilization bond as possible.

Ken Bach: We do have a bond, not same amount as the Town Engineer.

Chairman Bostic: Are you comfortable with the stabilization and move forward with that

Member Reilly: That would be my recommendation or taking everything on. But again it is a private project.

Chairman Bostic: If he is good with the stabilization bond, why hold that up. Right now upgrade the current one to increase, and the other side of the bond let go until June with more information for that.

Town Engineer Quish: In terms of coming back in June I would just update the bigger bond for what had been completed. I did not include stockpile in the calculation.

Attorney DeSisto: You'll have more information in June with the growing season. Best bet is to continue to June. Motion to continue discussion on a setting of the bond at the June Meeting

Motion to continue the bond review to June made by Member Reilly, Second by Member Almond. All in favor.

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

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

Correction notice by Member London to add “Member” in front of Mike Reilly on the first page. The addition of page numbers, recommended by Member Reilly.

March 22, 2023 draft correction.

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

7. Planning Board Elections

A. Chairman Position – Member Reilly nominates Member Bostic, Second by Member London. All in favor.

B. Vice Chairman Position- Member London nominates Member Reilly, Second by Member Almond. All in favor.

C. Secretary Position- Member Reilly nominates Member London, Second by Member London. All in favor.

8. Solicitor’s Report

A. Update on the status of Lincoln v. WDC Superior Court appeal

Town Solicitor DeSisto: This is currently pending in Superior Court. The issue is the record, has not being filed, waiting for it to happen. Planning Board did file and put in to the State Appeals Board and they have not done it. The court cannot do anything without a record. Deadline was supposed to be 30 days, the written decision took 6 months to be filed.

Member Reilly: Anything about Cumberland Farms?

Town Solicitor DeSisto: No

9. Planner’s Report

A. AP 28 Lot 80 - Wilbur Road – Wetlands Permit App No. 22-0157

Town Planner Berry: This is a single family home, we did get the DEM notice letter to disturb the wetlands, and we can submit comments. Town Engineer Quish and I did. The letter says it is notifying the Planning Board. Moving forward if you would like these on the agenda I can put in on to make you aware of them.

Chairman Bostic: Where on Wilbur Rd. ?

Town Engineer Quish: Across the street from Cynthia Rd.

Town Planner Berry: Town Engineer and I submitted comments. Moving forward I will put on the agenda. They are addressed to The Planning Board.

B. Comprehensive Plan Update-

Town Planner Berry: The Council did approve to reward bid to Weston & Sampson of \$139,400. There was \$150,000 allocated of ARPA funds.

C. Sherman Subdivision – Minor Subdivision Final Plan recorded

Town Planner Berry: Final plan recorded.

10. Adjournment: Motion to adjourn at 8:49 made by Member Reilly. Second by member Almond. All in favor.

Respectfully submitted,

Grace Gervais