

Town of Lincoln Planning Board
Minutes of May 24, 2023 Meeting

The regular meeting of the Planning Board was held May 24, 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>

Vice Chairman Reilly called the meeting to order at 7:00 p.m.

Present, Member Meagan Bellamy, Member Mike Reilly, Member Ned London, Member Tom Salvatore and Member Tom Tuyschaegers.

Chairman Ken Bostic, and Member Jeff Almond, - excused.

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

5. Consent Agenda- Zoning Applications

Edgewood Developer, LLC AP 34 Lot 460 Dimensional Variance 0 New river Road Lot Width

Application for a dimensional variance to allow the one of three proposed lots in a subdivision application to have 116.4' of lot width where 120' is required. Based upon the findings that the granting of the relief would be consistent with the Comprehensive Plan and the character of the surrounding area, would not undermine the intent of the zoning code and is minimal in nature, the TRC voted (4-1, Mr. Hervieux voted nay) to recommend that the Planning Board make a **positive recommendation** on this application to the Zoning Board of Review.

Moanalua Associates AP 19 Lot 18 Dimensional Variance c/o the Discovery Group 1525 Old Louisquissett Pike Front Setback

Application for dimensional relief to allow a pergola to encroach into the minimum 25' front setback in the BL 0.5 zone. Based upon the findings that the granting of the relief would be consistent with the Comprehensive Plan and the character of the village center, and finding that the relief is minimal because it is maintained within the footprint of an existing outdoor seating area, the TRC unanimously (5-0) recommends that the Planning Board forward a **positive recommendation** on this application to the Zoning Board of Review.

Artur J. Silva, Jr. AP 26 Lot 20 Dimensional Variance 149 Jenckes Hill Road Side Setback

Application for dimensional relief to allow an addition to a single-family residence to encroach into both 35' side setbacks in an RA-40 zone. Based upon the findings that the granting of the relief would be consistent with the Comprehensive Plan and the character of the area, and finding that the thin nature of the lot and the location of the existing home practically eliminate compliant alternatives, the TRC unanimously (5-0) recommends that the Planning Board forward a **positive recommendation** on this application to the Zoning Board of Review.

Consent agenda: Accept a motion to review the consent agenda as presented; made by Member Salvatore, second by Member London. All in favor

4. Major Subdivision Review

A. Edgewood Estates AP 34 Lots 460 Master Plan Review Edgewood Developer, LLC 0 New River Road Public Informational Meeting

Town Planner Berry: This Major Subdivision Master Plan application proposes the subdivision and development of a 2.46-acre site into three (3) lots for single-family development. All three proposed lots have frontage on New River Road and no new roadway is required. Public water and sewer are proposed. A waiver is requested for the interior lot angle on proposed Lot 3 as well as zoning relief is required for substandard lot width for proposed Lot 3. Waivers may also be required for curbing and sidewalks requirements on New River Road. Zoning is RS- 20 RG-7 is the smaller lot. Multifamily to the west but surrounding single family. Wetlands there is a wetland (Mussey Brook) located due southwest of the property. The wetlands were flagged and a report was issued by Scott Rabideau of Natural Resource Services, Inc. All of the improvements are proposed outside of the wetlands and wetland buffer, so the project is not anticipated to have any negative impacts to the wetlands. This issue will be reviewed in further detail during the preliminary plan review process. Easement for sewer owned by the Town that runs underneath. Site plan Mater plan/ concept plan no engineer review at this time; lot one and lot two are regular shaped lots, lot 3 is an irregular shape. The site layout is designed to accommodate the irregular shape of the existing lot and the existing sewer easement owned by the Town. The triangular shape and easement restrict the buildable area of Lot 3, so the applicant proposes to include the lot area to the rear (west) of the property to create a buildable area for the home on lot 3. There is an existing paved access road over the sewer easement that will provide the majority of the access to the home on Lot 3, only a small portion of new driveway is needed. The applicant has well over the 120' at the street frontage. It is only because the ordinance requires that the measurement be taken at the front setback line that the applicant is 3.6' short. This shortfall constitutes 3% of the 120' or 1% of the total 360' of width required over the 3 lots. The other two homes will have new driveways onto New River Road. Each driveway has a turnaround so no cars will have to back out onto the state road. As part of the consent agenda the Planning Board just forwarded a positive recommendation on the relief to the Zoning Board. Whether or not the relief is granted is not the Planning Board's choice, it is a recommendation. The Zoning Board would make that decision. If it was approved it would have to be conditioned to the lot width relief on lot 3. The TRC and Staff thought it was justifiable with waivers The applicant is requesting a waiver from Section 22(E) of the Subdivision Regulations to allow proposed lot 3 to have an interior angle greater than 200 degrees. The angle is proposed at 257 degrees. The applicant proposed public water and sewer for all three (3) lots. A sewer availability letter has been issued. Lots 1 and 2 will tie in directly to the sewer main in New River Road. Lot 3 will tie in to the sewer line running through the property under the access road. A water availability letter was issued for a previous iteration of the plan, but an updated letter will be required based on the current layout and number of lots. The applicant has submitted plans to the Lincoln Water Department which are currently under review. LWC approval will be required at the Preliminary Plan phase. One issue that was discussed by the TRC was whether the water line for Lot 3 should run through Lots 1 and 2 as proposed, or whether it should connect directly through Lot 3 only. The applicant is likely attempting to keep the road disturbance to a minimum due to the cost of repaving the road curb to curb. The DPW Director would prefer to avoid any future issue with the line as the maintenance of the line would cause disturbance for the owners of Lot 1 and 2. Ultimately, the TRC defers to the Water Department on this issue. If the connection is approved as proposed, an easement will be required for the portion of the line for Lot 3 that crossed Lot 1 and 2. There are slopes on site, but not raising to the level that development is impractical. A grading plan is not required until the Preliminary Plan phase. The roads and driveways will have to meet the slope maximums in the Subdivision Regulations. When a detailed grading plan is devised, the limits of disturbance will be illuminated in greater detail. At this conceptual phase, rain gardens are proposed adjacent to each driveway and new home respectively. The stormwater systems and drainage calculations will be reviewed as part of the Preliminary Plan review process.

John Shekarchi: This is final proposal- the only reason we need dimensional relief because of the angle of the lot. .

Matt RA Cataldo & Associates: Front corner lot, lot one drainage is on River Rd. No curbing, provide grass sidewalk for safe travel, the grading right now is down to the street so the grass will allow for safe traveling. This is the least impactful proposal, good soils.

John Shekarchi: Drainage, explain.

Matt RA Cataldo & Associates: We don't have water runoff issue strictly under the ground.

Member Salvatore: When will the engineer's plans be presented?

Town Planner Berry: Master Plan phase. The next stage is Preliminary Stage.

Member Salvatore: It could be different than this.

Town Planner Berry: Cannot totally change it, it has to be conforming to this plan. Could change some of the details but have to ask for the relief they want from a Zoning perspective.

Member London: Lot 3 the sewer/ water line, we are moving that right?

Matt RA Cataldo & Associates: Just water. The sewer to lot three is not coming out to the street.

Member Salvatore: If we approve the variance would this cause some kind of legal precedent?

Mark Hartman: No, the waiver is a typical procedure, typically we look at it and whether it is reasonable, considering the content and purpose of the Zoning Board. It is whether it is reasonable.

John Shekarchi: Exhibit from Ed Pimentel to add to record.

Member London: Motion to open public hearing, second by Member Salvatore.

Diane Ducharme Handy Pond Home Owners Association: Issues with the developer in regards to how he left their development. Worried he will do it again with his new development. Same developer for the Handy Pond condos- had to spend money from the Home Owners Association to take care of issues

Louis DeSimone: Where do the wetlands exist and the buffer zone?

Town Planner Berry: Shows on map/site plan. Improvements to outside of the buffer area. *hands out forms from Diane Ducharme.

*Staff has not seen those documents prior to the meeting. Shows the developer.

Motion to close public hearing; motion made by Member London, second Member Bellamy.

Member London Motion to approve master plan with the exception of lot 3 which has to be approved by the Zoning Board and also the TRC recommendation of the access road of lot 3 b owned and maintained not by the Town, conditional motion with Zoning Board approval- Second by Member Tuyschaevers.

5. Comprehensive Permit Review

A. Lincoln Memorial School Redevelopment AP 4 Lot 59 Master & Preliminary Plan

Lonsdale Memorial Holdings, LLC 1624 Lonsdale Ave Request to Combine Phases

Town Planner Berry: This Comprehensive Permit application proposes an adaptive reuse of the Lincoln Memorial School Building into a 26-unit affordable multifamily development. The property is 37,551 SF and is zoned RG-7, which allows multifamily uses with a special use permit. The applicant proposed an addition to square-off the existing building while trying to maintain the historical character of the building. Minimal site improvements are proposed to the parking area, but relief is sought to allow 35 parking spaces where 52 are required. The project will utilize the existing curb openings on Front Street and Lonsdale Ave for vehicular access. The project requires public sewer and water. Waivers, the opaque fence and the six foot buffer from the parking area. Plan does propose public sewer and water, we have yet to receive the water later. It is likely to be acquired by the June meeting.

John Shekarchi: Attorney for the applicant. Applicant bought this property by the Town of Lincoln. Acquired letter of eligibility from RI Housing for the 26 units.

Joe Casali Engineer: Shows site map. 38,000 sq. /ft. just shy of. The former Lonsdale School and Administration building, adding another 55,000 sq. /ft. Repurpose building to have apartments- 26 all 100% affordable units, 3 ADA accessible.

Eric Shall: Reuse of existing building off parking lot access to existing ramp. Existing stairs on the east and west. In the back providing new addition 3 units per 3 levels. No exterior changes, the apartments will be studios, 1 bedroom and 2 bedrooms, 3 assessable at grade.

Member Reilly: Along the entrance it looks like it needs some work.

Eric Shall: Minor replacements along the gutters, minor upgrades on the door. The columns need some upgrades, but will keep the historical aspects. Minor upgrades. New back entry doors, upgrading fob access. The second floor we're reusing the windows area for door access to the new addition.

Joe Casali: Site development in respect to the code for 2 per dwelling for 52 spaces. Providing 35 plus 5 bike spaces. Existing pavement will be sealed coated. We will adhere to additional parking if necessary waivers; one way entrance, wider entrance- should be about 20 ft. rather than 18ft., and dumpster. Existing 8 in sewer main and service will continue to use, gas and water. We proposing both domestic and fire protection. Pressure of 140 psi, 1500 gallon per minute. Asking for 4 waivers. 1-lot width, 2-parking 52, to 35, 3- landscape area separate, landscape buffers, 4- opaque fence.

Town Planner Berry: Thought there is a sewer easement? Recommended condition to relocate monument, and then plan "b" would be the easement.

Joel Casali: Didn't find a sewer easement there isn't one but we will have one. The war monument we would be happy to either move it, or put an easement on it.

Town Planner Berry: Did some chain of title for the easement, the lots were combined so there are different lot numbers but the applicant reinforced us we will have an easement one way or another. A condition. Looking for two things combine master and preliminary plan- staff recommends in favor. Secondly move this to a public hearing next month.

Member Tuyschaeyers: Do we need an easement to go on the property and move the monument? We still own the property now, we will look into the details the applicant has been more than cooperative. I think a condition could be worded so we would have access to relocate or maintain.

Erick Zuena: Discusses parking. 1- We are confident we have plenty of parking. The area in the front we say we can use it for parking, but would rather consider it not in the approval.

Member Reilly: We have stretch it, if you're wrong and there is less parking than needed, we need a safety net. If I am wrong then you're ok.

Town Planner Berry: applicant, do you object to the proposed addition that the Administrator approval, or not to impose the parking now?

Erick Zuena: The latter.

Member Reilly: We're not imposing it now. We are saying after the fact if it is not working we have the option to add it.

Erick Zuena: 2- the fence we know it needs fixing, we would like to take the fence down and improve the landscaping because the fence isn't doing what the ordinance wants it to do. We want to take the fence down and improve the landscaping.

Joe Casali: Clarification on parking. Shows overlay of where additional parking would be. My concern is the landscape issue, this area is Town property. We don't own this.

Town Planner Berry: Wants the DPW Director to look at his. Want to review it him before a store opinion on this. One of the waivers is to not provide the opaque fence, due to the existing condition.

John Shekarchi: We will leave fence in the location.

Member Salvatore: In regards to the sewer, I think you will have a lot more flushing toilets in the building. That could be an issue if you are having 26 units you have more toilets and needs to be looked at.

Town Engineer Quish: We did camera the sewer it runs North across the street and ties in the NBC sewer main. We find it is available for this project.

Member Salvatore: Parking one way? Form Lonsdale and exit to Front Street left and right?

Joe Casali: Correct, widen it to 20 ft. have two way access into Front and one way ingress from Lonsdale. Parking 35 plus the 5 bicycles.

Member Salvatore: If you leave the lot from Front Street it is either left or right.

Joe Casali: Yes. One way from Lonsdale to make it safer. Two way enter/exit for Front St.

Member Salvatore: The additional parking would go in the front

Joe Casali: No, currently 31. 4 tandem parking.

Member London: How many spaces available in the front?

Joe Casali: 4/5, just a couple.

Member Salvatore: Which entrance would the residents enter and exit, the back?

Joe Casali: They could enter from both Front and Lonsdale Ave., but only exit to Front St.

Member Salvatore: The addition is taking up the parking?

Joe Casali: Those spaces get displaced and will be crafted back in.

Member Salvatore: How many parking spaces exist today?

Joe Casali: 33/35.

Member London: What is the plan for storage of snow?

Joe Casali: Pushing it along the side or remove it. A typical parking would be 60 ft. this is much wider.

Member London: Dumpster in the corner?

Joe Casali: Yes, by making this one way, we have the dumpster enclosure here. Easy lift up for the driver.

Town Planner Berry: One Zoning Code relief that was not discussed yet. Lot width, the Lincoln Zoning Code has a relationship between density and lot width requirement. Once the density bonus is allocated it came down to a requirement of 232.5 ft. no practical impact but between the code and the density and the required lot width just wanted to acknowledge on the record. The other was for the opaque fence, the landscape and the parking. Recommendation number 4 "Once the project reaches 90% occupancy, and anytime afterward, the Administrative Officer shall assess the off-street parking and determine whether additional parking is required. Should the Administrative Officer determine that additional parking is required, upon the written determination from the Administrative Officer, the applicant/owner shall construct additional parking in the area directly north of the Lonsdale Avenue entrance. In this event, the applicant/owner shall be required to submit a revised Final Plan which shall be reviewed as a minor change pursuant to Subdivision Regulations Section 10 (B). This is in sort a small insurance policy.

Member London: is there an issue with the size? 800 sq. /ft. apartments. Is that too tiny?

Town Planner Berry: No. Speaks to the likelihood of the amount of cars. When you have a studio apartments 5/600 sq. /ft. unlikely you have multiple vehicles.

Member Bellamy: Likes the language of how the condition is written.

Member Reilly: No vote on the Master and Preliminary Plan.

Town Planner Berry: Correct.

Motion made to combine Master and Preliminary Plan phases made by Member Tuytschaevers second by Member Salvatore. All in favor. Motion to move to Public Hearing for June made by Member Tuytschaevers second by Member Bellamy. All in favor

6. Minor Land Development Review

A. Lonsdale Minor Land Development AP 4 Lots 36 Preliminary Plan Miller Properties, LLC 0 Lonsdale Ave/ 7. Change of Zone Review Lonsdale Minor Land Development AP 4 Lots 36 Zone Change from RL-9 to RG-7 Miller Properties, LLC 0 Lonsdale Ave

Town Planner Berry: This project consists of the development of 4 connected residential units (a quadplex) on a single lot approximately 1.1 acres' in area. The units are designed side-by-each (townhouse style) sharing a single driveway to Lonsdale Avenue. Public water and a private septic system are proposed. A zone change from RL-9 to RG-7 is required to allow the multifamily use either through a special use permit or through the requested condition of the change of zone. Need two separate motions. Purpose of zone change is because RG-7 does allow multi family use with Special Use Permit, existing zone RL-9 does not allow. Public water, private septic in the rear of site. Drainage area in front, meets parking requirements. Satisfactory with emergency vehicles access. Wetland area, we're concern with potential jurisdiction area but approved plan from DEM- will provide letter from DEM wetland biologist to confirm. Only minimal grading is anticipated for the driveway, quadplex and septic system improvements. Grading will be required for the proposed drainage basin in the front of the property by Lonsdale Ave. Please see the Grading & Utilities Plan for details. The Town Engineer has reviewed the stormwater and drainage patterns and recommends that groundwater recharge, water quality volume, and

sediment forebay sizing calculations be provided. The applicant has been notified that this must be submitted and reviewed prior to Preliminary Plan approval. In addition, there was a concern regarding the location for emergency overflow as it would be preferred that the drainage basin overflow into the wetland rather than into the road. It should be noted that the applicant is not required to design beyond the 100 year storm, and that the DPW Director thought that it was fine as proposed, stating that if there was a storm event beyond the 100 year storm, that there'd be water everywhere. The TRC did not stipulate any specific condition on this issue, but asked that the applicant engage in further conversation with the Engineer to explore agreeable solutions to this potential problem. The Town Engineer has reviewed the stormwater and drainage patterns and recommends that groundwater recharge, water quality volume, and sediment forebay sizing calculations be provided. The applicant has been notified that this must be submitted and reviewed prior to Preliminary Plan approval. Town of Lincoln Zoning Code § 260-91 Review by Planning Board states: Among its findings and recommendations to the Town Council with respect to a proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map, the Planning Board shall: A. Include a statement on the general consistency of the proposal with the Comprehensive Plan of the Town, including the goals and policies statement, the implementation program, and all other applicable elements of the Comprehensive Plan; and

B. Include a demonstration of recognition and consideration of each of the applicable purposes of zoning presented in Article I of this chapter. With permission would like to discuss both applications in tandem.

John Shekarchi: For the applicant. Ed Pimentel couldn't make it but the report is in your packet. Pretty basic application, zoning change is pretty simple.

Member Salvatore: Any pictures?

Applicant Patrick Miller: Basically it will look like four town houses

John Shekarchi: This is going to Council for the zone change, and going to Zoning for the Special Use Permit.

Member Salvatore: Do we need a Public Hearing?

Town Planner Berry: Yes, does require it. Send to Public Informational.

Motion by Member Reilly to continue zone change to next month, second by Member Salvatore.

Motion made by Member London to have Public Information Hearing for June, second by Member Tuyschaegers.

8. Review of Minutes

A. April 26, 2023 Planning Board Meeting Motion to accept the amended minutes: Motion made by Member London Second by Member Bellamy. All in favor.

9. Selection of Comprehensive Plan Steering Committee Representative & Alternate

Town Planner Berry: This is a group of Lincoln residents and staff to work with consultant to meet to steer the development of the plan. There are eight now, looking at a ten person group, if to then there would be two members (no alternates). Chairman Bostic voiced his desire, we discussed potentially the Chair and the Vice Chair. Right now looking for appointment of two members for June.

Member Salvatore: Motion to nominate chairman Bostic to Comprehensive Plan Steering Committee. Motion second by Member London.

Member London: Motion to nominate Member Almond to the Comprehensive Plan Steering Committee. Motion second by Member Bellamy.

10. Planner's Report

A. Wilbour Plat – AP 44 Lot 191 – Clarification on delegation of Final Plan review

Town Planner Berry: Final plan to delegate to Administrator Officer. Did not want to assume we had done that last meeting. But I feel confident it was the intent of The Board.

The Board in agreement: Yes that was the intent, it was delegated.

Member Salvatore: Where are we with the Comprehensive Plan?

Town Planner Berry: I took them on a tour of the town in final details of their contract and a relationship has been built. Next is the Steering Committee.

11. Adjournment: Motion to adjourn at 8:36 made by Member Salvatore. Second by Member London. All in favor.

Respectfully submitted,

Grace Gervais