

Approved As Amended
PLANNING COMMISSION MINUTES
May 17, 2017
7:30 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 7:32 p.m. and the following members were present:

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

Also present:

Lisa Bryer, AICP – Town Planner
Andy Nota – Town Administrator
Wyatt Brochu – Town Solicitor
Cinthia Reppe – Planning Assistant
Hali Beckman – Landscape Architect
Bill Munger – Conanicut Marina
Mike Ridge – Spinnakers
Mark Liberati - Attorney
Dan Cotta – PE - American Engineering
Edward Avizinis – Wetland Biologist/Soil Scientist
Joseph Pereira Jr.

II. Approval of Minutes April 19th, 2017

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

III. Correspondence

1. FYI – Memo to ZB – Earley – HGWTO Recommendation. Received
2. FYI – Memo to ZB – Flanagan – HGWTO Recommendation. Received
3. Letter – Final Approval Dutton. Received

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

V. Reports

1. Town Planner's Report – Lisa Bryer said we have \$75,000 for the zoning ordinance update, we will contract with a consultant. **We will be** reorganizing the zoning ordinance starting with the village district in June.
2. Chairpersons report
3. Town Committees
4. Sub Committees

VI. Old Business

1. East Ferry Improvement project – Development Plan Review and Approval within the Jamestown Village Special Development District

Town Administrator Andy Nota made a presentation to the Planning Commission. This has become a project when public works wanted to repair the sidewalks, repaving etc. The town council wanted to look at the design options since this is the center of town. They noted that if we are going to make changes, let's do it now before we pave and put in new curbing. We are still at the design stage and we would like to move this project to the next step.

At the last meeting, the Planning Commission was tasked with looking at 3 options. The town council preferred option 2 which moved the green to the waterfront. The process started without full review from the Planning Commission since they needed to get the support of the Town Council first.

When you look broadly at public use of the space they all felt the green space is very important even if it meant eliminating some parking. Improving the experience for other users besides the businesses there was deemed important. Can we make the parking experience better? We engaged the public at the last meeting and got some initial perspective. One of the towns challenges is to maintain the property. This also went to the traffic committee initially. The money for this project comes from the town waterfront leases. This is a long term commitment that will last a lifetime and beyond. We asked for the public perspective on those that use the lot daily.

As a town center, ours is embarrassing. The goal is to come together and create a town center to be proud of. The town consultant Hali Beckman came back with this hybrid plan based on comments from the last meeting. This will include seasonal greenspace. The challenge was to combine the optimal plan and the hybrid together.

Commissioner Swistak said Lisa noted at the last meeting and it is in the minutes that this is a 30 year plus decision they are making and staff and the Town Council like the green being moved to the water. Abutters said you cannot have cars stuck in the gauntlet waiting to turn around. There could be a turn-around so can we do that even at the expense of losing a parking space or two Commissioner Swistak asked? Andy Nota said he thinks we have ample room for a turn around. We have back-ups today and we will probably have them in the future too but if we provide a turn around, that will be greatly reduced once the culture changes based on design changes. Swistak keeps going back to this original plan the council recommended and it is 1000 times better. Bryer said if you provide a space to turn around they will use it and she does not think we will even lose a space.

Commissioner Prestigiacoamo asked if we could reverse the circulation through the lot. We did talk about it, many times, and because the other exit would not be pedestrian friendly and had site distance issues to the south, they felt it was not as desirable. The goal is to make the primary concern for the pedestrian while still accommodating the cars. Commissioner Cochran said there is a parking problem down there now and with scheme 2 it's a dead end and he is still concerned.

Andy Nota said we as residents will get more out of this area in the off season. Do we clean it up or can we make a modification for the better and add value to it? Commissioner Swistak said let's say that after 3 weeks after its done we find that it is a nightmare will the town step up and hire a parking attendant? We could do that. It is a conversation that has not happened yet. Andy noted that the West Ferry marina owners felt that a parking attendant is worth their money to keep parking and circulation organized. They have had a parking attendant for several years. It may be something that the business owners may want to discuss.

Commissioner Pendlebury said the he would give up some of the green in the small island areas for more parking spaces if that works.

Commissioner Smith wants to hear from the public. Swistak said we are going back to the greenspace on the water with the caveat that the town can fix the turn around. Bill Munger said he does not see how it is possible and confirmed that we are talking about a dedicated 3 point turn. Mike Ridge likes the eliminating the extra green so we can get a few extra spaces. It could potentially work, he likes the plan with green down close to the water. Everybody benefits from East Ferry parking. Remember that Fed Ex Truck, UPS truck for drop offs will be pulling in the parking lot too. Can the consultant take another look at scheme 2. Commissioner Smith says he sees green on the plan but he sees brown there right now, will it be green or brown? You will see some elements of 3A on this plan. Hali Beckman said she knows there are plantings that will be survive; it will be native plantings and ornamental to tolerate the conditions.

Commissioner Cochran suggests charging stations for electric vehicles. Come back for the next meeting.

VII. New Business

1. Robert Johnson – Plat 5, Lot 94 – Pole #7, Steamboat Street High Ground Water Table Impervious Layer Overlay District –Zoning Ordinance Section 82-314 Sub District A Review and Section 82-308 Setback Freshwater Wetlands – Variance Requested for 95.1' where 150' is required – Recommendation to Zoning Board

Attorney Mark Liberati representing Robert Johnson will present this application. Dan Cotta is the engineer and Land Surveyor for the project. A motion was made to recognize Dan Cotta as an expert witness by Commissioner Pfeiffer and seconded by Commissioner Smith. So unanimously voted.

Edward Avizinis, certified professional wetland biologist and soil scientist working for Natural Resource Services is part of the team. A motion was made by Commissioner Pfeiffer and seconded by Commissioner Smith to accept him as an expert witness.

Mr. Liberati said the lot does not have the 150-ft. setback but they are in compliance with DEM rules and regulations.

They are proposing an Adventex Septic system that provides the highest level of treatment. Chair Swistak asked the applicants biologist what he thinks about our ordinance. Mr. Avizini's said he appreciates our ordinance and in other towns they do not have the restrictions that we have. He has been to the site. It is a saturated hydrology. Conservation Commission has a copy of this and has had it for a month. We have not had any correspondence from them.

Did you apply for an updated permit from DEM? He responded that he had but they do not have it back yet. Swistak asked Wyatt Brochu if we can require it as a condition of approval. We can and it is the applicants risk to proceed without it. We can mention it in our motion. The zoning board will look at our transmittal.

A motion was made by Commission Swistak and seconded by Commissioner Cochran to At the May 17, 2017 Planning Commission meeting, the Planning Commission voted unanimously to recommend to the Jamestown Zoning Board, approval of the application Robert Johnson – Assessor's Plat 5 Lot 94; being reviewed under Zoning Ordinance Section 308 - Setback to Freshwater Wetlands and Section 314 - High Groundwater Table and Impervious Overlay District Sub-district A in accordance with the plan entitled **Town Submission for Robert Johnson, located at Pole #7 – Steamboat Street, Jamestown, RI Sheet 1 of 1. Dated, 03/17/2017, by American Engineering, Inc., Daniel R. Cotta, Professional Engineer/Professional Land Surveyor, 400 South County Trail – Suite A 201, Exeter, Rhode Island 02822.** The recommendation for approval is based on the following findings of facts as amended:

Findings of Fact Section 314

The applicant is proposing a new 24' x 30' two-bedroom dwelling on a 7,200 square-foot lot. There is an off-site freshwater wetland located 95.1 feet from the proposed OWTS that has been permitted by RIDEM permit #0215-1512.

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 94 has an approved Advantex AX 20 to BSF OWTS which meets the advanced treatment requirements of Zoning Ordinance Section 314. This approved OWTS has been approved at 95.1 feet from the delineated forested freshwater wetland. This does not meet the 150-foot setback required in Zoning Ordinance Section 308 and will require a Variance.
3. The applicant's representative Attorney Mark Liberati presented the project and and Edward J. Avizinis, M.Sc., CPPS, PWS, Natural Resources Services, Inc. provided testimony before the Planning Commission on 5/17/17 with regards to the proximity of wetland and the absence of impact.
4. The site has a finding from RIDEM in 2005 that "there are no freshwater wetland regulated by the DEM on or immediately adjacent to the subject property that would be altered by this project". They have applied for a new determination from RIDEM that it remain under the existing regulations jurisdiction. This approval is forthcoming.

5. Jamestown Engineer Jean Lambert provided correspondence to Lisa Bryer, Town Planner dated April 27, 2017 regarding the Johnson application with respect to Zoning Section 308 and 314 (attached) which notes that, the proposal, in her professional judgement, meets the requirements of Zoning Ordinance Section 314 as follows:
 - a. The proposed impervious cover is 10 percent. The applicant meets the maximum allowable impervious coverage limit of 10% as required.
 - b. The proposed 590 square foot, 339 cubic foot of storage rain garden provides treatment for the 1" water quality volume and provides storage for runoff for a 10-year frequency storm event as required.
 - c. The proposed Septi-Tech/BSF OWTS meets the advanced treatment requirements and a two-bedroom deed restriction has been recorded in the Jamestown Land Evidence Records (RIDEM permit #0215-1512).

Conditions of Approval

1. The Operation and Maintenance (O & M) Plan (reproduced in 8.5" x 11" for the stormwater mitigation (rain garden) 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. Erosion and sediment controls must be installed at the downgradient limits of the site disturbance as shown on the plan.
2. An erosion and sediment control permit will be required from the building official prior to commencement of construction
3. An as-built plan should be provided depicting the house size, location, site grading and location of the rain garden and OWTS offset from the wetlands and verifying the elevations and grading shown on the proposed site plan.
4. The applicant must receive an updated finding from the RIDEM Wetland Division prior to issuance of a building permit.

So unanimously voted:

Michael Swistak – Aye

Rosemary Enright – Aye

Bernie Pfeiffer - Aye

Michael Smith - Aye

Duncan Pendlebury – Aye

Mick Cochran - Aye

Dana Prestigiacomo - Aye

2. Joseph Pereira Jr. – Plat 3 Lot 142 – 58 Dory Street. High Ground Water Table Impervious Layer Overlay District –Zoning Ordinance Section 82-314 Sub District A Review – Recommendation to Zoning Board

This is an existing house and they are reducing the amount of pervious coverage from 24% to 15% they are allowed 13%. The applicant is gaining more usable space and also reducing the pervious coverage. Commissioner Pfeiffer asked about the 2 car garage addition if it was a 1 car garage would it fit the 13%? They are planning to put a master bedroom above the garage. The existing garage is being moved over.

A discussion ensued regarding how much impervious area they will have. It will be reduced by 1200 sq. ft. Commissioner Swistak asked “is it appropriate to say no additional additions or improvements if approved and you cannot come back unless you get to 13%.” The commission agreed that seems unachievable but a condition stating that they cannot increase impervious cover unless approved by the Zoning Board is appropriate as part of the approval.

A motion was made by Commissioner Swistak and seconded by Commissioner Pendlebury to At the May 17, 2017 Planning Commission meeting, the Planning Commission voted unanimously to recommend to the Jamestown Zoning Board, approval of the application Joseph Pereira – Assessor’s Plat 3 Lot 142; being reviewed under Zoning Ordinance Section Section 314 - High Groundwater Table and Impervious Overlay District Sub-district A review in accordance with the plan entitled **Town Submission for Joseph Pereira, located at 58 Dory Street, Jamestown, RI Sheet 1 of 1. Dated, 04/24/2017, by American Engineering, Inc., Daniel R. Cotta, Professional Engineer/Professional Land Surveyor, 400 South County Trail – Suite A 201, Exeter, Rhode Island 02822.** The recommendation for approval is based on the following findings of facts as amended:

Findings of Fact Section 314

The applicant owns a 14,400-square foot lot with an existing dwelling, paved driveway, shed, walkways, well and three bedroom OWTS. The applicant is proposing to construct an addition to the existing dwelling including a 168-square foot covered porch and a 576 square foot (744 s.f. total). The existing paved walkway and driveway, concrete pads and a shed will be removed. A pervious gravel driveway is proposed in its place. The new walkway will use pervious pavers.

6. Based on soil evaluation reports, the subject lot is in sub-district A of the High Groundwater Table and Impervious Overlay District.
7. Plat 3 Lot 142 has an existing, AdvanTex AX-20 to Bottomless Sand Filter OWTS (RIDEM permit number #1015-0056). This system is now in compliance with the Town of Jamestown inspection and maintenance regulations.
8. The existing impervious lot coverage for the subject lot is 24%. This will be reduced to 15.5% with the proposed plan. The maximum allowable impervious lot coverage for this lot under Zoning Ordinance Section 314 is 13%. This proposal will require a variance proposed for exceeding the maximum of 13%. This application requires a variance for impervious coverage being over the allowed 13% as well as a special use permit under Section 314.
9. The applicant’s representative Dan Cotta, PE, PLS, represented the applicant before the Planning Commission on 4/3/17 with regards to proposed site changes, reduction in impervious site cover and the proposed rain garden.
10. he impervious cover on site is being reduced from 3461 s.f. to 2233 s.f. The applicants engineer has submitted a Water Volume Calculations Report dated April 25, 2017 which addresses stormwater treatment by a 350-square foot, 188 cubic foot of storage rain garden which provides water quality treatment and mitigation for the runoff associated with the new impervious surfaces on the site. The proposed BMP’s provides treatment for the 1” water quality volume and provides storage for the runoff from a 10-year frequency storm.
11. Jamestown Engineer Jean Lambert provided correspondence to Chris Costa, Building Official and Lisa Bryer, Town Planner dated April 27, 2017 regarding the Pereira

application with respect to Zoning Section 314 (attached) which notes that, the proposal, in her professional judgement, except as noted above meets the requirements of the Ordinance

Recommended Conditions of Approval

5. A Special Use Permit for Section 314 and Variance for impervious coverage and exceeding the maximum allowable impervious coverage of 2000 square feet are required from the Zoning Board of Review. No future increase in total impervious cover is permitted on site without further Zoning Board review and approval.
6. The Operation and Maintenance (O & M) Plan (reproduced in 8.5" x 11" for the stormwater mitigation (rain garden) 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.
7. The OWTS must be inspected and maintained as required by the Town Onsite Wastewater Management Ordinance and Program.
8. An As-built plan should be provided to the Building Official at the completion of construction depicting the size and location of the garage addition, size and location of the rain garden, and verifying the elevations and grading shown on the proposed site plan.

So unanimously voted:

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

Duncan Pendlebury – Aye
Mick Cochran - Aye
Dana Prestigiacomio - Aye

VIII. Adjournment

A motion to adjourn at 9:20 p.m. was made by Commissioner Enright and seconded by Commissioner Cochran. So unanimously voted.

Attest:


Cynthia L. Reppe
Planning Assistant