

Town of Lincoln Planning Board
100 Old River Road, Lincoln, RI
Minutes of June 28 2023 Meeting

The regular meeting of the Planning Board was held June 28, 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, Member Tom Tuytschaevers and Member Tom Salvatore.

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

3. Consent Agenda- Zoning Applications

I. Marietta Foster AP 7 Lot 88 Dimensional Variance 1104 Smithfield Ave Lot Width, Area, Parking

Application for a dimensional variance to allow an existing detached building to be converted into 2nd residential unit, requiring relief for lot area, lot width, and off-street parking. Recommendation: Based upon the findings that the granting of the relief for the lot area and lot width would be consistent with the Comprehensive Plan, would bring the use of the existing building into conformance with zoning, and would not undermine have negative impacts, but also finding that the relief for the off street parking was not warranted, the TRC unanimously voted (7-0) to recommend that the Planning Board make a positive recommendation on the relief for lot area and lot width and a negative recommendation on the relief for off-street parking to the Zoning Board of Review.

II. Gerald & Patricia Marsocci AP 29 Lot 392 Dimensional Variance 3 Whitman Way Rear Setback.

Application for dimensional relief to allow an addition to encroach into the minimum rear yard setback in the RS-20 zone. Recommendation: Based upon the findings that the granting of the relief would not have negative impacts to the surrounding area and is consistent with the Comprehensive Plan, the TRC unanimously (7-0) recommends that the Planning Board forward a positive recommendation on this application to the Zoning Board of Review with the conditions that the applicant provide a site plan with accurate dimensions and that the building addition be no larger than the existing patio.

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

4. Minor Land Development Review/ 5. Change of Zone Review.

A. Lonsdale Minor Land Development. Miller Properties, LLC. AP 4 Lot 36. 0 Lonsdale Avenue. Preliminary Plan.

B. Lonsdale Minor Land Development. Miller Properties, LLC. AP 4 Lot 36. 0 Lonsdale Avenue. RL-9 (zone change proposed to RG-7).

Town Planner Berry: Shows site map. This is not a public informational hearing. On the old plan, there was a buffer change, environmental analyst plan to show buffer. The applicant proposes private septic and public water for the new lot. The applicant provided a septic system plan approved by RIDEM and a water availability letter from the Lincoln Water Commission.

Zoning map RL 9 to RG 7 to allow multi-family use.

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-side (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. There is a wetlands area located east of the subject property. A wetlands report has been requested and is anticipated to be available prior to the public hearing in June. Staff was comfortable moving the application forward in lieu of the wetland report because the applicant submitted their approved septic plan from RIDEM. Since the septic system is the improvement that is closest to the wetland buffer, and RIDEM would not approve the septic system in the buffer, staff was reassured that there is no conflict but would still like the report prior to the public hearing to confirm. June Update: The applicant provided a wetland edge map from Avizinis Environmental Services and then transferred the wetland edge data into a revised site plan to demonstrate/confirm that all of the proposed disturbance is outside of the wetland buffer. This issue has been satisfactorily addressed. 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. One outstanding issue is no class one survey.

Mary Shekarchi Attorney for the applicant: Ed Pimentel provided a report to The Board. The applicant accepted all the required conditions.

Patrick Miller: Explains status of the surveyor. Contracted with a surveyor, it is about four weeks out. Difficulty obtaining a survey.

Steve Andrews- Engineer: Straight forward proposal. No concerns with the project.

Chairman Bostic: water runoff?

Steve Andrews- Engineer: Roof drain pumps to storm water pond designed for a 100 year storm, won't discharge. All water runoff will go here. Spoke with the Town Engineer.

Town Engineer Quish: Everything he said is accurate.

Steve Andrews- Engineer: Getting a survey this time of year is tough.

Chairman Bostic: Concerns with bypassing the Zoning Board. The public comments are not heard. Anytime we get public input it is a plus. Would like to see it go in front of the Zoning Board. Survey is already four weeks out.

Mary Shekarchi: We don't have a problem, the public can come to the Town Council meeting. Seems redundant to go to Zoning.

Chairman Bostic: Town Council would probably like to see it with public comment.

Mark Hartmann: Contract Zoning, requesting a zone change. This should go to Zoning. You could recommend zone change and then go to the Zoning Board- we wouldn't recommend it from council.

Town Planner Berry: The conditions are flexible. Leaves the decision up to the Town Council.

Mark Hartmann: our recommendation would be to have zone change without conditions.

Member Reilly: zone change relies on Town Council, so forwarding to the Zoning Board- what would that do?

Town Planner Berry: It would need a Special Use Permit to allow for multi family use change the zone from RL 9 to RG 7 means you can get multi family use with a Special Use Permit. Recommendation condition is to allow multi family use without a Special Use Permit.

Chairman Bostic: Zoning Board then Town Council and maybe have survey by then.

Member Reilly: Can't go to Zoning Board until they have a zone change.

Town Planner Berry: The zone would have to be changed first, the preliminary plan approval tonight enables them to go to Town Council for the zone change.

Chairman: Why can't they go to Zoning Board and then Town Council?

Mary Shekarchi: We need zone change first. Town Council then Zoning Board.

Salvatore: The Town Council can have a public hearing?

Town Planner: They must one the zone change, not the development plan.

Decision on zone change between Mark / The Board/ and The Town Planner.

Condition Two: New wording, if the Town Council were to approve zone change Special Use Permit required to be obtained by the Zoning Board.

Preliminary Plan approval motion made by Member Almond. Second by Member London.

Zone Change approval motion made based on Technical Review Committee report by Member Reilly. Second by Member Almond.

6. Major Subdivision Review

A. Terrapin Development, LLC. AP 9, Lot 68. Rockyroad Ave. Bond Reduction.

Town Planner Berry: On November 24, 2020, the Administrative Officer granted a conditional Final Plan approval on a subdivision application. The first condition of this approval was that the applicant post a cash bond in the amount of \$147,930. The developer posted the bond, has since constructed the vast majority of the public improvements and now has appealed to the Town to reduce the bond accordingly. Shows Town Engineer memo following bulleted items. The Rockyroad Ave extension, located on Plat Map 9 Lot 68, constructed by Terrapin Properties, LLC (James McKee) has been reviewed for calculating a guarantee bond reduction to reflect the completed improvement since the original bond was calculated. The original bond value of \$147,930 included the following work: Bituminous Surface Course, Widening, milling and overlaying the existing portion of Rockyroad Ave with bituminous berm, Granite Curbing, Concrete sidewalk, Street Trees, Granite Bounds, Signage, Maintenance of the drainage system. Since the original bond was set, the curbing, sidewalk, utility poles, street trees, and granite bounds have been completed reducing the bond value to \$65,370. The remaining \$65,730 includes the final pavement requirements associated with this project and incidental finalization items. The contractor was scheduled to have already completed the paving requirements however Rhode Island Energy needs to replace the gas main on Rockyroad Ave for reasons unrelated to this project. As a result, the paving is on hold until Rhode Island Energy's work is completed. \$65,370. TRC positive recommendation: non cash bond for RI Energy extend gas lines on the street.

Town Engineer Quish: Working with McKee. Road completed widening. RI Energy informed us as they were doing construction on this road. Worked out a timeline with both RI Energy and the applicant. Reduced bond value.

James McKee: Surety Bond to compensate for the work to be done.

Member Salvatore: Job is done?

McKee: My work is done. RI Energy is doing the work.

Motion to accept bond reduction and change to cash bond. Motion made by Member Reilly, second by Member Almond.

7. Comprehensive Permit Review

A. Lincoln Memorial School Redevelopment. Lonsdale Memorial Holdings, LLC. AP 4 Lot 59. RG-7. 1624 Lonsdale Avenue. Combined Master and Preliminary Plan.

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. Combine phases last month was approved. Sewer easement is shown around the sewer pipe. The discussion last month. That easement expired. Received water letter with conditions 1- pressure and 2- irrigation. The monument plan is to love and relocate.

William Lavery Jr: Worked on the site proposal for the development, from Joe Casale Engineering

Erik Shall: shows site plan. 26 units; 2 studios, 20- 1 bedrooms and 4-2 bedrooms. Minor upgrades on the exterior of the building it will look same.

William Lavery Jr: Zone says two parking spots per unit which would be 52, we propose 35. We do have a proposed extra parking if we need. One way in from Lonsdale Ave, two way traffic on Front St. Application to RIDOT for a PAP.

Chairman Bostic: Asks the distance of the entryway. What is it now?

William Alavert Jr: 18ft.

Town Planner Berry: 20ft. between posts, 18ft. between curbs. That is a TRC proposed condition.

William Lavery Jr: Southern part of site proposed location for dumpster. Sewer main runs through property, The Town recently used the camera to look at the sewer. Sewer easement and water.

Public hearing open: Motion made by Member Reilly, second by Member Salvatore.

Donna Perry: The chain-link fence runs right along her property. Dumpster proposed to be in that corner, objects. Her house is right there.

Paul Lockhart: 30 years lived there. Not enough parking spaces will cause more issues on Lonsdale Main St. Two entryways but one exit onto Front St. Lonsdale Ave and Front St. intersection is busy with cars waiting at the light, you can't get out. Sewer line they replaced 8-10 years ago that sewer was 100 years old, with more apartments there will be more problems. Sewer line across the street is always backed up. No addition in the back would lower the number of needed spaces and you would have enough. Dumpster concern with rodents and odor. Biggest concern is parking, especially in snow storms.

Debbie- 11 Front St.: Live across the street. Too much traffic cannot put more in and out traffic there. Sewer issues as it is, and where will visitors park?

Karen Grady: Lived in the duplex for 54 years. Concerns with traffic, parking and sewer.

Thomas Davis: Reiterate what everyone is saying. Dumpsters breed animals for the entire area. Parking is a real issue, no place to park on Lonsdale Main Street. Already 5-10 cars in the lot overnight. Concerns with low income. Police, fire trucks, the bus stops. Is there smoking in the building?

Debbie 11 Front St.: Asbestos removal?

Thomas Davis: Not saying to do nothing with the building but something with less apartments and no low income.

Public Comment closed: Member Reilly, second Member Tuytschaevers.

Chairman: Public problems with location of dumpster, parking- turning arrows instead one way in/ one way out? Concerns about sewer lines.

Town Engineer Quish: Inspected sewer out past the car wash- where it connects to Narragansett Bay Commission (NBC). Old sewer, some deficiencies. We are applying for grants to update these lines in this area.

Member Reilly: Any traffic studies of the project?

William Lavery Jr: We did look at previous use and versus what it will become. No complete traffic plan, because they are state roads- trying to work with RIDOT for a PAP.

Member Reilly: These are legit problems the public brought up. Someone trying to get in or out there will be problems.

Member London: Some may go out the one way, with traffic back up.

William Lavery Jr: The dumpster will be enclosed. Spoke with Lincoln Police Dept. on current accidents reports, one since 2017.

Chairman: Might want to consider the extra spots for parking spaces.

Erik Zuena: units are small/ efficient types. Full tenant monitoring, no sleeping over etc. affordable housing doesn't mean low quality. Less intense use. Speed doesn't have to do with the use of the building. People will be coming and going throughout the day. 0-1 cars per unit. If more than 1 car they will have to find. Somewhere else to live. Dumpster was there already, and will be removed 2-3 times per week.

Member Salvatore: You want to move on without addressing public needs?

Tuyschaeyers: Asbestos removal properly?

Erik Zuena: Yes, not cutting corners.

Chairman: What we are asking is for you to look at these and take a second look at them. These are public issues, we would like you to look at them. We take public concerns seriously.

Member Reilly: At the last meeting 20 ft. Curb cut was agreed.

Erik Zuena: The poles are at elevation change. If we alter that we would have to alter the elevation. It is just the curb cut.

Member Reilly: Couldn't get a traffic engineer to see at that light?

Erik Zuena: We won't affect that.

Member Reilly: Existing conditions at the light.

William Lavery Jr: Waiting for that from RIDOT

****concerns with the traffic in and out of the property****

Chairman: Do we need motion to continue?

Mark Hartmann: The Board has 90 days to address the application, the certificate of completeness was issued today there is now 90 days from here out.

Erik Zuena: We were hoping for the vote tonight, but if you want to give us 30 days more to address concerns we will.

Town Planner Berry: What changes would you want the applicant to provide?

Chairman: trash locations, maybe separate containers? Parking take a look at adding those spots. Second look at direction flow of traffic. Sewer, Town Engineer addressed. Letter from water is all set. Can't do anything about traffic.

Member Salvatore: I agree with Chairman. The affordable housing is great. These are legitimate concerns- I think 30 days is fair.

Motion to continue. Motion made by Member Salvatore, second by Member Reilly.

B. Whipple-Cullen Farm. Old River Road Development, LLC. AP 29, Lots 150 & 311. 107 Old River Rd. Certification of Phase II.

C. Whipple-Cullen Farm. Old River Road Development, LLC. AP 29, Lots 150 & 311. 107 Old River Road. Bond Review (continued from April).

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.

Member Salvatore- recusal

Damico- Summary of site inspection.

Chairman: Everything looks good.

Town Planner Berry: combine both applications to hear at once. The certification of phase two and the bond review.

Town Engineer Quish: Bond explanation. \$481,016- less than March proposal. Proceed with phase three and first course of asphalt. Improvement Bond if the Town is required to do improvement. New, adding storm water, sewer, and gas- started phase four. Sewer- \$1,875,000.

Discussion between Member Reilly and Member Salvatore: No problem with stabilization bond.

Attorney for the applicant: Bonds usually for public property not private developments. Bonds required at Preliminary Plan, unusual for the bond to be reviewed now. Trouble understanding the improvement bond. Respectfully request no improvement bond. How would the Town do improvements on private property?

Chairman: Tonight stabilization. The other bond, hand that over to our legal team to bring you up to speed on the improvement bond. It's there not hurting anything.

Ken Bach: Presentation on the development of the project. Phase one occupied. Hydroseeding as we go, good grass. Erosion control continues. Phase three all done. Phase four sewer installed, piping all done.

Motion to approval stabilization bond motion made by Member Tuytschaevers, Second by Member London.

Motion to continue the improvement bond to September. Motion made by Member Tuytschaevers, Second by Member London.

Motion to approve certification of Phase II by Member Reilly, Second by Member London.

8. Major Land Development Review.

A. Osko Multifamily. Lonsdale Land Management. AP 6 Lot 213. Zoned VCMU. 0 Smithfield Ave / Higginson Ave. Preliminary Plan.

Town Planner Berry: This Major Land Development (MLD) Preliminary Plan application proposes a 5-unit multifamily building on a vacant site at the corner of Smithfield Ave and Higginson Ave. The 16,578 SF property is in the Village Commercial Mixed Use (VCMU) zone which allows multifamily uses with a special use permit, which has been granted by the Zoning Board of Review. Access to the property is proposed to be located off of Smithfield Avenue. Public water and sewer are proposed.

Adam Hunt: This is a level design.

Eli Osko: The delay was because we waited for approval from RIDOT- waited 8 months for approval.

Member London: The dumpster

Eli Osko: Special bins, not dumpster.

Member London: How will the truck get them?

Eli Osko: The tenants will wheel them up.

Member Salvatore: What's the location in the back, behind?

Eli Osko: Empty lot. Keefe Funeral Home.

Member Salvatore: How long have you owned the lot?

Eli Osko: Couple of years.

Member London: How many are affordable?

Eli Osko: Two

Chairman: Your intent is to fill those or pay fee in lieu?

Eli Osko: Yes, fill them.

***shows end/ finished project.**

Member Bellamy: Assigned parking.

Eli Osko: No, because there is plenty of parking.

Motion to move to Public Hearing. Motion made by Member Reilly, second by Member London.

9. Review of Minutes: May 24, 2023 Planning Board Meeting

Motion made by **Member Reilly**, to dispense the reading on the minutes May, 24 2023. Second by **Member Salvatore**. All in favor. Motion made by **Member Reilly** Second by **London**. All in favor.

10. Selection of Comprehensive Plan Steering Committee Representatives and Alternate.

Omit. **Chairman:** thanks The Board for the recommendations to this committee. The meeting is every month, we had our first meeting last month. If possibly to alternate and help out, any help.

Member Salvatore: We are all interested in specific areas/ districts.

Chairman: We will fill you in to be involved –it will possibly be on the meetings agenda. First Thursday of every month at the Senior Center.

11. Planner's Report

A.Comprehensive Plan Update

Town Planner Berry: We kicked off the meeting for the steering committee. We put together a public engagement plan, we want to know in advance of you will be in attendance. We can't have a quorum of the Planning Board under the open meetings law. Right now we can only have three attend.

Chairman: Isn't a public meeting anyways?

Town Planner Berry: I would have to list it as a quorum of a Planning Board meeting. You can all come, I would just have to list who is there and list it as a Planning Board meeting as well. As long as we comply with the open meeting law I would like everyone's input. In the middle of formulating the public portion, stake holders, business holders etc. invited guests. Meeting again in August.

Chairman: Passed a law we need some kind of Comprehensive Plan by next March. We need the major components done and pass it – to get moving with being in compliance and then work on the rest of the plan.

Town Planner Berry: They are trying to implement a level of enforcement. A lot of Comprehensive Plans have expired, they need to be updated every year- more than 12 years you cannot use it that goes in effect March 1st. ours will be about half way completed by then. We have a few options, 1- approve a version of the plan locally (probably won't be the complete version), 2- do nothing option 3- look at other options. Think option 1 is the best and complete the rest of the plan in full course and go through State approval.

B. Legislative Update

Town Planner Berry: Sent slides, at some point need a sit down workshop to look at the state law. The state released four million dollars in technical assistance program- applied for pre application to get a consultant to help out. Help out with Zoning Ordinance, Sub Division regulations, our checklist, public outreach, and to educate The Board. Hopefully we can get some assistance, most of these go into effect January 1. We have about six months. If everything were to go smooth it is about a three month process, it's almost impossible. I have a lot on my plate, which is why I am hoping to get some assistance.

12. Adjournment

Motion to adjourn at 9:55 pm made by Member Reilly. Second by Member Almond. All in favor.

Respectfully submitted,

Grace Gervais