

Town of Lincoln Planning Board
100 Old River Road, Lincoln, RI
Minutes of October 25, 2023

The regular meeting of the Planning Board was held on October 25, 2023. This meeting was at the Lincoln Senior Center, 150 Jenckes Hill 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 Ned London, Member Tom Salvatore, Member Jeff Almond, Member Mike Reilly, and Member Tom Tuytschaevers.

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

3. Comprehensive Permit- Villages at Manville AP 37 Lot 198- Bouvier Ave. Final Plan Extension.
Dakota Partners

Town Planner Berry: Final plan was approval the Board granted extension.

Dan Montanaro: Request extension on comprehensive permit. Final Plan Approval be extended from December 2, 2023, to December 31, 2024.

Chairman Bostic: Given them an extension, they're asking for another year.

Member Salvatore: If they didn't get it?

Attorney DeSisto: The project can't go forward.

Member Tuytschaevers: revisit anything beyond this approval?

Attorney DeSisto: No, they're not asking to change, just more time.

Chairman Bostic: You're in agreement with no changes to the project?

Dan Montanaro: Understood.

Motion made by Member Salvatore to grant extension to December 2, 2024, second by Member London.
All in favor.

4. Major Subdivisions- Edgewood Estates AP 34 Lot 460-0 New River Road. Preliminary & Final Plan Review. Edgewood Developer, LLC

Town Planner Berry: This Major Subdivision combined Preliminary and Final 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 sewers are proposed. A waiver is requested for the interior lot angle on proposed Lot 3 and for curbing and sidewalks requirements on New River Road. The Zoning Board of Review granted zoning relief for substandard lot width for proposed Lot 3. Master Plan Conditions of Approval:

The Planning Board approved the Master Plan subject to the following conditions:

1. The applicant shall obtain relief for the substandard lot width on proposed Lot 3 from the Zoning Board of Review.
2. The access road for the proposed Lot 3 will be owned and maintained privately and the Town will not be responsible for it in any way.

The applicant received zoning approval on June 6, 2023, so condition #1 has been met. Condition #2 can be carried over into the Preliminary/Final plan approval. 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 purpose of the regulation is to prevent flag

lots from being created. However, in this instance, the combination of the irregular shape of the lot and the existing sewer easement running along the northern property line in Lot 3 restricts the buildable area for lot 3 to be near New River Road. Therefore, to create a sufficient buildable area, the site layout must create one interior lot angle to exceed the maximum. It should be noted that Lot 3 is more than 3 times the required lot area, at almost 66,000 SF, where 20,000 SF is required. Due to these circumstances, the TRC supports the waiver request for interior lot angles. The proposal also requires waivers for sidewalks and curbing. The TRC discussed the fact that the subject property is relatively close to Northern Elementary School, but supported the waivers on the grounds that curbing, and sidewalk would prevent stormwater from flowing into the existing depression in the southeast corner of the lot. The applicant is proposing to loam and seed the entire area between the edge of pavement on New River Road to the property line, essentially forming a grassed walking path while avoiding further drainage complications. The TRC asks that this promise be incorporated as a condition of approval. The TRC supports the waivers for curbing and sidewalks. TRC report: Based on the submitted materials and the discussion during the October 11 meeting, the TRC found that the application successfully addresses the technical requirements of the subdivision regulations for a Preliminary Plan review stage and is consistent with the Comprehensive Plan. Regarding the request to combine Preliminary and Final Plan review stages – the TRC unanimously recommends that the Planning Board *APPROVE* the request to combine the phases *on the condition that the applicant obtains and submits a PAP from RIDOT*. If the PAP cannot be obtained before a decision is rendered by the Planning Board, the TRC recommends that the Final Plan be delegated to the Administrative Officer.

The TRC unanimously voted to recommend the Planning Board *APPROVE* the Edgewood Estates Major Subdivision Preliminary Plan application subject to the following conditions:

1. The access road for the proposed Lot 3 will be owned and maintained privately and the Town will not be responsible for it in any way.
2. The drainage depression on Lot 1 shall be maintained in perpetuity.
3. The full width of the right-of-way area between the edge of New River Road and the property line shall be maintained as a grassed area.
4. The existing trees on the northern side of the access road to Lot 3 shall not be removed.
5. The applicant shall provide a PAP as part of the Final Plan submittal.

Grading: There is some substantial grading proposed, but not raising to the level that development is impractical. Staff asked if any blasting was anticipated, to which the applicant stated that no blasting is anticipated and that six test holes revealed only sand and gravel but no groundwater or ledge. The Town Engineer and TRC have reviewed the grading plan for consistency with local regulations. The Town Planner has requested that the area preserve/maintain the existing trees/vegetation in the area north of the existing driveway to service lot 3. The applicant has agreed and has modified the limits of disturbance accordingly. Preserving the vegetation North of the driveway. Stormwater There is an existing drainage basin in the southeastern corner of the subject lot that is proposed to remain. The TRC sees this as an important element of the stormwater mitigation for the development and recommends that the subdivision approval be conditioned to require the drainage depression to remain. Vegetative swales are proposed adjacent to each driveway and new home respectively. Gallery leaching chambers are proposed on each lot for the stormwater captured by the roof drains. The Town Engineer's has reviewed the design and is satisfied by the proposed plan. 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 the improvements are proposed outside of the wetlands and wetland buffer, but there is some proposed earthwork and grading within the RIDEM 200' jurisdictional area so the applicant has obtained a Freshwater Wetlands Permit via Application No. 23-0180. Assuming compliance with the conditions of RIDEM's approval, the project is not anticipated to have any significant negative impacts to the wetlands.

John Shekarchi for the applicant: Agrees with everything the Town Planner stated. But number four on the TRC report "The existing trees on the northern side of the access road to Lot 3 shall not be removed". Ok with the buffer but wants the ability to remove and put something nicer in.

Applicant: Trees are rotting.

John Shekarchi: Applicant wants to put in a little nicer vegetation

Town Planner Berry: I can work on the language in a staff report for next month.

John Shekarchi: Would like to combine next month and forward to The Administrative Officer for approval.

Chairman Bostic: PAP?

John Shekarchi: PAP is pending.

Applicant: Should have it by November 11th.

Town Planner Berry: Shows record plan.

Member Salvatore: Questions about the drainage depression on condition 3.

John Shekarchi: Natural barrier if we filled it in, it would cause flooding in the street. In recorded lot as a condition more than welcome to have condition in the deed.

Attorney DeSisto: Yes, conditioned in the deed record.

Member Salvatore: Questions DOT for the PAP, report page 10 states DEM.

Town Planner Berry: Should say DOT for a PAP- that is a typo. No decision is required, need a public hearing for November.

Member Reilly made a motion to move to the Public Hearing for the November meeting. Second by Member Almond. All in favor.

5. Major Land Development- Raheb Law 3 AP 30 Lot 3- 650 George Washington Hwy. Master Plan Review. Joseph & Donna Raheb

Town Planner Berry: This Major Land Development Project proposes a new two-story, 3,000 SF office building and associated parking to expand the existing office complex at the corner of Blackstone Valley Place and George Washington Highway. The owner purchased additional land area from RIDOT as they have been selling right-of-way along George Washington Highway. The applicant proposes to use this additional land for the new office building with associated parking without any proposed changes to the existing buildings. The applicant wants to maintain the landscaped aesthetic of the corner of GW Hwy and Blackstone Valley Place, so the proposed building and parking area are proposed as close to the wetlands in the eastern portion of the parcel as possible. Public water and sewer are required to service the proposed building. **Parking:** The exiting uses require 94 spaces and provide 119 spaces. The proposed uses require 20 spaces and propose 20 spaces, meeting the new need for parking while the total site remains 'overparked' by 25 spaces (114 required and 139 provided). The applicant claims that the zoning requirements are not sufficient for the parking need and therefore the extra parking spaces are justified. The TRC did not object to the parking numbers as proposed as there is still sufficient landscaping and pervious areas on the project site. **Traffic** The applicant proposes a right-in right-out curb cut onto George Washington Highway. Staff have expressed concern over this access point, but as a PAP will be required, defers to RIDOT as the jurisdictional authority over this portion of the proposal.

Grading There are no steep slopes that are part of the project. Some grading will be required in the southeastern portion of the property for the parking area. This will be reviewed in greater detail as part of the Preliminary Plan review process. **TRC Recommendation*:** **The TRC review is advisory in nature, and in no case shall the recommendations of the TRC be binding on the Planning Board in its activities or decisions.* Based on the submitted materials and the discussion during the October 11th TRC meeting, the TRC found that the application successfully addresses the technical requirements of the subdivision regulations for a Master Plan review stage and is consistent with the Comprehensive Plan. **The TRC unanimously voted to recommend the Planning Board APPROVE the Raheb Law III Major Land Development master plan application with the following conditions:**

1. The applicant shall obtain a PAP permit from RIDOT to be included as part of the Preliminary Plan submittal.
2. The applicant shall obtain a freshwater wetland permit from RIDEM to be included as part of the Preliminary Plan submittal.

Joseph Raheb: Walking staircase moved. Impervious surface. Will need sign variance for excess signage. We have potential tenants.

Chairman Bostic: Should The State not allow PAP, do you have alternate?

Raheb: Yes, two separate entrances on Blackstone Valley Place, which would not interference with parking. *Shows on sight map*

Member London: You'll get cut through from the High School.

Raheb: It won't be ideal for the general public to cut through here, it is tight with the building.

Member Salvatore: Sign variance at master plan?

Town Planner Berry: Not obligated.

Rehab: Once I get the PAP, then I will know for sure about the sign

Member Salvatore: Tenant plan?

Rehab: I had two, but they are gone. I have one place interested.

Town Planner Berry: No decision required tonight need a Public Hearing for the November meeting.

Rehab: Should we wait until PAP

Town Planner Berry: Don't need it for the Public Hearing.

D'Amico Engineering: Buffer area can't do anything with drainage there even though it is already a disturbed area. Don't anticipate any issues with DEM but we will stay away from the 70ft. buffer area.

Member London: Right side are, what is there?

D'Amico: Wall area- *shows plans*

Motion made by Member Reilly to send to Public Informational Hearing for the November meeting, second by Member London. All in favor.

6.Review of Minutes

A. September 27, 2023, Planning Board Meeting.

Motion to dispense the reading of the minutes made by Member Reilly, Second by Member Salvatore. All in favor. Motion to accept the minutes made by Member Reilly, Second by Member Bellamy. All in favor.

7. Zoning Ordinances – (These items are up for preliminary discussion only; no votes will be taken) 2023-7

Town Planer Berry: Have been working hard with the consultant and putting ordinances together. The purpose for tonight is not to have a vote. Meeting Monday to work on these ordinances and to look at the sub-division regulations. Sub-division regulations don't go to council, you make the decision. Main task is to understand the ordinances and make recommendations.

An amendment to Chapter 260 Zoning – Adaptive Re-use 2023-8

Town Planner Berry: Not a whole lot of room with State Laws and our ordinance. Not too much discretion. This is in good shape at this time. Monday we can spend more time if you have questions. Density portion is poorly worded.

Member Tuytschaevers: Questions the wording of the density section the word “and” verses “or”.

Town Planner Berry: We don't have this ordinance right now, everything underlined is new to chapter 26.

An amendment to Chapter 260-42 – Inclusionary Zoning Provisions 2023-9

Town Planner Berry: Discussed at the workshop- entering item (D) Applicability: This section shall not apply to any project filed after January 1, 2024.

Chairman Bostic: questions the “30 years” in item F, should it be “99 years”.

Town Planner Berry: Lincoln goes above and beyond to 99 years, the 30 years is straight from the RI State law language.

Chairman Bostic: Ok, I get it

An amendment to Chapter 260 Zoning – Special Use Permits Planning for the future while preserving the best of the past.

Town Planner Berry: Categorize land group types and write specific criteria. We can use more time on this one, in the standards- this one is difficult. We will go over more Monday night.

An amendment to Chapter 260 Zoning – Land Development Projects; Development Plan Review; Unified Development Review

Town Planner Berry: Any land development with Variances or Special Use Permit instead of going to the Zoning Board afterwards, it would all be handled by the Planning Board. One meeting. You would all need to know about variances by January 1.

8. Planner's Report

A. Walker Lofts - Comprehensive Permit Final Plan Recorded

Town Planner Berry: Recorded final plan. Administrative Sub-Division was the most difficult, but it moved along.

B. Comprehensive Plan Update

Town Planner Berry: Trying to bring in residential experts to give a review. Coordinate with the schools in the civic curriculum for wide spread of perspectives for the younger generations. Well come together with policies and action items soon.

9. Adjournment: Motion to adjourn at 8:45pm made by Member Reilly. Second by Member Salvatore. All in favor.

Respectfully submitted,

Grace Gervais