

Town of Lincoln Planning Board
100 Old River Road, Lincoln, RI
Minutes of November 16, 2023, Meeting

Special meeting of the Planning Board was held on November 16, 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 7:30 p.m.

Present, Member Ned London, Member Tom Salvatore, Member Mike Reilly, and Member Tom Tuytschaevers. Excused, Member Jeff Almond, and Member Meagan Bellamy.

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

3. Zoning Ordinances (up for vote/recommendation)

Town Planner Berry: Working hard with consultant with these items A-D. Opportunity tonight to ask questions tonight. TRC recommended positive recommendation on items A, B and D. Provided a negative recommendation for item C, were pivoting with different path agenda item #5.

A. 2023-8 An amendment to Chapter 260 Zoning – Adaptive Reuse

Town Planner Berry: Very little changed, nothing but we discussed last meeting. Added to the eligibility section 3- for more clarity. Up to a 10% expansion of the existing structure is permitted as part of an adaptive reuse project. The permitting authority can consider expansion up to 20% of the existing structure when there is an increase in the number of low-and moderate – income units as a result of the expansion. Density definition was put above at the end procedural 2, was stricken.

Chairman Bostic: This is stricken to existing properties, nothing new?

Town Planner Berry: Correct.

Discussion by The Board of the 15 units per acre

Town Planner Berry: State said 15 was the minimum. The Town, we made it the maximum.

Chairman Bostic: Recommendations are each individually?

Town Planner Berry: Yes. Reads TRC recommendation: Based on the affirmation of the required findings, the TRC voted (6-0) to recommend that the Planning Board forward a positive recommendation on the redlined version of zoning ordinance 2023-8 An amendment to Chapter 260 Zoning – Adaptive Reuse to the Ordinance Committee and Town Council.

Motion to accept TRC recommendation to make required findings forward to the Town Council. Motion made by Member London, second by Member Tuytschaevers. All in favor.

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

Town Planner Berry: Main provisions were density and market rate tools. Only changed D-

Applicability: This section shall not apply to any project filed on or after January 1, 2024. Note: 99 years was changed from 30 years. Deleted the word preferred in the sentence: The Town's ~~preferred~~ affordability period is 99 years for all projects.

Motion to accept TRC recommendation to make required findings forward to the Town Council. Motion made by Member Reilly, second by Member London. All in favor

C. 2023-10 An amendment to Chapter 260 Zoning – Special Use Permits

Town Planner Berry: Pivot the strategy on this. Instead of rushing with writing criteria, drafted “use table” for right now. We will then go forward with writing criteria in tier two. Advise Planning Board to deny as drafted and in tier two new ordinance and work with the “use table”. Note: The tables are provided to assist with review and will be removed in the final ordinance. There will be no special use, only permitted and not permitted.

Motion to forward negative recommendation to The Town Council, motion made by Member Reilly, seconded by Member London. All in favor.

D. 2023-11 An amendment to Chapter 260 Zoning – Land Development Projects; Development Plan Review; Dimensional Modification, Unified Development Review

Town Planner Berry: A lot of this is enabling then pointing towards subdivision regulations. Shouldn't really have procedures in the Zoning Ordinance. This just enables and points towards subdivision regulations.

Motion to send positive recommendation to The Town Council, motion made by Member Reilly, second by Member London. All in favor.

4. Amendments to the Land Development and Subdivision Regulations (item for discussion only, no vote/recommendation)

Chairman: Would like to touch base but, wait until other Board members are here.

Town Planner Berry: We only have one more meeting after tonight. I asked Ashley Sweet to insert definitions to create clarity.

Ashley Sweet: Took definitions and we made changes. Stuck in some, underlined in other spots. Made some changed in definitions to match State's definitions. Plugged in from State Law. Some were minor changes; some were not touched.

*Board questions lack on regulations/ forms in packet. *

Town Planner Berry: Doing best with limited time frame.

Chairman Bostic: We are sent packets, and this paper isn't in it.

Town Planner Berry: Introducing them tonight, for you to ask questions.

Chairman Bostic: Wants copy as soon as possible.

Town Planner Berry: These definitions are pasted from State Law.

Ashley Sweet: Section 2, amendments to notice requirement. These are exactly the same as State Law.

Chairman: Questions requirement of type size.

Ashley Sweet: Not a State Law requirement anymore.

Chairman: Would like something to say consistency of type size.

Ashley Sweet: State struck that language from law.

Discussion of it The Town should require even if the State no longer requires

Note: to discuss further.

Ashley Sweet: Next change under Administration – a back up Administrative Officer. Not a State Law but RI State changed definition of an Administrative Officer. Another individual to step in.

Town Planner Berry: Questions if The Planning Board would appoint.

Ashley Sweet: Depends on what the code says, may be the Town Council.

Mark Hartmann: Certain powers made by The Planning Board, but others are placed by The Town Council.

Chairman Bostic: Think it should be let to the Chairman of The Planning Board. Administrative Assistant would work with the Chairman. Always set up that way. Town Council could make decision if long absence, but as a temporary leave then Chairman.

Town Planner Berry: Town Council has the authority.

Chairman: Anything in the Charter?

Mark Hartmann: Looking.

Town Planner Berry: Not my intention to discuss this tonight, only the advisement that we have a plan for a backup. Town Council decision.

Mark Hartmann: It's a difference between employee verses The Planning Board. Planning Board can appoint but we will do more research on what appointment means.

Ashley Sweet: This TRC section was moved and reflective of State Law.

Town Planner Berry: Questions consent agenda section and what types of applications. Would it be limited to Zoning Board applications.

*Discusses development plan review and changes of uses. Not major land development these could be on the consent agenda. *

Chairman: Questions E2, concerns with board picking own members. No board picks their own members. Can additional members be from the Planning Board. Planning Board can verify who is on the TRC. To appoint own people to board, no one does that.

Town Planner Berry: TRC members are not elected. They are specific experts per case. The Administrative Officer manages the TRC, they have different roles than boards. Some of the positions are mandatory.

Ashley Sweet: Administrative Officer should have flexibility to pull in members to the TRC for guidance. People who have knowledge and specific backgrounds.

*Discussion of discrepancy of TRC appointed members and making specific recommendations to the Town Planner. Staff expertise without being on the board.

Town Planner Berry: Wants to strike the "releasing" term from "setting, reducing and releasing of bonds".

Ashley Sweet: Appeal section added some to make up to date with State Law.

*Discussion of The Board of Appeal- is it The Board of Appeals? Term is singular. *

Ashley Sweet: Eliminated some sections and updated language to reflect State Law. All directly from State Law. Added Unified Development Review. Left in precedent of approval B- Town Council.

Town Planner Berry: Questions if applicant wants to bump minor to major development for the unified, can they?

Ashley Sweet: Nothing prohibits.

Mark Hartmann: State Law seems to be discouraging that. Bump down but not up.

Discussion of if it is what the applicant wants, if it can be done

Ashley Sweet: Section 14 minor land/ subdivision changed to adhere to State Law- this was added.

Chairman Bostic: Questions Administrative Officer granting the following waivers: 1- Interior lot angles, 2- Angles of lot lines, 3- Curbing and sidewalks.

Ashley Sweet: There is no mechanism for The Town Planner to send back to you if he can't grant the waivers.

Mark Hartmann: Would be sent to The Planning Board.

*The Board questions if the Board would then only allow approval of the waivers, then send it back to The Town Planner or would they have authority then for the whole application? *

Mark Hartmann: Will do research.

Chairman: Wants neighbors to be able to voice their opinion.

Ashley Sweet: Would be public meeting not a public hearing. Section 15 biggest change, public hearing not at preliminary, it is at master. Automatically sent to Administrative Officer. Section 16; removed language. Section 17; removed and added language. Updated certification timeline. Edited title of section 18 just kept is as "Public Notice".

5. Zoning Ordinances (item for discussion only, no vote/recommendation)

A. 2023-XX An amendment to Chapter 260 Zoning – Use Regulations

Town Planner Berry: Alternative plan to the use permits. High level, S to N not ready. S to P maybe ready. A to U pasted existing State Law. Please review, introduced next week to council.

6. Adjournment

Motion to adjourn at 9:50pm was made by Member Reilly. Second by Member London. All in favor.

Respectfully submitted,

Grace Gervais