

Town of Lincoln
Planning Board
100 Old River Road, Lincoln, RI
Minutes of November 15, 2023, Meeting

The regular meeting of the Planning Board was held on November 15, 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 Tom Salvatore, Member Jeff Almond, Member Mike Reilly, and Member Tom Tuytschaevers. Excused: Member Ned London.

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. Katherine Costello AP 17 Lot 33-Dimensional Variance- 18 Olney Ave Front Setbacks

Application for dimensional variances to allow an addition to a single-family residence to encroach into two front yard setbacks on a corner lot in a RS-12 zone. **Recommendation:**

Based upon the findings that the granting of the dimensional relief would be consistent with the neighborhood and that the request is consistent with the Comprehensive Plan, the TRC voted (5-0, Members Quish and Almond were absent) to recommend that the Planning Board make a *positive recommendation* on this application to the Zoning Board of Review.

Motion to accept consent agenda made by Member Reilly, second by Member Almond. All in favor.

4. Major Subdivisions:

A. Fairgrounds Subdivision AP 42 Lot 13 Bond Review- We Dig Investments, LLC Jason Drive/Kendall Drive

Town Planner Berry: On May 25, 2022, the Planning Board granted a conditional Preliminary Plan approval on a major subdivision application to We Dig Investments, LLC, for the project "Fairgrounds Subdivision." The project is a 10-lot subdivision with a street extension off of the end of Jason Drive and Kendall Drive. The applicant is now in the process of building the public improvements before seeking their Final Plan approval but requires an improvement bond for a few items that the developer is not going to complete at this time. The Town Engineer has calculated a bond in the amount of \$159,459 for the following items: Bituminous surface course, energizing the streetlights, rough grading lots to match drainage patterns, street trees.

John Mancini: Issue with item #3- rough grading issue with lots 4-8. Concerns with it being private property. Homeowners grading their own lots- lot is out of their control. No issues with any other items. As-built would be best rather than specific to lots.

Chairman Bostic: 4 lots?

John Mancini: 4-8 lots.

Town Planner Berry: Total of 5 lots.

Chairman: Saw comment by Public Works Director at the TRC "The DPW Director stated that the Town Engineer has to assume that there may not be foundations, and that this is normal course for the

bond the calculation". Have questions for the Town Engineer; is there anything in the subdivision rules that they are required grading before selling?

Town Engineer Quish: Lots on the North and East side- there is a high point running through the middle of the property. Explains point of drainage shedding, where water may run into neighbors' driveways. It is additional water running East. Water goes towards road instead into drainage system that's why I included grading.

Member Tuytschaevers: Proper drainage, grading regardless?

Town Engineer Quish: Yes.

Member Salvatore: Asks Town Engineer what she recommends.

Town Engineer Quish: That the bond be set at \$159,459.

Planning Board looks at bond breakdown

Chairman Bostic: Applicants have questions?

Applicant: Would like general superintendent to speak on grading and draining.

Alexander Cordera: Site has been graded; we are low in certain areas. Shows existing conditions; before it was pitching into back corner, now it goes into pond. Everything is graded as it should, still pitches back. More fills would raise it and faster into the back would make it worse.

John Mancini: Once lots are sold can't control what they do. If bond went in, we would be liable for what homeowners do.

Member Salvatore: Claiming if you do more grading it would cause more issues?

John Mancini: Bond should be \$57,000 less. Don't want to be liable with something we can't control.

Chairman Bostic: You are saying one thing, and our Town Engineer is saying another. We can either continue for a month or approve with our Town Engineers numbers.

John Mancini: Concerns with this bond being connected with the lots. Lots will be sold off, wants to discuss with the solicitor.

Member Tuytschaevers: When Town approved was it contingent on drainage plan?

John Mancini: This is not deviating from the plan.

Chairman Bostic: What will the bond be holding you up doing if we continue.

John Mancini: Nothing.

Chairman Bostic: Get together with our Town Engineer to nail this out.

John Mancini: I agree. Agree with the amount but word the bond differently. Attach to grading but, not specific lots. Delaying one month would delay the recording of final plan.

Town Engineer Quish: Change wording to- rough grading to match grading pattern? How does that sound?

Applicant Enrico: Understands but doesn't want to bond lots. Not under his control- don't want to be tied to lot.

Town Engineer Quish: Rough grading to match grading pattern?

Applicant Enrico: Fine with that.

Chairman Bostic: Homeowners couldn't change grading?

Town Engineer Quish: I would need to go out and approve.

Mark Hartmann: Fully behind Town Engineer for public improvements needing to function properly.

Chairman Bostic: Make condition?

Town Engineer Quish: I can revise spreadsheet for that language.

Chairman: Add condition for approval by Town Engineer for final approval

Motion to approve bond amount of \$159,459, motion made by Member Bellamy, Second by Member Almond. All in favor.

B. Edgewood Estates AP 34 Lot 460 Preliminary & Final Plan- Edgewood Developer, LLC 0 New River Road Public Hearing

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 sewer 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. 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 sewer easement restrict the buildable area in the front portion of Lot 3, so the applicant proposes to include the area to the rear (west) to create 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 the new driveway is needed. 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. The DPW Director does not want to see more than 1 curb cut per lot onto New River Road. The PAP from RIDOT is required prior to Final Plan approval, which will restrict the driveway design accordingly. 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. The access road for 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 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. Zoning: Lots 1 and 2 meet all of the dimensional requirements in RS-20 zoning, but Lot 3 is just shy of the 120' lot width requirement. The zoning relief was granted on June 6, 2023. All other aspects of the proposal comply with the RS-20 zoning regulations. Proposal to Combine Preliminary and Final Plan stages: Lincoln Land Development and Subdivision Regulations Section 15 Major Land Development and Major Subdivision Review Stages states that "The Planning Board may vote to combine review stages and to modify and/or waive requirements as specified in these regulations. Review stages may be combined only after the Planning Board determines that all necessary requirements have been met by the applicant." Apart from having the PAP permit, the Town Planner confirmed that the applicant does meet this requirement. The applicant anticipates that the PAP will be issued prior to the Planning Board meeting in November. The TRC recommends that the Planning Board approve the request to combine the preliminary and final plan stages on the condition that the PAP is obtained and submitted. Utilities: The applicant proposed public 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 into the sewer line running through the property under the access road. Public water is proposed for lots 1 and 2, a private well is proposed for lot 3. A water availability letter dated 4/26/23 was issued for a previous iteration of the plan that had all three lots connecting to water, but required the applicant make several revisions to the design. The main change was regarding the line for lot 3, but that line has now been removed and a well is proposed. The applicant has submitted revised plans to the LWC who has verified that the revisions satisfy their comments and concerns. 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. The TRC has included a condition that the trees north of the existing driveway shall not be removed. 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. Galley 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.

Applicant: Utilities for unit 1 and 2 go to street. 3 is toward the store. Flat walking path to walk. Grading right now is almost down to the road. No PAP from DEM yet, expecting it soon wants final done administratively.

Chairman Bostic: Familiar with the five conditions?

Applicant: acceptable.

Member Salvatore: On waiver for sidewalk, concerns about flow of runoff. Where is the depression now?

Applicant: Upper left, no formal draining there.

Member Salvatore: Existing sidewalk?

Applicant: No.

Member Reilly, motion to open public hearing. Second by Member Tuytschaevers.

Lori Desimone: Any modification to the wetlands or buffer zone?

Member Reilly motion to close public hearing, second by Member Almond.

Town Planner Berry: DEM permit supplied that but no improvements within the buffer zone. DEM permit for grading inside the jurisdiction area.

Town Planner Berry: Reads TRC report and conditions: 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 Final Plan be delegated to the Administrative Officer. The TRC unanimously voted to recommend the Planning Board adopt the findings of fact in the TRC report and APPROVE the Edgewood Estates Major Subdivision Preliminary Plan application with waivers for sidewalks, curbing and interior lot angles, subject to the following conditions:

1. The access road for proposed Lot 3 will be owned and maintained privately and the Town will not be responsible for it in any way.
2. A deed shall be recorded with the Final Plan requiring that the drainage depression on Lot 1 shall be maintained in perpetuity.
3. A deed shall be recorded with the Final Plan requiring that the full width of the right-ofway area between the edge of pavement of New River Road and the property line shall be maintained as a grassed area.
4. The northern side of the access road to Lot 3 shall either be maintained in its natural vegetated state or shall be improved as a landscaped entryway/buffer.
5. The applicant shall provide a PAP as part of the Final Plan submittal.

Motion to accept to move application to preliminary and final plan public hearing made by Member Tuytschaevers, second by Member Reilly. All in favor.

Motion to delegate final plan to administrative officer, motion made by Member Almond, second by Member Reilly. All in favor.

5. Major Land Development

Raheb Law 3 AP 30 Lot 3 Master Plan- Joseph & Donna Raheb 650 George Washington Hwy Public Informational Meeting

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 existing 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. There are wetlands located to the east of the existing building. The wetland edge has been delineated by Scott P. Rabideau, PWS of Natural Resource Services. Parking and retaining walls are proposed within the 100' jurisdictional area, so a RIDEM wetlands permit will be required. The TRC recommends a standard condition putting the applicant on notice that RIDEM wetlands permit will be required as part of the preliminary plan phase. Consistent with use and area. The existing facility has water and sewer connections. The applicant has confirmed water and sewer availability which will be extended from the other buildings rather than from GW Hwy. The applicant will be required to coordinate with LWC in preparation of the preliminary plan to "discuss water service design and other connection details for the building."

Joseph Raheb: Pretty straight forward. Potential medical tenant. Not changing activities going on already at the site.

Member Salvatore: Areal wetlands image, what is the orange area?

Raheb: Current detention pond. Some work in the jurisdiction area.

Member Salvatore: Asks Town Planner if we approve what about signage.

Town Planner Berry: No signage approval at this level.

Raheb: Need variance from Zoning Board.

Member Tuytschaevers to Town Planner: parking overlapping retaining wall?

Town Planner Berry: As the grade comes down the retaining walls are required part of the building permit and the DEM PAP.

Member Reilly motion to open public hearing, second by Member Salvatore.

No public comment. Motion to close public hearing made by Member Reilly, second by Member Almond.

Town Planner Berry: Reads TRC and conditions 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.

Motion to move to Master Plan/ Public Informational Meeting, motion made by Member Reilly, second by Member Salvatore. All in favor.

6. Review of Minutes

October 25, 2023, Planning Board Meeting

Motion to dispense minute made by Member Reilly, second by Member Almond. Member Tuytschaevers made corrections. Motion to approve minutes with corrections, motion made by Member Reilly, second by Member Almond. All in favor.

7. Planner's Report

A. Comprehensive Plan Update

Town Planner Berry: Update from survey, we are up to 118 plus responses. Plan to close survey at the end of the year. Want to break 150 answered responses. Plugging away on the existing conditions and community involvement.

Member Salvatore: When is the next public meeting?

Town Planner Berry: April, trying to get community involvement.

B. Planning Board Meeting 11/16/23

Town Planner Berry: Thanking everyone for agreeing/ being able to meet tomorrow. It was the only open day, only open time for the room. Lots to do, need ordinance recommendations they are going to a public hearing at Town Council next Tuesday. December 11th is the next special meeting.

8. Adjournment

Motion to adjourn at 8:11pm made by Member Almond. Second by Member Reilly. All in favor.

Respectfully submitted,

Grace Gervais