

Town of Lincoln
Planning Board
100 Old River Road, Lincoln, RI
Minutes of September 25, 2024, Meeting

Meeting of the Planning Board was held on September 25, 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 Tuytschaevers, Member Meagan Bellamy, Member Mike Reilly, and Member Ned London.

Excused: Member Tom Salvatore, Member Jeff Almond

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

Member Riley: Motion to move item C6 Discussion and vote: Bond Reduction – Whipple Cullen Farms – to number 1 on the agenda. Motion second by Member London. All in favor.

Town Planner Davies: Letter from Ken Bock- "We are requesting you consider a reduction in out erosion. Control bonds. We have completed all vegetation and plantings for the Phase-1 & 2's erosion control bond. We have completed all of Phase-3 and 50% of Phase-4 vegetation and all plantings. All outstanding areas have BMP erosion controls installed. The Town Planner and Town Engineer have completed a site visit."

Town Engineer Quish: Original bond include loam and seed; the stabilization has been completed in phase 3 and partially in #4.

Ken Bock: 1,2,3, phases done and part of 4. Everything sold, some curbing and finalize paving to be in mid to end October.

Motion to reduce stabilization bond to 120,463.00 motion made by Member Rielly, second by Member London.

C. SUBDIVISIONS & LAND DEVELOPMENT

1. Public Informational Meeting, for discussion and action: 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. 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), and A waiver from Section 22(A)(4) to allow the use of a 50 scale instead of 40 scale at master plan (the applicant has stated this will be corrected at the preliminary plan stage). The applicant's engineer has made the following changes to the plan, as requested by the TRC: corrected the cul-de-sac radius; corrected the property line discrepancies; modified the sewer run from proposed Lot 10 to the right-of-way; added a notation for a curb cut from Myers Drive Extension to the rear of the

abutter's property (26 Linfield Circle); and adjusted the location of the house on lot 3 so not hugging the corner.

Shekarchi for the applicant: Introduces Ed Pimentel.

Pimentel: Been working on this for three years with different proposals - nailed down to this one. Analysis on surrounding lots and density to see what would fit this property.

Dan Campbell: Since last public hearing, fixes property line, modified sewer, curb cuts. Overall not much more permitting before final plans. 50ft right-of-way modified through town with cul-de-sac.

Open Public Hearing: Motion made by Member Rielly, Second by Member London. All in favor.

Sandra Marzilli: Concerns with water quality (blue water) in Lincoln Meadows. Questions drainage to existing residents? Stonewall, tree canopies being destroyed, wetlands. Any privacy hedges or trees to block trailers and construction.

Robert and Lori Hoard: TRC stated 26 Linfield Circle would be considered "non-conformable". What does that mean? Development is conforming to zoning, it only mentions the lot conforming, not the road? Road is closer to my property, no zoning change? Only one exit could have had two- Angell Rd. but only one exit to Myers Drive. Where does the 50ft road start, where does the 4ft from lowering 30ft to 26ft go? Concerns with the slope of the lot, the elevation from the hill created a dam. Traffic/ draining/ grading study? Concerns with water direction changing. No private wells.

Donna Myers: Amount of water coming through the back. Concerns with "us" who have been here for 50 years. Asking the Board to consider it all.

Harry Myers: Agrees with the concerns above. Wells overflowing. Puleo intentionally blocks the pond water. Check water mitigation.

Robert Hoard: Questions the process timeline.

Town Planner Davies: explains the timeline process. Proposed conceptual now, approve this tonight- come back with detailed plans and designs.

Town Engineer Quish: Preliminary plan with drainage cannot create a block of what is currently there. They have to stay with the current flow rate that is there. Comments of trailer- think it has to go through zoning. Made him stop, there is no more work with the trucks and taking in dirt. Fairly certain they will have to go to DEM for wetlands.

Member Rielly: Did Myers Dr. go through as a paper street?

Shekarchi: No, an easement.

Rob Pereno: Concerns with grading and run off.

Town Engineer Quish: Analyze off site water, they have to still allow that, cannot dam the water.

Member Rielly: Close public hearing. Second, by Member London. All in favor.

Applicant Puleo: Trailer has been moved already.

Shekarchi: All those details will be addressed at the next meeting.

Dan Campbell: The roadway is centered- 2 ft. less on each side.

Member Tuytschaevers: Concerns with resident stating "non-conforming"

Member Bellamy: Concerns with landscaping or buffers?

Dan Campbell: Requirement for the Planning Board we are more than welcome to do this.

Member London: If he sells he won't have issues (the non-conforming resident).

Attorney DeSisto: Lot is lawful, he has done nothing wrong.

Member Tuytschaevers: Impact on property value?

Attorney DeSisto: Not at all.

Member London: That catch basin high up?

Dan Campbell: Sewer. Sewer was a hump and filled around. The road will be put on top of that. We will have to change the grade.

Attorney DeSisto: Suggestion. October 27 is the deadline- next meeting is October 23. Might want the pictures from the concerned residents before then.

Shekarchi: Would rather have a recommendation decision tonight.

Chairman: We will forward pictures to Dan Campbell.

Mr. Myers: Concerned with behind the house and raised lots and damming.

Town Engineer Quish: Will look at grading, the original was before when I started.

Chairman: We are not approving the project, just approving to get further engineering designs.

Sandra Marzilli: Concerns with the damage already done prior to this with truckloads of dirt/fill.

Town Engineer Quish: We stopped him, I wouldn't give erosion permit.

Motion to approve Master Plan made by Member Tuytschaevers, second by Member Rielly. All in favor.

2. Public Hearing, for discussion and action: 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. A waiver from Section 24(A)(4) to eliminate the curbing requirement. The applicant proposes to retain the existing asphalt berm along Middle Street and remove it only for the driveway openings. There is a mixture of berm and curbing in the vicinity of the property. A waiver from Section (24)(A)(5) to eliminate the sidewalk requirement. There do not appear to be any consistent sidewalks in the neighborhood, although there are some on the opposite side of Gardiner Avenue opposite the subject property. The plans were updated; the decks have been removed and replaced with patios, thereby reducing the variance request to 8.3' (the dwelling will be 15.7' from the rear property line). The plans were updated; the decks have been removed and replaced with patios, thereby reducing the variance request to 7.1' (the dwelling will be 16.9' from the rear property line).

Shekarchi: Asked for continuance from last meeting because Ed Pimentel couldn't come.

Pimentel: Was not here for the last meeting. My final products are in.

Attorney DeSisto: Applicant not here- only fair to extend public hearing/ deadline.

Town Planner Davies: End of November?

Attorney DeSisto: In agreement with the applicant.

Motion to continue with deadline extended until November, actual date to be determined. Motion made by Member Rielly, Second by Member London. All in favor.

3. Public Hearing, for discussion and action: Minor Land Development, Preliminary Plan with Unified Development Review – Tanury Industries, 7 New England Way, (AP 28, Lot 139), TAT Realty, applicant/owner. Deadline: 12/7/24

Town Planner Davies: This project consists of a 35'x25' (875 sf) metal addition onto the existing manufacturing building located at 7 New England Way. The addition will house new equipment associated with the applicant's business and manufacturing process. The proposed addition will supplant three asphalt-parking stalls on the eastern side of the building. No new utilities are proposed. The applicant has filed for Unified Development Review pursuant to RIGL §45-23-50.1. The applicant has requested a variance of 19.3 feet from the minimum side yard setback requirements of 40 feet in the ML-0.5 zoning district pursuant to Article IV §260-23, Dimensional Requirements, Business and Manufacturing Districts (the addition will be 20.7 feet from the side property line). Findings of Fact (Variance) 1- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to the physical or economic

disability of the applicant, excepting those physical disabilities addressed in the Rhode Island General Laws 44-24-30(16). The proposed addition will house equipment that will connect with existing manufacturing processes within the building. A different location is not an option given these processes and therefore the relief sought is due to the unique layout and characteristics of the lot and structure. 2- the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. The lot has not been subdivided or modified. There do not appear to be any prior actions that have necessitated this relief. 3- the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan upon which this ordinance is based. As previously stated, the proposed addition is consistent with the provisions of the ML-0.5 zoning district and surrounding properties, as well as with the Comprehensive Plan goals and policies. 4- the relief to be granted is the least relief necessary. The proposed addition will house equipment that will connect with existing manufacturing processes within the building. A different location or configuration of the addition is not possible given these processes and therefore the relief sought appears to be the least relief necessary.

Thomas Tanury: Inside the proposed addition- new equipment to expand for manufacturing.

Member Bellamy: Impact on parking?

Thomas Tanury: Tons of parking?

Member Bellamy: Customer parking?

Thomas Tanury: Industrial parking.

Member Bellamy: How long have you been there?

Thomas Tanury: Since 1978.

Member Reilly: Questions the +/- on the drawing. Never Seen before.

Attorney DeSisto: Sometimes it happens with industrial property. When it comes to variances I will make a recommendation.

Motion to open public hearing made by Member Rielly, Second by Member London. All in favor.

Motion to close public hearing made by Member Rielly, Second by Member London. All in favor.

Attorney DeSisto: Need to include zoning standards. Reads standards: Findings of Fact (Variance)1- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to the physical or economic disability of the applicant, excepting those physical disabilities addressed in the Rhode Island General Laws 44-24-30(16). The proposed addition will house equipment that will connect with existing manufacturing processes within the building. A different location is not an option given these processes and therefore the relief sought is due to the unique layout and characteristics of the lot and structure. 2- the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. The lot has not been subdivided or modified. There do not appear to be any prior actions that have necessitated this relief. 3- the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan upon which this ordinance is based. As previously stated, the proposed addition is consistent with the provisions of the ML-0.5 zoning district and surrounding properties, as well as with the Comprehensive Plan goals and policies. 4- the relief to be granted is the least relief necessary. The proposed addition will house equipment that will connect with existing manufacturing processes within the building. A different location or configuration of the addition is not possible given these processes and therefore the relief sought appears to be the least relief necessary.

Member Tuytschaevers: Motion must include findings and facts?

Attorney DeSisto: Yes.

Motion to approve the plan with the findings and facts 1- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to the physical or economic disability of the applicant, excepting those physical disabilities addressed in the Rhode Island General Laws 44-24-30(16). The proposed addition will house equipment that will connect with existing manufacturing processes within the building. A different location is not an option given these processes and therefore the relief sought is due to the unique layout and characteristics of the lot and structure. 2- the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. The lot has not been subdivided or modified. There do not appear to be any prior actions that have necessitated this relief. 3- the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan upon which this ordinance is based. As previously stated, the proposed addition is consistent with the provisions of the ML-0.5 zoning district and surrounding properties, as well as with the Comprehensive Plan goals and policies made by Member Tuyschaevers. Second by Member Rielly. All in favor.

4. Public Hearing, for discussion and action: Modification to Final Plan, Preliminary Plan—Heritage View Estates, 4 Stephanie Drive, (AP 19, Lot 104), Hovanes Emdjian, applicant/owner. Deadline: 12/2/24

Town Planner Davies: This Major Modification application to a previously approved Major Subdivision Final Plan proposes the alteration of a drainage easement associated with the Heritage View Estates subdivision, approved by the Lincoln Planning Board in 1987. The drainage easement and associated detention basin, while managing the runoff from a subdivision in Lincoln, are located largely in North Providence. The applicant proposes to modify the drainage easement by reducing it in size in order to accommodate the creation of two buildable house lots in North Providence. It is important to note that the basin itself will not be reduced in size. As part of this application, the petitioner also proposes to repair the detention basin by removing overgrown vegetation, installing a new catch basin grate on the outlet structure, and raising the top of the embankment from 149.6 to 150.4 feet. The applicant also proposes to establish a new homeowners association between the property at 4 Stephanie Drive and the two new house lots, which would be responsible for maintenance of the basin.

Chairman: Next steps?

Town Planner Davies: New decision with new plan with revised “approved easement” (by Town Council). Main concern is with the new plan with the smaller easement.

Attorney DeSisto: Written easement and plans depicting applicant is here to approve existing and Town Council would need to approve.

Town Planner Davies: If they fail to maintain we need emergency access to get in there.

Town Engineer Quish: Reviewed from drainage point. Easement provides enough room around. Drainage standpoint I am satisfied.

Chairman: HOA?

Town Planner Davies: Existing and the 2 in North Providence.

Attorney DeSisto: I am ok with that.

Town Planner Davies: Significant grading from Lincoln to North Providence.

Paul Carlson: Overall look at 22 acres of watershed for this drainage pond. The two lots have about 2% of this, no impact. Will mitigate the infiltration system.

Open public hearing motion made by Member Rielly, second by Member London. All in favor.

Motion to close public hearing motion made by Member Rielly, second by Member London. All in favor.

Attorney DeSisto: Have to approve modification to previously approved plan with these conditions. 1- easement approval by Town Solicitor and Town Engineer. 2- approval from Town

Council. 3- HOA agreement approval to include maintenance from Town Solicitor, Town Engineer and Town Planner.

Town Planner Davies: Concerns if North Providence doesn't approve we would still want the resident to take over responsibility of easement.

Attorney DeSisto: No contingent on North Providence, this goes to Lincoln approval, they have to follow through.

Motion to approve modification with conditions 1- easement approval by Town Solicitor and Town Engineer. 2- approval from Town Council. 3- HOA agreement approval to include maintenance from Town Solicitor, Town Engineer and Town Planner. Motion made by Member Tuyschaevers, Second by Member Rielly. All in favor.

5. Discussion and vote: Modification to Final Plan – Stone Way Subdivision – Stone Way, (AP 23 Lot 91), Charles Belshe & Crescent Properties, Inc., applicant/owner.

Town Planner Davies: Letter from Charles Belshe to request modify sidewalk. “Now that all the houses in the four lot subdivisions are complete, I am preparing to finish the road construction with the final course of asphalt. However, it has come to my attention that the residents of Stone Way do not want a sidewalk, as specified in the road construction plans, and have asked me to request a modification to the Subdivision Final Plan that eliminates the Bituminous Concrete sidewalk”.

Charles Belshe: Small subdivision, homes are built. No one wants sidewalks.

Member Rielly: You built the homes?

Belshe: Yes.

Member Rielly: What happened? Trying to figure out how we got here.

Chairman Bostic: Asphalt sidewalks?

Member Rielly: Preliminary was concrete.

Chairman Bostic: When you applied, you agreed and complied with concrete sidewalks.

Belshe: It wasn't on the top of my list, a tiny piece of the subdivision. Trying to finish.

Chairman: Sprinkler lines would be your responsibility.

Belshe: I understand.

Mark Dolphin: Does not want sidewalks, ruralness adding sidewalks would take away from the feel.

Mr. Bergan: Against sidewalks.

Caroline Bergeon: Agrees with other comments.

Member Rielly: Agrees but doesn't like the way the process happened.

Motion to grant modification with waiver for no sidewalk. Motion made by Member Rielly. Second by Member London. All in favor.

D. RECOMMENDATION TO TOWN COUNCIL – ZONING ORDINANCE AMENDMENTS

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

Attorney DeSisto: Short term rental amendment. New addition to zoning. N= Not permitted, P= Permitted. Both are not permitted in residential zones.

Town Planner Davies: Comp plan consistency.

Member Bellamy: We have hotels in Lincoln, this is appropriate.

Motion to send positive recommendation to the Town Council. Motion made by Member Rielly, second by Member London. All in favor.

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

Attorney DeSisto: Brings Lincoln's zoning ordinance to State level.

Motion to send positive recommendation to the Town Council. Motion Made by Member Rielly. Second by Member London. All in favor.

E. RECOMMENDATION TO ZONING BOARD

1. Dimensional Variance, discussion and vote – Application of Ioannis Tsikouras, 33 Steeple Lane, AP 45 Lot 427 – request to reduce height of fence around pool from 6 feet to 5 feet.

Attorney DeSisto: Recommends pool first, fence second.

Board- concerns with safety.

Town Engineer Quish: Wall can count as part of a fence (if it is not climbable).

Motion to recommend denial to the Zoning Board. Second by Member London. All in favor.

F. REVIEW OF MINUTES 1. August 28, 2024

Motion to dispense minutes. Motion made by Member Rielly, second by Member

London. Motion to accept minutes made by Member Rielly. Second by Member Bellamy.

G. CORRESPONDENCE

1. RIDEM - Application to alter freshwater wetlands 75 feet southeast of Twin River Road, 1200 feet northeast of Southwick Drive, AP 42 Lot 57.

Town Planner Davies: DEM notice for a filling of wetlands for a driveway. Alter freshwater wetlands to access the house. My concern is the drainage/ recreation of wetlands.

Attorney DeSisto: The vote is to refer the matter to the Town Planner/ Town Engineer.

Motion to refer to the Planning and Engineering Department. Motion made by Member Bellamy. Second by Member Rielly. All in favor

H. ADJOURNMENT

Meeting adjourned at 9:38pm. Motion to adjourn made by Member Rielly. Second by Member Bellamy. All in favor.