

Town of Lincoln
Planning Board
100 Old River Road, Lincoln, RI
Minutes of October 23, 2024, Meeting

Meeting of the Planning Board was held on October 23, 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 Jeff Almond, Member Meagan Bellamy, Member Mike Reilly, and Member Ned London.

Excused: Member Tom Salvatore

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

C. SUBDIVISIONS & LAND DEVELOPMENT

1. 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. Continued from the September meeting. Deadline: 11/30/24

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. Continued from September to allow Ed Pimentel to prepare a presentation. No new information on our end.

Attorney Jake D'Amico: Reviewed TRC report. The engineer and applicant are here for any questions. We do have Ed Pimentel reports.

Ed Pimentel: sworn in. Been working since last year on this project. Mandatory goals in mind- depth to the frontage building envelope is constrained. The design is more appropriate, still utilizing the front. Breaking up the lot is more appropriate than on an elongated large lot.

Dan Campbell: No significant changes other than TRC location of the propane tank (below ground) everything else is staying the same.

Ed Pimentel: Took out decks and put in patios.

Member London: Regulations of underground tanks?

Town Engineer Quish: I don't know of any regulations, it would be the building department.

Member Tuytschaevers: Tanks marked?

Dan Campbell: They are visible.

Member Rielly: Location of the two buildings, think about lessening the rear setback and move more forward?

Ed Pimentel: If we move the buildings forward the parking would not work.

Dan Campbell: Distance wise you'd have difficulty turning a vehicle.

Chairman: Letter from Mr. Gonsalves (abutter) building, what is the footprint and proximity to the property line?

Ed Pimentel: Setbacks are different per regulation, corner lot versus regular traditional lots. If divided into three increasing setbacks.

Chairman: Not feasible to move houses forward with parking?

Ed Pimentel: Parking design would interfere.

Member Tuytschaevers: HOA?

Attorney D'Amico: If sold it would be established.

Member Bellamy: Is this commercial property, with it over 6 units?

Attorney D'Amico: Would not be, they are owner occupied.

Member Rielly opens public hearing, Member Almond second. All in favor.

Member Rielly closes public hearing, Member Almond second. All in favor.

Chairman: Deadline of 11/30/2024.

Town Planner Davies: Extended the date to render a decision at the last meeting. Received email today confirming in writing from Attorney John Shekarchi.

Chairman: Project is currently looking for 4 waivers.

Town Planner Davies: 2 waivers, 2 variances.

Member London: Just rear or rear and side setbacks.

Ed Pimentel: Just rear, side is preexisting.

Member Reilly: I know we probably have it in Eds report, what about the TRC?

Town Planner Davies: Do not exist in the TRC.

Member Bellamy: Ask if conditions were acceptable to the applicant.

Attorney D'Amico: Yes, acceptable.

Member Tuytschaevers: If there should be change ownership it would be HOA, different from what we discussed tonight.

Town Planner Davies: Yes, we can impose conditions.

Motion to approve variances and adopt findings of facts for buildings 1 and 2 as well as variances and findings of fact identified in Ed Pimentel's report (page 19-22) for existing building at 11-13 Gardiner Ave- motion made by Member Reilly, second by Member London. All in favor.

Motion to approve preliminary plan for minor plan development adopt TRC report, and development of HOA made by Member Reilly, second by Member London. All in favor.

2. Discussion and vote: Withdrawal of Master Plan Approval for Major Subdivision – Whispering Oaks Subdivision – 100 Jenckes Hill Road (AP 42 Lots 15 & 91), Oakley Holdings, LLC and Philip A. Oakley & Lisa M. Misiaszek, applicant/owner.

Attorney Jake D'Amico: Formal request to withdraw master plan and go with minor subdivision.

Town Planner Davies: Original master plan came in under old state law. Applicant now wants to apply under new regulations. After talking with Attorney DeSisto, a formal letter from Phil Oakley withdrawing the previous approval was required and the project now falls under the minor subdivision procedures.

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

3. Initial Discussion: Minor Subdivision, Preliminary Plan – Whispering Oaks Subdivision – 100 Jenckes Hill Road (AP 42 Lots 15 & 91), Oakley Holdings, LLC, and Philip A. Oakley & Lisa M. Misiaszek, applicant/owner.

Town Planner Davies: This Minor Subdivision Master Plan application proposes the subdivision and development of a 13.29-acre site into 9 new lots (including 2 existing house lots which will be reconfigured as part of the subdivision). The subdivision entails the creation of a new 900-foot-long roadway, Phillis Oakley's Way, with granite curbing and cul-de-sac, providing vehicular access and frontage. Each home will be serviced by a private driveway. 18 street trees are proposed (two per lot) and 6 streetlights. Municipal water is proposed, with the water main extension coming from Jenckes Hill Road. Sewer will be both public via a sewer main extension from Pine Tree Lane (across Jenckes Hill Road) up to approximately STA 4+25 and private via a Low-Pressure Force Main system, located outside of the right-of-way in an easement, which will be owned and maintained by a Homeowner's Association. Two drainage areas are proposed: a stormwater basin in the southwest corner of the development, adjacent to the wetlands in this area, and a second system along Jenckes Hill Road, with a proposed overflow to the manhole in the right-of-way. The seven new proposed house lots contain roof infiltration

systems. There are wetlands along the southwestern edge of the property. The applicant received a freshwater wetlands permit and General Permit for Stormwater Discharge During Construction from RIDEM in September 2024. The following five (5) waivers are requested:

- A waiver from Section 23(B) Easements – to reduce the required minimum easement width from 20 feet down to 10 feet. The easement is immediately adjacent to the ROW and the applicant states this will provide sufficient width for the forced sewer main.
- A waiver from Section 23(C)(2) to reduce the minimum required street intersection centerline off-set from 150 feet to 90 feet (from Pine Tree Lane).
- A waiver from Section 23(C)(7) to exceed the maximum allowable grade of the centerline slope of the cul-de-sac from 1% to 1.5% (exceed by 0.5%); the applicant states this will allow for positive slope to the catch basins,
- A waiver from Section 23(E)(3) to exceed the maximum interior lot angle by 11.4 degrees (from 200 degrees to 211.4 degrees) on Lot 4.
- A waiver from Section 24(A)(5) to eliminate the sidewalk requirement.

Attorney D'Amico: Applicant can answer any questions or the site engineer.

Nick Piampiano: It is exactly like the 2023 plan. Pare Engineering did a traffic report. No easement received for site distance clearing. Contact with NBC will not permit a project until it is approved with lot numbers.

Chairman: Letter of intent?

Nick Pampeone: Availability letter.

Member Reilly: What plan did you submit for wetlands?

Nick Piampiano: Without sidewalks.

Member London: Reason we went away from sidewalks?

Phil Oakley: We were approved without sidewalks.

Conversation about previous meetings approval sidewalk versus non-sidewalks.

Town Planner Davies pulls up minutes from the 2023 meeting. Agrees on no sidewalks, wider roads.

Chairman: Questions pumping tanks? Waiver for E1?

Town Engineer Quish: Not sure of waivers, prefer gravity tanks. Not Planning regulation, it is a sewer regulation ordinance. Previously we discussed sewer laterals for two properties. Provided two sewer laterals, access to sewer.

Chairman: Encroachment on property line for shed?

Applicant: Yes, they are moving it onto their property.

Nick Piampiano: Area to the east clearing for sight distance. Pare Engineering recommended up to 500 ft.

Town Planner Davies: Hydrant at end of cul-de-sac.

Nick Pampeone: Waiting on comments from the Water Commission.

Member Reilly made a motion to move to public hearing. Second by Member Almond. All in favor.

4. Discussion and vote: Comprehensive Permit, Final Plan Extension and Change of Ownership – Dakota Partners – 0 Central St (AP 37 Lot 192), Dakota Partners, Inc., applicant/owner.

Town Planner Davies: Applicant is here, they have a couple minor revisions, wants a new plan recorded. Attorney DeSisto and I agreed it is a minor change.

Charles Meek: Requesting another extension. Finalizing some permits.

Member Tuytschaevers: Is there a date to extend to?

Charles Meek: December 2, 2025.

Member Reilly motion to grant extension to December 2, 2025. Second by Member Tuytschaevers. All in favor.

5. Discussion and vote: Major Subdivision, Preliminary Plan Extension – Beauregard Subdivision East Lantern Road (AP 44 Lot 180), LB Corp. & Stephen Beauregard, applicant/owner.

Town Planner Davies: Extension request for recording final plan.

Attorney D'Amico: Ask for extension to October 25, 2025.

Stephen Beauregard: RI Energy took one year to get electricity to job.

Member Reilly motion to grant extension. Second by Member Tuytschaevers. All in favor.

D. REVIEW OF MINUTES- 1. September 25, 2024

Member Almond motion to dispense the minutes. Second by Member Reilly. All in favor. Motion to accept minutes by Member Reilly, second by Member London. All in favor.

E. ADJOURNMENT

Meeting adjourned at 8:27 pm. Motion to adjourn made by Member Reilly. Second by Member Almond. All in favor.