

Town of Lincoln
Planning Board
100 Old River Road, Lincoln, RI
Minutes of April 24, 2024, Meeting

Meeting of the Planning Board was held on April 24, 2024 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, Member Tom Tuytschaevers, Member Jeff Almond, and Member Tom Salvatore.

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

3. 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 September 2023

Town Planner Berry: APRIL 2024 UPDATE: The Town Engineer has reviewed the progress and has recalculated the bond amount, reducing it from \$854,000 to \$542,000. The difference between the September 2023 calculations and the April 2024 calculations are due to the following: Base course of pavement in Phase 4 was installed. All outstanding curbing and sidewalk in Phase 2 and Phase 3 were completed. 20% of the curbing and sidewalk is installed in Phase 4. The underground electrical main in Phase 4 was completed. Street trees and plantings in Phase 3 and Phase 4 were added. TRC recommendation is the same throughout the project.

Member Salvatore: Recused himself from this application.

Ken Bock: New Calculations for completion of phase four infrastructure (curbing and asphalt). 80% of the bond is for this. Meeting with residents should be done sometime in winter, next spring for topcoat. Would like to move this meeting forward for one year.

Chairman Bostic: The basin? What about the rest of the infrastructure?

Ken Bock: Phase three is basically done, storm water is going into the temp basin- clean them until clean water. Everything is done.

Member Reilly: When will the temp basin turn into permanent? 100% done with water?

Ken Bock: Three months, the temp state is controlling all the water. Once all foundations are in, we can turn permanent.

Chairman Bostic: Was your project part of the media concern?

Ken Bock: I don't think so.

Chairman Bostic: Continuation for next year that is what you are asking?

Ken Bock: Yes.

Town Engineer Quish: Three months final basins, will everything be vegetated for phase four? Think it is too soon.

Ken Bock: Thinking construction wise, not full vegetation.

Town Engineer Quish: We hired a third-party engineer. Two riprap swells collecting the water not necessarily related to the development- very heavy rain, intensity is hard to compare to what it is designed for. The Town hired GZA to monitor slopes to reduce the flow. Haven't received

the report yet. Fine with pushing it out a year, if something comes up, we can put it on the agenda.

Member London: Will the flow be higher without vegetation?

Town Engineer Quish: Yes, during construction will have more than the final. Having vegetation makes a big difference.

Motion to continue for May 2025. Motion made by Member Tuytschaevers, Second by Member Reilly. All in favor.

B. Cobble Hill Crossing AP 19 Lot 34 Preliminary Plan Seminole Development, LLC 0 Old Louisquisset Pike 4.

Town Planner Berry: Planned to hear this application tonight. Applicant asked for a continuance (month). Clock hasn't started for decision on this. They also must come back to the TRC before we make a recommendation to the Planning Board.

***Member Salvatore-** Back in*

Member Tuytschaevers: Questions about toxic land/ environment issues.

Different parcel of land

Town Planner Berry: New Comprehensive Permit density. They are significantly under 70 total; they are asking for 20 affordable lots.

Did not need motion for the continuance

4. Road Abandonments/Changes to the Mapped Street Ordinance

A. North Star Foundation, Inc. Abandon Emmett St between AP 2 Lot 14-15 and AP 1 Lot 2

Town Planner Berry: North Star Foundation, Inc. has submitted a request to abandon the right of way of their properties off Higginson Ave with frontage on North Crown Point Road. The portion of right of way within Lincoln is unimproved, but Emmett Street is an improved public street as soon as the right of way enters into Central Falls. The area has been used as a dumping ground, a considerable nuisance to the applicant (and the Town). The applicant would like to acquire the property so that they may fence it off and prevent the disposal activities. Would like to abandon the property to cease the dumping. Back lot, majority is in CF, but that is not the property owners we would have to figure out that issue. Asking if approved, we do an Administrative Subdivision.

Attorney DeSisto: Applicant owns 215 1-2? 24-6-1 the property right of way, Town Planner is correct- requirement under sub section C, the applicant is agreeing to an Administrative Subdivision. Second thing, the right of way goes into CF, the Town Can only abandon what is in Lincoln. Planning Board would have to make recommendation to the Town Council Tonight ceasing the property. It is a dedicated right of way, can't sell it.

Chairman Bostic: Been in contact with Central Falls?

Town Planner Berry: Have not received a response. Large slope on the land, no financial interests.

Member Reilly: Wants to merge lots and put up a fence? Came to the TRC?

Member London: Is it the Planning Board to decide on cleaning the lot?

Attorney DeSisto: All goes to Town Council- you can make a recommendation.

Town Engineer Quish: That road is a private road, no frontage.

Recommendation to the Town Council to the solicitor's findings cease to be useful with condition: administrative subdivision and fencing with cleanup made by Member London. Second by Member Reilly. All in favor.

B. Maurice Omar Abandon Douglas Ave between AP 36 Lot 131 and AP 36 Lot 144

Town Planner Berry: Mr. Maurice Omar has submitted a request to abandon the right of way between two of his properties, AP 36 lot 131 and 144. Lot 144 is 1.53 acres and is improved with a single- family residence and accessory residential structures. Lot 131 is 0.413 acres and is largely unimproved, separated from lot 144 by the portion of right of way of Douglas Avenue. The applicant seeks to acquire the paper street and thereby combine his lots. Note that there is a tennis court already on the right of way. The TRC was generally receptive and supportive of the request, but notes that the applicant had outstanding taxes owed to the Town. The TRC did not think it was wise to grant this applicant additional tax liability unless the current debts are settled. The TRC did not see any public use of this land as this will not be needed to expand further roadways for development.

Member London: Can you own only a part of a right of way?

Town Planner Berry: Yes.

Member Salvatore: Legal requirements?

Attorney DeSisto: Statutory requirements. Public hearing at Town Council, notice in paper/ to abutters and signs. Posted.

Member Bellamy: Anything in the Town Ordinance with doing business with anyone owning money to the Town?

Attorney DeSisto: Appropriate for condition and Town Council Requirements.

Positive recommendation to The Town Council made by Member London, findings right of way ceases to be useful. With conditions by the TRC. Second by Member Reilly. All in favor.

5. Tier II Regulatory Updates

Town Planner Berry: Tier II was set aside for what didn't require discretion. Wanted to go back and clean everything out. The four you see are drafts put together from the consultant. There are not submitted to the clerk currently. Just here tonight for discussion before I leave, to submit all together- go to Town Council as a package.

A. Substandard Lots (§260-55 and §260-57)

Town Planner Berry: Change, inserted state law language (not just side/ rear setback, but all). Discussion of "merger" law. Lincoln doesn't have that clause, not much of an effect here.

Attorney DeSisto: Agrees.

B. Zoning Ordinance Public Notices (§260-92)

Town Planner Berry: Already doing this, changed some of the language- we already do this/ have been doing this.

C. Variance Notices and Standards (§260-60, §260-61, §260-63, §260-64, §260-65, §260-68)

Town Planner Berry: Little bit here about notices. Some changes in standard, removed "financial gain" hardship and the "least relief necessary."

D. Comprehensive Permits (§147-3, §147-4, §147-5)

Town Planner Berry: This is not in Zoning. This is in the Housing portion of the code. Changes brought un into compliance with state law. Parking is changed to 1 on street parking per dwelling unit.

Attorney DeSisto: This is a lawsuit waiting.

6. Review of Minutes A. March 27, 2024, Planning Board Meeting

Motion to dispense minutes, motion made by Member Reilly, second by Member Almond.

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

7. Planner's Report

A. Comprehensive Plan Update

Town Planner Berry: Initially planned for a public meeting for the 29th. At the advisory meeting we would like more time for public setting discussion. Topic based approach this time versus village approach. That is rescheduled to May 16th at the LHS cafeteria. Urge all to attend.

B. Farewell

Town Planner Berry: Thanks, the Board for all their support, wishes all the best and best of luck with the comprehensive plan.

8. 42-4-6 move to amend agenda to include Solicitors Report. Motion made by Member Almond, Second by Member London. All in favor.

Attorney DeSisto: Land calendar in Superior Court. Zoning/ Planning appeals in this calendar. Decision on Cumberland Farms your decision was upheld. Not often are Planning Board decisions upheld.

Discussion on next meeting: May 22nd next meeting. No Town Planner and no Town Engineers. Can we move it to the 29th. Motion to move the meeting to June 29th. Motion made by Member Bellamy, second by Member London. All in favor.

9. Adjournment

Motion to adjourn at 8:20pm was made by Member Salvatore. Second by Member Almond. All in favor.

Respectfully submitted,

Grace Gervais