

Town of Lincoln
Planning Board
100 Old River Road, Lincoln, RI
Minutes of August 28, 2024, Meeting

Meeting of the Planning Board was held on August 28, 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, Chairman Ken Bostic, Member Tom Salvatore, Member Tom Tuytschaevers, Member Meagan Bellamy, Member Mike Reilly, Member Jeff Almond, and Member Ned London.

Also in attendance: Town Planner Davies, Town Engineer Quish, Attorney DeSisto, and Attorney Hartmann.

SUBDIVISIONS & LAND DEVELOPMENT

1. Discussion: Minor Subdivision, Preliminary Plan – Joyce Plat, 3 Old Jenckes Hill Road (AP 25, Lot 67), Jill & Brian Joyce, applicant/owner (continued from July 31, 2024). Deadline: 9/3/24

Town Planner Davies: This project consists of subdividing one 1.7 acre residential property into two residential properties. There is an existing single-family residence on proposed Parcel A that is to remain. The subdivision is classified as a minor subdivision however waivers are requested for curbing and sidewalk requirements. There is a wetland along the northern side of Proposed Parcel B which has buffer and jurisdictional areas projecting into the property. The Applicant has already obtained permits from RIDEM for the construction of a single family dwelling. The applicant is in agreement with the preclusion of a basement. The applicant's engineer has clarified that the 6" groundwater depth is below 6 feet of fill.

John Hampton- Project Engineer: Exceeded the 100 years storm requirements.

Town Engineer Quish: Went back and forth with the engineer. First 4 inches of rainstorm, we usually do 1 inch, decrease in runoff up to 100 year storm. I am satisfied. 6.5ft surface drain.

Member London: Will that help the neighbors?

Town Engineer Quish: Those were up gradients- won't make a difference.

Ryan Cripps: Not too much more to ask, been in correspondence with RIDOT for PAP- did some revision. Held off on NBC permit for sewer. Received water letter from Lincoln Water. The location hasn't changed, so I could get an updated letter.

Member Rielly: The TRC unanimously voted (5-0) to recommend the Planning Board adopt the findings of fact and APPROVE the Minor Subdivision preliminary plan application with the following conditions:

1. All easement documents be provided prior to final plan.
2. A generator be provided to ensure pump operation during power outages.
3. RIDOT PAP and Narragansett Bay Commission Permits be provided at the time a building permit is requested.
4. No basement shall be permitted.

Ryan Cripps: Can we do partial basements since the groundwater elevation has been clarified?

Town Engineer Quish: If the partial basement is above the ground water.

Attorney DeSisto: Would have to be re-application.

Ryan Crypts: We will do slabs.

Member Rielly: Motion to approve preliminary plan with conditions. Second by Member Almond. All in favor.

2. Initial Discussion: Major Subdivision, Master Plan – Lincoln Meadows, III, 0 Myers Drive (AP 45, Lot 437), Steve Puleo & Stockwood LLC, applicant/owner. Deadline: 10/27/24

Town Planner Davies: This Major Subdivision Master Plan application proposes the subdivision and development of a 10.92-acre site into 10 new lots. The subdivision entails the creation of a new 479-foot-long roadway and cul-de-sac, providing vehicular access and frontage for 8 of the lots, as well as the extension of Myers Drive out to the Smithfield town line, for a distance of approximately 383 feet, which would provide frontage for 2 additional lots. Public water and sewer are proposed. In a letter dated August 12, 2022, the former Water Superintendent required a hydraulic model analysis of the proposed subdivision. This analysis was performed, and a subsequent letter was issued on July 5, 2023, indicating water availability but noting that lawn irrigation would require on-site wells. A renewal water availability letter was issued on July 19, 2024. The Town Engineer has indicated that sewer is available, and Sewer Connection permits will be required from both the Town of Lincoln and the Narragansett Bay Commission. The Town Engineer also notes that the existing sewer main and easement, which crosses proposed Lot 10, shall be relocated into the right-of-way. Grading The lot slopes in an east to west direction, with the wetlands characterizing the low point. There is approximately 54 feet in elevation change from the high point off Angell Road down to the wetlands. A grading plan will be provided at the Preliminary Plan phase.

Attorney Shekarchi: Mr. Archambault, the abutter and owner of the easement is also here.

Dan Campbell: Two waivers: A waiver from Section 23(C)(5) to reduce the required minimum roadway width of 30' down to 26', • A waiver from Section 23(C)(2) to reduce the minimum required street intersection centerline off-set from 150 feet to 120' (from Linfield Circle).

The sewer leaves abutting property straight down the center line, TRC recommends moving the sewer main.

Member London: Questions 30' to 26'.

Dan Campbell: Myers Drive is 26' all the way through.

Chairman: That first house looks like it's stuck in the corner of the lot.

Dan Campbell: We will clean it up when we get there. There used to be another lot on that corner.

Member Salvatore: Regarding the waiver on the street width, are you proposing granite curbing/sidewalk?

Dan Campbell: Requested by engineering departments. Sidewalks on one side, and curbing on both.

Member Salvatore: Wetlands have been verified along boundary on NE side but no wetlands permit?

Dan Campbell: We have not, we don't need from a wetlands standpoint at this time but stormwater we will.

Town Planner Davies: Looks like the stormwater may impact the wetlands?

Dan Campbell: We don't anticipate needing it but, may if we have to we will.

Attorney Shekarchi: Edge verified?

Dan Campbell: Yes.

Town Engineer Quish: Grading for house lots will likely be in wetland jurisdiction.

Dan Campbell: The existing easement is straight to the edge of Archambault's property. 50ft. right - of - way, we're proposing rounding it.

Town Engineer Quish: Also required curb cut for future housing.

*Discussion of curb cuts and possible ATV's using it as a cut through with curb cuts added.

Mr. Archambault: We will put roadblocks to prevent ATV's.

Town Engineer Quish: One of the abutters of the house at the corner is requesting curb cuts in case he wants to build a garage.

Applicant is happy to do so.

Town Engineer Quish: The layout of the right- of- way and cul-de-sac isn't properly laid out.

Dan Campbell: Yes, we will make sure it is.

Member Salvatore: TRC mentions stonewall?

Dan Campbell: A couple of them. Right- of-way, the electric easement. Wetlands, most of the property is disturbed. The property has been worked on and the walls are in pieces.

Member Salvatore: Are you not disturbing them?

Dan Campbell: Small bits removed. Portions removed.

Motion made by Member Rielly to move to public hearing next month, Second by Member Almond. All in favor.

3. Initial Discussion: Minor Land Development, Preliminary Plan with Unified Development Review – Loredo Multi-Family, 11-13 Gardiner Avenue (AP 1, Lot 84), Ericka & Marco Loredo, applicant/owner. Deadline: 10/23/24

Town Planner Davies: This project consists of the development of two 2-family dwellings on a single lot that contains an existing two-family dwelling (11-13 Gardiner Avenue). The proposed units are duplex style with four separate driveways onto Middle Street. The existing building is accessed via Gardiner Avenue. The lot measures approximately 14,537 sf in area. The applicant proposes to connect to the municipal water supply in Sutcliff Avenue and municipal sewer in Middle Street. Based on the submitted materials and the discussion during the August 13th TRC meeting, the TRC finds that the application successfully addresses the technical requirements of the Subdivision Regulations for a Minor Land Development – Unified Development Review Preliminary Plan. The TRC finds the project to be consistent with the Comprehensive Plan and recommends that the Planning Board hold a public hearing on the application. The TRC discussed the waiver requests from Section 24(A)(4) to eliminate the curbing requirement and Section (24)(A)(5) to eliminate the sidewalk requirement and generally supports the waivers for this project given the lack of consistent curbing and sidewalks in the surrounding neighborhood. The TRC also discussed the variance requests from the combined rear/side yard setback requirement pursuant to Article IV §260-22, Dimensional Requirements, Residential Districts and §260-26, Corner Lots, Through Lots, and Irregular Shaped Lots. The TRC generally supports the variances and finds them to be consistent with the neighborhood. The following conditions are recommended: 1. No basements shall be permitted. 2. That should there be a change in ownership of the duplexes, i.e., if they are converted from rentals to condominiums, a Homeowners Association must be established and bear responsibility for the water service. 3. The plans must be corrected to clarify the water service and any abandonment of the existing service to 11-13 Gardiner Avenue, to the satisfaction of the Water Superintendent.

Attorney Shekarchi: Introduces Dan Campbell.

Dan Campbell: Three duplexes on a single lot, does have water service. 1 service per lot. We chose to start on Sutcliff. That is the requirement of Lincoln Water Commission. Drainage on the site will capture water in a swale in the back. Subsurface basins take care of runoff drainage. Requesting waiver for berm and sidewalks because there will be 4 curb cuts breaking it up. , Wetlands on GIS, wetlands are on the grass adjacent to Middle St. no longer existing, currently just grass. Had decks changed to patios to remove setback issues.

Town Planner Davies: Variance slightly smaller.

Attorney Shekarchi: TRC asked us to come back one more time, will address this then.

Chairman: Three RG-5 lots?

Town Planner Davies: 1 lot.

Chairman: Comparing any other RG-5 in the area?

Town Planner Davies: Mixed dwelling didn't seem inconsistent with the area.

Member Bellamy: Multiple vs. subdividing lot?

Dan Campbell: With the new regulations, putting on one lot makes it easier to share utilities like water.

***Discussion of the possibility of condos.**

Member Bellamy: Garages?

Dan Campbell: Yes. One each unit.

Town Planner Davies: Added Zoning findings/facts to the packet as well.

Attorney DeSisto: Address variances first, then the land development.

Motion made by Member Rielly to move to public hearing next month. Second by Member Almond. All in favor.

4. Discussion: Final Plan Extension, Comprehensive Permit – Walker Lofts, 40 Walker St. (AP 2, Lot 82), Walker Lofts LP, applicant/owner. Expires: 9/25/24

Town Planner Davies: This is a request to grant a one-year extension.

Attorney DeSisto: Reason is because they are financing/ federal financing hasn't been obtained yet and they need another year.

Member Tuytschaevers: If we don't grant what happens?

Attorney DeSisto: Permit lapse, causing finances to cease.

Member Tuytschaevers: Can they ask for another?

Attorney DeSisto: Yes.

Member Salvatore: If they don't get the finances?

Attorney DeSisto: Could die out, they invested a lot.

Motion made by Member London to extend one year- expire 9/24/2025. Second by Member Rielly. All in favor.

D. PLANNER'S REPORT:

1. Merrick Dev. Corp – New River Rd, AP 34 Lot 460 Final Plan Recorded

2. Nathan Carr – Sutcliff Ave. AP 06 Lot 391 Final Plan Recorded

3. Leo Blais, Inc. – Lonsdale Ave, AP 03 Lot 094 Final Plan Recorded

Town Planner Davies: Following up, these final plans have all been recorded.

E. UPCOMING MATTERS

1. Rezoning – Amendment to Town of Lincoln Zoning Ordinance, Section 260-9, Short Term Rental or Lodging

2. Rezoning – Amendment to Town of Lincoln Zoning Ordinance, Section 260-9 and 260-9L, Accessory Dwelling Units

Attorney DeSisto: 1. Rezoning – Amendment to Town of Lincoln Zoning Ordinance, Section 260-9, Short Term Rental or Lodging. Enacted ordinance that short term rentals register with the Town. Residents asked the Town Council to review a case in Smithfield RI. Not a permitted use in residential zones. Expect a challenge to the case. It complies with the Comprehensive Plan- encouraging homeownership. Short term rentals take units off the market and uses houses as a hotel. Stops homeownership.

Chairman: It would only be allowed in industrial areas?

Attorney DeSisto: Yes.

Chairman: Could town revoke registrations due to complaints?

Attorney DeSisto: We already have.

Chairman: Can we have informal public input this time?

John D'Aloisio: Applaud the Council on the language. Business in a residential zone that is not what it is designed for. It is a hotel. Cumberland banned all together. Town wide issue. I received signatures in objection to this. We had one in our neighborhood, nobody wanted them. Airbnb limited background checks. Describes party on Foxwood Dr. on July 5th. Turned a house into an Airbnb no one lived there.

Steve Guarino: Lived across the street from a house turned into an air bnb. Fireworks at 3am, 40 cars up and down the street all out of state. Councilman Pichette read the police report at the last Town Council meeting. Police came, took a good hour to remove them. Mix ages and families in the area who do not need this disruption.

Attorney DeSisto: Next month you will make a recommendation to The Council.

Member Salvatore: Questions if this ends all short-term rentals, or just those registered as Air bnb?

Attorney DeSisto: All, 30 days or less.

Member Bellamy: Pre-existing protected?

Attorney DeSisto: No.

Attorney DeSisto: 2. Rezoning – Amendment to Town of Lincoln Zoning Ordinance, Section 260-9 and 260-9L, Accessory Dwelling Units. Straight from State statute, has to conform with State law language we have to comply with, it will make it easier for ADU to come to Town.

F. REVIEW OF MINUTES 1. July 31, 2024

Motion to dispense made by Member Rielly, Second by Member Almond. All in favor.

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

G. CORRESPONDENCE 1. Response letter to Attorney Timothy Baldwin regarding Whipple Cullen construction progress.

Town Planner Davies: Received letter from Attorney Baldwin regarding Whipple Cullen complaint and drafted a letter to respond to him- wanted to share with the Board.

H. ADJOURNMENT

Meeting adjourned at 8:31pm. Motion to adjourn made by Member Salvatore. Second Member Rielly. All in favor.