

Town of Lincoln
Planning Board
100 Old River Road, Lincoln, RI
Minutes of December 11, 2023, Meeting

The special meeting of the Planning Board was held on December 11, 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 Ned London, Member Mike Reilly, and Member Tom Tuytschaevers. Excused: Member Jeff Almond

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

3. Amendments to the Land Development and Subdivision Regulations (Public Hearing)

Town Planner Berry: Hands over to Ashley Sweet to go over.

Ashley Sweet- Weston and Sampson: Gives over Land Development and Subdivision Regulations.

Two tiers, tier one is public hearing tier two circles back and cleans up to default to state law.

Attorney DeSisto: Lincoln is the leading edge, tier 1/tier 2 is the way to go, with the speed and sets of eyes on it.

Ashley Sweet: Used RI Housing templets, public and commission input to tailor the tier. *Show timeline. Final documents by January 1st, 2024, and leading into tier two. Explains enabling changes for each title in respect to which tier it belongs to. The Land Development and Subdivision Regulation changes we are going over tonight in a public hearing.

Town Planner Berry: In the TRC report there are a number of changes. Questions or concerns from the Board?

Member Tuytschaevers: In various places "Board of Appeal" is capitalized; in others it is not. What should it be?

Town Planner Berry: Capitalized.

Member Tuytschaevers: Page 18, top item E there is a noun missing.

Town Planner Berry: Should be "applications".

Chairman Bostic: The Planning Board will have one more shot to make changes?

Town Planner Berry: Yes, in early 2024 we will have a workshop. Line 507 I don't think this list is conclusive of everything. Line 517 it seems it is stating all the following belongs in the consent agenda. I think this should be struck and keep consent agenda with only zoning applications.

The Board agrees: Strike line 517 and 518.

Attorney DeSisto: Proposing to delete "consent agenda of"?

Town Planner Berry: No, strike "conduct...TRC shall" line 651 there is an extra word "regulations/provisions" would like to delete provisions.

Member Tuytschaevers: Just rearrange wording to keep provisions.

Town Planner Berry: Lines 535/536 "appeals must be taken within 20 calendar days... and posted in the office of the Town Clerk". Believe it is talking about interpretations, but they are not recorded with the Town Clerk. Wants to change wording to written decision- don't want to be held to it. Change to "after the date of written decision"

Attorney DeSisto: It is appropriate.

Board questions if decisions are always written down.

Ashley Sweet: There are two different decisions. These are interpretations.

Attorney DeSisto: 45-23-67 says they need to be recorded but let's leave the language right now. People will ask for it in writing if they need it to be in writing.

Member Salvatore: 594-604; Planning Board is struck, wondering why, and who is The Board of Appeal?

Ashley Sweet: The law was changed so they don't go to the Board of Appeal, they go to court. Any decision we now skip the Zoning Board, it goes to Superior Court. The only thing Zoning Board hears is interpretations of regulations.

Chairman Bostic: Page 11 the TRC at line 489 should be Planning Board not Town Council.

Town Planner Berry: I agree, there was a question of whether it could be The Planning Board of if it has to be The Town Council.

Mark Hartmann: State statute doesn't specific, it seems like it is something we could do.

Town Planner Berry: Anything in the Zoning Regulations?

Attorney DeSisto: No.

Chairman Bostic: Line 400 the TRC, remove the word "designee" DPW should be on it but not mandated. Gives room to be on or not on all the time. Depending on his workload. Questions the fire marshals specifically listed? Should we then have the LPD Chief? Conservation Commission?

Member Tuytschaevers: The Town would appoint an alternative? If you can't appoint a designee there will be no one.

Town Planner Berry: Correct.

Chairman Bostic: It would be the Chairman.

Attorney DeSisto: 45-23-56 B.

Chairman Bostic: In the case Town Planner Berry is not available, the administrative officer of the TRC would be the Chairman and Vice Chairman of the Planning Board.

Town Planner Berry: We don't need to codify who, it states designee. Designees are just backups, if they can't make it, they typically just send me written language.

Ashley Sweet: Change "shall" to "may" for flexibility.

Attorney DeSisto: "May" go after Administrative Officer.

Board agrees with new language/ rewording.

Ashley Sweet: The TRC functions same way, still goes to the Town Planner for approval.

Member Salvatore: Who designates a designee?

Attorney DeSisto: Planning Board,

Ashley Sweet: Last time we made the decision to have a second person being designated. You were going to look into who made that appointment. If you have two it's either or. The second person wouldn't serve unless there is an absence of the primary officer.

Attorney DeSisto: Right now, it says Town Council makes the appointment.

Member London: Take out designees and move forward.

Town Planner Berry: Haven't gone though with all the changes but this is the majority of the work. The bulk of it is here.

Attorney DeSisto: Agrees with The Town Planner, have to see how it works. This approach is most effective.

Member Reilly makes motion to open public hearing. Motion second by Member London. All in favor.

Michael Gagnon- Director of Public Works: The time I spend preparing for the TRC and working with Town Engineer Quish serves the town well. Whoever the Director of public works may be with their work serves the town well.

Member Reilly makes motion to close public hearing, second by Member London. All in favor.

Chairman Bostic: With what we've been given were doing the best we can, it is a work in progress.

Member London: Will the state extend the deadline?

Attorney DeSisto: No.

Ashley Sweet: It is 50/50 with other cities and towns. Some places don't even have a planner right now.

Town Planner Berry: If you approve you can still open it up at a later date. Doesn't need to go to the Town Council. A separate motion needs to be made for it to go into effect January 1, 2024. Motion to approve and adopt amendments with redlines version to be effective January 1, 2024; motion made by Member Tuytschaevers, second by Member Reilly. All in favor.

4. Zoning Ordinances - 2023-12 An amendment to Chapter 260 Zoning – Use Regulations

Town Planner Berry: Part of tier one didn't have time to rewrite with the amount of changes. Went through the table made changes based on allowed verses what is not an allowed use. Want to minimize collateral damage- some uses we were equipped to handle, allowed by right. Some are not allowed based on the use not fitting the zone. I changed every S to N or P.

Attorney DeSisto: Out of everything the Town Planner has done, this is the best. This is the way to go right now.

Town Planner Berry: Any uses you want to discuss? Or an ordinance?

**** Discussion of ADU****

Attorney DeSisto: ADU's right now are optional statute; "...any municipality that chooses to permit ADU..." you can have or not- based on the word "chooses"

Town Planner Berry: 45-24-74 B- zoning ordinances; this was my basis.

Attorney DeSisto: 45-24-73; comes first.

Town Planner Berry: Defer to solicitor.

Attorney DeSisto: Might as well clean it up.

Member Tuytschaevers: We have to review this in 2024, yes?

Town Planner Berry: Yes. Any other ruse you're not comfortable with? Discuss now? Or let the council decide.

Member Tuytschaevers: Double asterisk?

Town Planner Berry: Double asterisk or asterisk need to be deleted. Didn't catch this in time.

Member Bellamy: Page 3, line 52 some language the council wanted to change/ updated.

Attorney DeSisto: word change "retardation" to "mentally disabled"

Town Planner Berry: Will change.

Member Salvatore: Does this include the casino?

Town Planner Berry: No, any changed they would have to go to council anyways.

Member Tuytschaevers: Page 4 lettering is off on line 150, should remain N.

Motion to accept Zoning Ordinances and forward amendment to Chapter 260 Zoning with recommendation to approve to Town Council. Motion made by Member Tuytschaevers, second by Member Reilly. All in favor.

5. Review of Minutes

A. November 15, 2023, Planning Board Meeting

Motion to dispense minutes of November 15, 2023, motion made by Member Reilly, second by Member Salvatore. All in favor.

Motion to approve minutes, made by Member Reilly, second by Member Salvatore. All in favor.

B. November 16, 2023, Special Planning Board Meeting

Motion to dispense minutes of November 16, 2023, motion made by Member Reilly, second by Member London. All in favor.

Motion to approve minutes with corrections, made by Member Reilly, second by Member London. All in favor.

6. Planner's Report

A. McManus Subdivision AP 21 Lot 70 Final Plan Recorded

Town Planner Berry: update on the McManus Subdivision. Records are recorded.

7. Adjournment

Motion to adjourn at 9:00 pm was made by Member Reilly. Second by Member London. All in favor.

Respectfully submitted,

Grace Gervais