

Approved As written  
**PLANNING COMMISSION MINUTES**  
March 15, 2017  
**7:00 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

**I. Call to Order and Roll Call**

The meeting was called to order at 7:0p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Bernie Pfeiffer	Michael Smith

Not present:

Dana Prestigiacomo

Also present:

Lisa Bryer, AICP – Town Planner  
Wyatt Brochu – Town Solicitor  
Cinthia Reppe – Planning Assistant  
Nate Kelly – Horsley Witten  
Christian Infantolino – Attorney  
Derek Hopkins – PE – Narragansett Engineering Inc.

**II. Approval of Minutes February 1, 2017**

A motion was made by Commissioner Cochran and seconded by Commissioner Enright to accept the minutes as written. So unanimously voted.

**February 15<sup>th</sup>, 2017**

A motion was made by Commissioner Cochran and seconded by Commissioner Enright to accept the minutes as written. So unanimously voted.

**III. Correspondence**

1. FYI – Administrative Subdivision – Westwind Dr.- Received  
The town merged the 1 foot strip. They granted an easement and right of way on paper street.
2. FYI - Final Approval – Dutch Harbor Development - Received

**IV. Citizen’s Non-Agenda Item – nothing at this time**

## V. Reports

1. Town Planner's Report – Jamestown Terrace's first building is complete Closings will occur in the next week.
2. Chairpersons report
3. Town Committees
4. Sub Committees

## VI. Old Business

### 1. Sustainable Jamestown Plan – Workshop Results

Nate Kelly from Consultant Horsley Witten provided a Phase 1 summary that was taken from the outreach and workshop. Through the outreach and workshop the six original themes have held pretty strong. They are:

Economics of Place

Resilient Infrastructure

Energy & Resource Conservation

Diversity of Housing

Community Resiliency

Healthy Communities

The key takeaways from the different activities that have taken place so far are:

1. The things people value most about Jamestown: Open Space & Parks, Water Access, Local Businesses, Rural Character and Community Spirit.
2. Some threats that rise to the top of the list: Rising Cost of Living/Housing, Climate Change/Sea Level Rise, Environmental Damage and Lack of Social Cohesion.
3. Two most popular ways people define sustainability: Conservation of Farms, Forests and Open Space and Conservation of Drinking Water.

Nate Kelly said they have noticed there are different types of folks in Jamestown some are very involved and some not as involved but are still concerned.

Commissioner Enright asked how many people participated? They will get that number. Statistics from website too Commissioner Cochran asked for. Commissioner Swistak asked Mr. Kelly if he thought attendance was thin? They were pleased at the turnout of the events and are not disappointed by any stretch; the focus groups have been great and the workshop was well attended. Commissioner Swistak asked how can you get to the next layer? They must be strategic about it and take a look at the people we have talked to already. Commissioner Enright said the summer community and the snowbird community were not in attendance. Commissioner Swistak asked is there anything that surprised you on the list of takeaways? He said he was heartened by one which is degree of the community spirit and how important it is to many. It draws people in. Also, they were surprised at such an informed rational perspectives around housing. Connected to quality of life etc. you can spend years trying to educate a community on this and Jamestown has done that.

Lisa Bryer Town Planner said she found it surprising that the common theme with the realtors focus group was their concern about the high cost of housing in the town and that people could not afford to live here anymore.

Nate Kelly handed out a draft outline of what the second phase might look like. This is a viable model which we do not have to use verbatim but it offers things we might want to address. He went through the document. Green construction standards. Local economy maintaining local services. Housing Diversity, Housing trust model. Detailed exploration.

This is an overview of how this might play out. He is looking for feedback what might be missing and please review it and please let us know. Big picture if this is not the best structure for the plan use this as a platform to get the wheels spinning. This is the first task of Phase 2. We will post the Phase 1 summary on our website.

## VII. New Business

### **1. Mark A. Hemphill – 120 Garboard St. Plat 15, Lot 174 – High Ground Water Table Impervious Overlay District –Zoning Ordinance Section 314 Sub District A Review– Recommendation to Zoning Board**

Attorney Christian Infantolino represents Mark Hemphill. The applicant owns 2 lots, his house is on lot 173. Proposed merger of the two lots and structure of a 624 sq ft garage. Both lots are 7200 sq ft. each.

Currently the lot with the house on it is over 20% lot coverage. When the lots are merged it drops to 14% as it is now which means the existing lot with the house is non-conforming under our high groundwater ordinance.

The merger of the lots is not our purview correct? Commissioner Swistak asked. They are a sub-district A. Wyatt Brochu, Esq noted the lots have to be merged that is why the proposal is conditioned on merging the lots. They do not have to merge until they get approval. Commissioner Swistak asked if it is a buildable lot? Mr. Infantolino does not know. He said there was a prior application in 2012 approved with a variance he thought. The Planner found both applications in the Building Departments files and neither 2002 or 2012 were approved.

Derek Hopkins PE from Narragansett Engineering will go over the plan. Commissioner Swistak made a motion to accept him as an expert witness, Commissioner Pendlebury seconded the motion. So unanimously voted.

The site has a 14 inch water table. It flows east to west. A 624 sq. ft. garage proposed. They have minimized as much as they can. The Rain Garden system is designed per the RI DEM standards. There are no wetlands on the site. The owner would like to maintain as much of the vegetation as possible.

Do we treat them separately or combined them in terms of votes, merger vs. high groundwater asked Commissioner Swistak. We have the option Town Solicitor Wyatt Brochu said. One vote was the recommendation.

In our recommendation should we address if they want it to be more than a garage? The Planning Commission can add conditions on to the recommendation. No bathroom, no second story.

Commissioner Pfeiffer said from a groundwater standpoint it doesn't matter how tall it is. Mr. Hopkins explained it is still wooded and they are making sure the runoff is staying away from the structure.

A motion was made by Commissioner Swistak seconded by Commissioner Pendlebury to recommend to the Jamestown Zoning Board, approval of the application Mark Hemphill – Assessor's Plat 15 Lot 174; being reviewed under Zoning Ordinance Section 314 - High Groundwater Table and Impervious Overlay District Sub-district A review in accordance with the plan entitled **Proposed Site Plan, 120 Garboard Street, Jamestown, RI 02835 Sheet C.01 and Existing Conditions and Proposed Merger Plan Sheet SV.01. Dated, 10/28/16, by Narragansett Engineering, Inc. 3102 East Main Road, Portsmouth, RI 02871.** The approval of the required dimensional variance for lot coverage is based on the following findings of facts as amended:

Findings of Fact Section 314

The applicant owns two adjacent lots within his family. There is a house on existing Plat 15 lot 174 (7,200 square feet). Adjacent lot 173 is vacant. The applicant is proposing to join the lots and build a garage on the property.

1. Based on soil evaluation reports, the subject lot is in sub-district A of the High Groundwater Table and Impervious Overlay District.
2. Plat 5 Lot 173 has an existing, conventional OWTS that received an update in 2012.
3. The existing lot coverage for Lot 173 is 20.9%. The proposed lot coverage, once lots 173 and 174 are merged and the garage is built is proposed to be 14.8%. This application requires a variance for lot coverage being over the allowed 10% as well as a special use permit under Section 314.
4. The applicant's representative Attorney Christian Infantalino, represented the applicant before the Planning Commission on 3/15/17 with regards to the application and that the proposed project meets the design requirements of Zoning Ordinance 82-314 High Ground Water Table and Impervious Overlay District. Derek Hopkins PE – Narragansett Engineering was accepted and testified as an expert witness.
5. The applicants engineer has submitted a Stormwater Best Management and Design Report dated February 2017 which addresses stormwater treatment by a rain garden which provides treatment in excess of that required to mitigate the additional impervious cover of the garage.
6. Jamestown Engineer Jean Lambert provided correspondence to Chris Costa, Building Official and Lisa Bryer, Town Planner dated February 24, 2017 regarding the Hemphill application with respect to Zoning Section 314 (attached) which notes that, the proposal, in her professional judgement, meets the requirements of the Ordinance as follows:
  - a. The application exceeds the impervious coverage limit of 10% where the existing impervious cover is 20.9% and the proposed impervious cover is 14.8%.
  - b. The proposed 222 C.F rain garden provides treatment for the 1" water quality volume and provides storage (43 C.F. required for garage) for runoff for a 10 year frequency storm event.

7. The Planning Commission reviewed two prior OWTS applications, which were denied, from 2002 and 2012 for Lot 174 submitted by prior owners.

**Conditions of Approval**

1. A Special Use Permit and Variance are required from the Zoning Board of Review;
2. The Operation and Maintenance (O & M) Plan (reproduced in 8.5" x 11" for the stormwater mitigation (rain garden) and OWTS shall be recorded in the Office of the Town Clerk with the Zoning Approval and evidence of such shall be provided to the Zoning Enforcement Officer.
3. Additional living space in the Garage Structure including bedrooms is prohibited.
4. Lots 173 & 174 will be merged prior to Building Permit issuance.

So voted:

Michael Swistak – Aye  
Rosemary Enright – Aye  
Bernie Pfeiffer - Nay

Duncan Pendlebury – Aye  
Mick Cochran - Nay  
Michael Smith – Aye

Motion carries by a vote of 4-2

**VIII. Adjournment**

A motion was made by Commissioner Enright and seconded by Commissioner Cochran to adjourn the meeting at 8:30. So unanimously voted.

Attest:

  
Cynthia L. Reppe  
Planning Assistant