

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

The regular meeting of the Planning Board was held July 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 Ken Bostic called the meeting to order at 7:00 p.m.

Present, Member Meagan Bellamy, Member Jeff Almond, Member Ned London, Member Tom Salvatore and Member Tom Tuyschaeyers.

Member Mike Reilly - excused.

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

3. Consent Agenda- Zoning Applications

I. Walter & Boqumila Marczak. AP 19 Lot 87. 43 Mark Dr. Dimensional Variance for rear setback.

Application for a dimensional variance for relief from the rear yard setback to allow an addition to an existing single family building built without benefit of a permit. Based upon the findings that the granting of the relief for the rear yard setback would be consistent with the Comprehensive Plan and the character of the neighborhood, the TRC voted (5-1, Mr. Hervieux voted nay and Mr. Gagnon was not present) to recommend that the Planning Board make a *positive recommendation* on the relief to the Zoning Board of Review.

II. Jason Lucier. AP 35 Lot 11. 3 Pine St. Dimensional Variance for Rear Setback

Application for dimensional relief to allow an addition to a single-family home to encroach into the minimum rear yard setback on a corner lot in the RL-9 zone. 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.

III. Miller Properties AP 4 Lot 36. Lonsdale Ave. Special Use Permit

Application for a special use permit to allow a multifamily use for a 4-unit development on a vacant lot (the application may only be considered if the Town Council approves the requested change of zone from RL-9 to RG-7. Based upon the findings that the granting of the special use permit for the proposed multifamily use would be consistent with the Comprehensive Plan and the surrounding area and is consistent with the Comprehensive Plan, and based on the positive findings made for the land development plan and change of zone, the TRC unanimously (7-0) recommends that the Planning Board forward a *positive recommendation* on this special use permit application to the Zoning Board of Review.

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

4. Comprehensive Permit Review

A. Lincoln Memorial School Redevelopment AP 4 Lot 59 Preliminary Plan. Lonsdale Memorial Holdings, LLC 1624 Lonsdale Ave (continued from June).

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 proposes 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. Issues from last meeting were on the parking, the dumpster and the curb cut. July Update: The following changes were made to the site plan: 1. Dumpster location moved north, away from abutting property line. 2. The parking layout was modified and 1 additional space was added (total 36). 3. The curb opening to Front Street was widened to 20'

John Shekarchi: For the applicant. – introduces William Lavery Jr.

William Lavery Jr- Casale Engineering: Dumpster moved as much away from the property line with the truck still being able to get to it. We did get one additional parking in the landscape area. Also the 20ft curb cut- RIDOT looked at the application for the PAP and gave some comments 1- a one-way sign for the entrance, and 2- painted pavement at the Lonsdale Ave side entrance.

Chairman Bostic: State has seen the 20ft. opening?

William Lavery Jr: Yes.

John Shekarchi: We will met the six conditions. If approved would like approval by the Administration Office.

Member London: How far away from the house is the dumpster?

William Lavery Jr: Plus or minus 15ft. from the property line. In an opaque enclosure, full height enclosure.

Member London: No single trash facilities?

William Lavery Jr: No, the dumpster.

Member Salvatore: With the publics points about parking, only adding one additional parking spot?

William Lavery Jr: Yes, per the demographics that (one parking spot) would suffice. We do have the condition to add more if parking is enforced.

Discussion of *Recommended condition #4* Once the project reaches 90% occupancy, and anytime deemed necessary 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

Chairman: There should be an alternated plan for 3-4 more spaces.

Town Planner Berry: They would be in violation if they didn't comply- if the Administrative Office asked for more spots.

Member Salvatore: What would be the maximum additional parking spaces? Not including the one you already created.

John Shekarchi: Four.

Member Salvatore: Four plus this one so five?

William Lavery Jr: That one is already created, so in the future if it is enforced it would be an additional four.

Chairman: You have a letter of water availability?

John Shekarchi: Yes.

Member London: Just one section of fence is taller where the dumpster is?

William Lavery Jr: The entire pad where the dumpster sits on.

Town Planner Berry: Recommend the public to have another chance to speak on the changes.

Attorney DeSisto: You can do it by a vote.

Chairman: Open public portion for a public hearing if The Board sees fit. Limited to the modified changes.

Motion made by Member Almond, second by Member Salvatore to open public hearing.

Cameron Deutsch: Pro affordable housing, in approval for the project.

Motion to close public hearing made by Member almond, second by Member Salvatore.

Town Planner Berry: TRC positive recommendation. Based on the submitted material, the TRC finds that the applicant has successfully addressed the comprehensive permit requirements in state law as well as the technical requirements of the Lincoln Subdivision Regulations for a Preliminary Plan review stage and **recommends that the Planning Board adopt the findings of fact, and approve the application with the following relief, subject to the conditions below:**

Relief: 1. Zoning Code Section §260-22 – lot width of 159.38 where 232.5 is required. 2. Zoning Code Section §260-31(b)(8) - six-foot landscaped setback between the parking areas and street-right-of-way. 3. Zoning Code Section §260-31(f) – to allow a chain link fence where an opaque fence is required to be maintained between the parking area and the adjoining residential district. 4. Zoning Code Section §260-31(A) – 36 parking spaces are proposed where 52 are required.

Recommended Conditions: 1. All 26 units shall be deed restricted affordable units for 99 years. 2. The applicant obtain a PAP from RIDOT prior to Final Plan submittal. 3. The applicant shall work cooperatively with the Town to relocate the veteran monument. Should the Town decide not to relocate the monument, the applicant shall provide an easement to the Town to maintain the monument. 4. Once the project reaches 90% occupancy, and anytime deemed necessary 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). 5. The applicant shall comply with the recommendations in the Phase 1 Environmental Site Assessment report and shall convey the Summary Report summarizing the findings of the investigations to the Administrative Officer. 6. Final Plan review shall be delegated to the Administrative Officer

John Shekarchi: Letter of eligibility number of years?

Chairman: 99 years. If the Board votes tonight, you're (applicant) is comfortable with the conditions, and the parking condition.

John Shekarchi: Yes.

Chairman: 90% capacity if some reason, you only get 50% full with parking issues?

John Shekarchi: More than happy to do wish The Town Planner think is appropriate.

Member London motion to approve with subject to the four reliefs, six conditions and the change in number four (35 parking to 36 parking). Second by Member Almond.

Motion made by Member Almond to delegate final plan approval to the Administrative Officer, second by Member London. All in favor.

5. Major Land Development Review

A. Osko Multifamily AP 6 Lot 213 Preliminary Plan Review. Lonsdale Land Management Smithfield Ave/Higginson Ave Public Hearing

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. July Update: the

applicant submitted revised materials to address the engineering comments. At the July TRC meeting, the Town Engineer confirmed that her concerns were largely addressed, and the applicant agreed to make the last few technical revisions in the plans dated 7/20/23. July update: The last statement in June memo is inaccurate and should have clarified that there is a water availability letter but there are comments and concerns that need to be addressed. The applicant submitted revised materials to the LWC, who responded with the following statement, “the Lincoln Water Commission (LWC) will approve the preliminary plan for the proposed water supply facilities contingent on the further development of the details shown on Dwg. C-4.2 for the hot-box enclosure for the master meter, and the revision of the details associated with the tapping sleeve and valve connection shown on Dwg. C-4.1, as directed by the LWC.” The applicant stated that these revisions could be made in the revised materials dated 7/20/23. The applicant has met the standard for the preliminary plan review phase and the applicant will have to comply with the LWC’s concerns, should any remain, to obtain the approval for the water connection.

John Shekarchi: Introduces Dan Campbell.

Dan Campbell: No changes in the layout. Bike rack, addition of a tree, and dumpster. No changes to the grade.

John Shekarchi: Reviewed the conditions, agree to abide by it all.

Member Salvatore: Where are the trees going?

Dan Campbell: Between the site and the service station. Fence along the line as well as the trees.

Member Salvatore: Is there an existing fence?

Dan Campbell: No.

Member Bellamy: where are you proposing the fence?

Dan Campbell: On the tree property lines, separating the residential area from the commercial area.

Chairman: Water Commission letter?

Dan Campbell: The Superintendent wants a new letter with all the hot box detail separate from the original submission, but approval at the TRC.

Member London: The backside has a big elevation difference.

Dan Campbell: 10 f from the property line is the funeral home. A new retaining wall with a chain-link fence will be going there. The fence to block fall hazard.

Member Tuytschaevers: Any questions or concerns from Town Engineer Quish?

Town Engineer Quish: They have since been addressed.

Chairman: This has all the parking, plus one spot. You’re comfortable with the conditions?

Applicant- Yes.

Motion to open public hearing, motion made by Member Almond, second by Member Salvatore.

Yvette Pina: Against the project, lived across the street from the proposed project for 54 years. Does not want new people.

Cameron Deutsch: In approval of the project, describes increased housing prices and the need for more affordable housing.

Motion to close public hearing. Motion made by Member Almond, second by Member Tuytschaevers.

Chairman: Comfortable with the conditions?

John Shekarchi: Yes.

Town Planner Berry: One motion to designate final plan to Administrative Office.

Member London made motion to approve with conditions from TRC, second by Member Almond.

Motion made by Member Tuytschaevers to delegate final plan approval to the Administrative Officer. Second by Member Almond. All in favor.

6. Review of Minutes

A. June 28, 2023 Planning Board Meeting.

Motion to dispense the minutes made by Member Almond, second by Member Salvatore. Motion accept the minutes made by Member Almond, second by Member Salvatore. All in favor.

7. Solicitor's Litigation Report

Attorney DeSisto: There are two pending cases. 1- The Women's Development; in Superior Court, don't think the decision will be by the end of the year. 2- The Arby/Cumberland Farms, went from the Planning Board, to Zoning Board to Superior Court. We filed certificated record, next step is briefing schedule. Again, this decision also will most likely be by early 2024.

8. Planner's Report

A. Legislative update & Municipal Technical Assistance Program

Town Planner Berry: Our chapter hired legal help. Summary of state law changes happening shortly. I applied to RI Housing for funds. We are pre-approved to get assistance from Westman and Simpson (same as the Comprehensive Plan) RI Housing will pay for the assistance. We do need to comply with all the State Laws, even if we do not agree with some of the changes. Just wanted you to know we have a plan in place for these changes.

Member London: Is this in one sweep or partial?

Town Planner Berry: Two tiers potentially, in conversation/ working with them now, more information to come.

B. Comprehensive Plan update

Town Planner Berry: The Revisory Committee had a successful kick off meeting in July, next meeting is August 3rd- we will go over the website, survey and community outreach.

C. Classification of Minor Land Development applications

Town Planner Berry: The Planning Board has never done Minor Land Development plans. A lot of discretion involved for the Administrative Office. Looking for guidance.

Discussion of the wording of Special Use Permits, and Minor Land Developments

Attorney DeSisto: This is something I really have to think about. Understand these are real world issues, but you have to take a look at the town's past and history understand different town's procedures. You all have handled this kind of stuff the way the Town wanted it to be handled.

D. Sidewalk and curbing waivers applicability

Town Planner Berry: Subdivision regulation section 25

Member London: Didn't Attorney DeSisto address this already.

Chairman: Think if this needs to be cleaned up.

Town Planner Berry: Section 23 issue with the first sentence.

Chairman: Whatever is there asphalt, curbing wise after construction goes back (curb, sidewalk etc.) we keep the consistency. I would like to see more consistency.

Town Planner Berry: The technical assistance program we got we will go over the regulations and in addition to come in compliance with State Laws- it gives the opportunity to make some changes to these.

Attorney DeSisto: The Board needs to see the language so clean up can take place. You need to see the language, you need to delegate to Town Planner to get the language to all of you on The Board.

9. Adjournment: Motion to adjourn at 8:30 made by Member Almond. Second by Member Salvatore. All in favor.

Respectfully submitted,

Grace Gervais