

Town of Lincoln
Planning Board
100 Old River Road, Lincoln, RI
Minutes of September 27, 2023, Meeting

The regular meeting of the Planning Board was held September 27, 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 Ned London, Member Tom Salvatore Member Mike Reilly, and Member Tom Tuytschaevers.

Member Jeff Almond - excused.

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

3. Consent Agenda

A. Zoning Applications (Consent Agenda Items)

I. Dream Homes Realty, Inc. AP 12 Lot 187 Special Use Permit. 24 Arnold St Multifamily Use.

Application for a special use permit to allow conversion of a two-family into a multifamily (three-unit) use in a RG-7 zone. Based upon the findings that the granting of the special use permit would be consistent with residential uses in the neighborhood and that the proposed use and density is consistent with the Comprehensive Plan, the TRC voted (6-1, Member Gagnon voted nay) to recommend that the Planning Board make a *positive recommendation* on this application to the Zoning Board of Review with the conditions that the applicant explore the expansion of the parking area for safety and ease of ingress/egress and that stormwater mitigation be submitted to the Town Engineer for review and approval.

II. Dream Homes Realty, Inc. AP 12 Lot 187-Dimensional Variance. 24 Arnold St Lot Width

Application for dimensional relief to allow 75' of lot width where 80' is required for the addition of a third dwelling unit. Based upon the findings that the granting of the dimensional relief would be consistent with the neighborhood and that the proposal is consistent with the Comprehensive Plan, the TRC voted (6-1, Member Gagnon voted nay) to recommend that the Planning Board make a *positive recommendation* on this application to the Zoning Board of Review with the conditions that the applicant explore the expansion of the parking area for safety and ease of ingress/egress and that stormwater mitigation be submitted to the Town Engineer for review and approval.

4. Major Subdivisions

A. Kirkbrae Ledges AP 32 Lot 45 Bond Release Review. Kirkbrae Ledges, LLC Henry Dr & Lancer Lane

Town Planner Berry: On June 23, 2021, a guaranteed bond in the amount of \$171,523 was reviewed and approved by the Planning Board for the Kirkbrae Ledges Subdivision. The Final Plan was approved and recorded on August 11, 2021. The developer posted the bond and commenced with the project construction. In November of 2021 the Planning Board reviewed and approved a bond reduction of \$56,523 with a remaining bond of \$115,000. In January of 2022, the Planning Board approved another

bond reduction of \$24,150 to a remaining total of \$90,850. The applicant has since completed the project and is requesting the remaining bond of \$90,850 be released.

Town Engineers memo: Kirkbrae Ledges, located on Plat Map 32 Lot 45 off Lancers Lane, posted an original guaranteed bond of \$171,523. The Planning Board previously approved reductions in the bond value to \$90,850 to complete the remaining work, which primarily consisted of the surface course of pavement and granite bounds. All items have been completed and are acceptable. I recommend the Planning Board release the remaining bond of \$90,850. The TRC unanimously voted to recommend that the Planning Board **approve** the bond release for the Kirkbrae Ledges Subdivision in the amount of **\$90,850**.

Motion to approve the bond release for the Kirkbrae Ledges Subdivision in the amount of **\$90,850 made by Member Reilly, second by Member Salvatore. All in favor.**

B. McManus Subdivision AP 21 Lot 70 Preliminary Plan. Daniel C. & Deborah McManus 552 River Road Public Hearing

Town Planner Berry: This Major Subdivision Preliminary Plan application proposes the subdivision of a 2.6-acre residential RS-12 lot into two (2) lots to yield one (1) new lot for single-family development. There is an existing single-family residence on proposed Parcel B that is to remain. The two-lot subdivision is classified as Major due to waivers for concrete sidewalks, granite curbing and the interior lot angle for Parcel B exceeding 200 degrees. There is a wetland area that acts as a natural boundary between the proposed new lot and the existing and abutting lot. Conditional Master Plan approval was granted by the Planning Board in November of 2022 for a version of this plan with 3 total lots, but the applicant has revised the plan to only two (2) lots based on comments from RIDEM to reduce impacts to the wetlands. No zoning relief is required. No road extension is required as the site has frontage on Dexter Rock Road and River Road. The proposal includes providing public water and sewer to the new buildable lot.

Waivers: There were three (3) waivers that were identified *and granted* as part of the master plan application:

1. *Section 23 Article A (4) to not provide granite curbing. (All lots)*
2. *Section 23 Article A (5) to not provide concrete sidewalks. (All lots)*
3. *Section 22 Article E (3) to allow an interior lot angle to exceed the 200-degree maximum. (Parcel C only)*

Michael Darveau- sworn in Land Surveyor for the applicant.

Public hearing opened by Member Reilly, Second by Member London. All in favor. No public comment. Public comment closed by Member Reilly, Second by Member London. All in favor.

Town Planner Berry: Based on the submitted materials and the discussion during the August 10th TRC 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. The TRC unanimously (7-0) voted to recommend the Planning Board adopt the findings of fact in the TRC report and *APPROVE* the McManus Subdivision Preliminary Plan application with waivers for sidewalk, curbing and the interior lot angle exceeding 200 degrees. After discussion with the LWC, the Town Planner recommends the Planning Board incorporate the following condition into the Preliminary Plan approval: 1. As part of the Final Plan submittal, the applicant shall submit plans to the LWC for review. In addition, a formal application to connect to the system shall be submitted prior to any water utility construction work. The Town Planner recommends that the Planning Board delegate Final Plan review to the Administrative Officer.

Applicant: accepts all conditions.

Approved to send to Preliminary Plan/ Public Hearing by Member Reilly, second by Member Tuytschaevers. All in favor.

Motion to delegate to Administrative Officer motion made by Member Tuytschaevers, second by Member Reilly. All in favor.

5. Comprehensive Permit Review

A. Whipple Cullen Farm Condominiums AP 29 Lot 150 Bond Review. Old River Road Development, LLC 107 Old River Road (continued from June).

Town Planner Berry: SEPTEMBER UPDATE The Planning Board approved the revised stabilization bond for \$481,016.30 in June. The developer has provided the bond which is on file with the Town. The project site continues to be under construction, so the Town Engineer has assessed the progress and has recalculated the performance improvement bond. The Planning Board approved the revised stabilization bond for \$481,016.30 in June. The Town Engineer recalculated the improvement bond from \$1,875,000 to **\$854,000**. The stabilization bond has been decided and filed with the town. The TRC's recommendation on the improvement bond remains unchanged except that the bond amount would reflect the updated calculation of \$854,000.

Member Salvatore recuses self from this application (related to applicant's attorney).

Kelly More Salvatore Attorney for the applicant: The State law does not allow/ enable cities and towns to bond over private improvements only public. In addition, at the TRC meeting The Town Planner and The DPW Director stated they do not have an interest in bonding this project because they don't want the liability, if there is not enough, and they don't want to take it on. My client is willing to offer to the Town we will agree that when the 10 CO he is waiting on he will put the topcoat on- that should resolve it. Instead of coming back we agree on the record that CO's will be issued.

Ken Bach: Agrees to keep coming back to give constant updates on the project. Pretty stabilized right now with the vegetation, it has been inspected and reports recorded- reports are good, no issues.

Chairman Bostic: The Board is happy with what's going on. When you come in the spring you were planning on wrapping up in the fall (now).

Ken Bach: Stage 4 is almost complete. I am ok with coming back.

Chairman Bostic: We want to be cautious.

Kelly More Salvatore Attorney for the applicant: This is fair coming back each month with an update.

Town Planner Berry: Separate the bond from him coming back. I would invite him to come back with updates, is there a possibility of passing the bond instead of having to have the bond go for two years?

Chairman Bostic: As of right now 100% of the road/ phase is in?

Ken Bach: Yes.

D'Amico: Third party engineer, reports bi-weekly. The focus is phase 4, phase 3, which was completed at the beginning of the summer. Assessment is the construction has been constructed with State standards and consistent with the plans.

Chairman Bostic to Attorney DeSisto: Do you know this is not enabled by State Law? Can we discuss leaving that out right now? Recalculations for two years. Do you recommend leaving it as it is for recalculating.

Attorney DeSisto: Yes.

Member Tuytschaevers: Calculated but don't have? What's the point?

Attorney DeSisto: If something goes wrong it is there.

Town Planner Berry: There is a proposed bond.

Applicant agrees to continue to April.

Member Tuytschaevers Motion to continue to April 2024. Second by Member Reilly. All in favor.

Ken Bach: Phase 3 all units are under sales agreement. My goal is to get all foundations done by January. Construction would start about February.

Member Reilly to Town Planner Berry: We would certify phase three to get building permits for phase four.

Member London: How many foundations until January.

Ken Bach: 14 by January need about 10 weeks.

B. Whipple Cullen Farm Condominiums AP 29 Lot 150 Certification of Phase III. Old River Road Development, LLC 107 Old River Road.

Town Planner Berry: Third party engineer already gave report. Certified it complete.

Town Engineer Quish: Want the applicant to go over the schedule for building permits.

6. Review of Minutes

A. August 23, 2023, Planning Board Meeting.

Motion to dispense the minutes made by Member Reilly, Second by Member London. All in favor.

Motion to accept minutes with the corrections motion made by Member Reilly, Second by Member Tuytschaevers. All in favor.

7. Planner's Report

A. Osko Multi-Family – MLD AP 6 Lot 213 Final Plan Recorded

Town Planner Berry: Reporting back with final plans recorded.

B. Wilbour Plat – Major Subdivision AP 44 Lot 191 Final Plan Recorded

Town Planner Berry: Reporting back with final plans recorded.

C. Cullen Subdivision – Administrative SD AP 30 Lot 31 Administrative SD Recorded

Town Planner Berry: Reporting back with final administrative subdivision recorded. This applicant acquired some right-of-way. No major change in the plat.

D. Municipal Technical Assistance Program & regulatory changes update

Town Planner Berry: It was a productive meeting. The Town Council, TRC, Planning Board and Zoning Board members came. Created more awareness and policy changes. The goal is to get everyone thinking to proposed recommendations. What's to come in the next few months will be recommendations to the Town Council. The State Law changes in January.

E. Comprehensive Plan update

Town Planner Berry: Meeting was on Monday, it went well/ more participants the better. Consultant will draw up the data to put the chapters together. Next workshop is in April.

Member Tuytschaevers: When does it have to be done by? When is the State Law deadline?

Town Planner Berry: No time, but in hopes of this time next year. State Law goes into effect in March, that's when you would need it updated by you need an updated Comprehensive Plan by then or you could deny an application based on the Comprehensive Plan. I will keep you posted.

8. Adjournment: Motion to adjourn at 8:00pm made by Member Reilly. Second by Member Salvatore. All in favor.

Respectfully submitted,

Grace Gervais