

Approved As Written
PLANNING COMMISSION MINUTES
June 7, 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	Bernie Pfeiffer
Dana Prestigiacomo	Michael Smith

Not present: Mick Cochran

Also present:

Lisa Bryer, AICP – Town Planner

Wyatt Brochu – Town Solicitor

Cinthia Reppe – Planning Assistant

II. Approval of Minutes May 17th, 2017

A motion was made by Commissioner Enright and seconded by Commissioner Pendlebury to accept the minutes with the following changes:

Page 2 under Town Planners Report:

Lisa Bryer said we have \$75,000 for the zoning ordinance update, we will contract with a consultant. **We will be** reorganizing

So unanimously voted.

III. Correspondence – nothing at this time

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

V. Reports

1. Town Planner’s Report – We will have elections of the officers at our next meeting in June. We will see if there are any new applications for the July 5, 2017 meeting otherwise we may cancel the meeting.
2. Chairpersons report
3. Town Committees
4. Sub Committees

VI. Old Business – nothing at this time

VII. New Business

1. Scully/Resta – Plat 16, Lot 218 – 113 Frigate St.

High Ground Water Table Impervious Layer Overlay District –Zoning Ordinance Section 82-314 Sub District A Review and Section 82-308 Setback Freshwater Wetlands

Ms. Scully is representing herself.

Ms. Scully purchased the property in December. She is proposing to reduce the footprint and making it more compliant with the setbacks.

It is a 2 bedroom they want to update the home and make it more energy efficient. They are being compliant with all the building regulations. They will be adding a second level bedroom and no more than 2 bedrooms.

Commissioner Pendlebury asked about the approval from DEM for the septic, this was a replacement of a cesspool so it is considered a repair. The square footage of the home is being reduced.

Commissioner Pfeiffer asked about a rain garden design and stormwater mitigation. He explained because they are using the same footprint this is why they do not fall under section 308, Lisa Bryer said the ordinance does not require it. You can ask for the rain garden and mitigation of the stormwater.

Commissioner Swistak said you are taking a non-conforming house and making it better this exempts them from a raingarden etc. Commissioner Smith said if this house was not already there it would never be there. DEM said if you have an existing system you can do it. Commissioner Swistak asked if it was wet and they said no standing water on it now, it is damp.

A motion was made by Commissioner Swistak and seconded by Commissioner Enright to recommend to the Jamestown Zoning Board, approval of the application Christina Scully – Assessor’s Plat 16 Lot 218; being reviewed under Zoning Ordinance Section 314 - High Groundwater Table and Impervious Overlay District Sub-district A review in accordance with the plan entitled **Existing Site Plan (X1.1) and Proposed Site Plan (A1.1), located at 113 Frigate Street, Jamestown, RI. Dated, 05/19/2017, by Jack Ryan – Architect, FAR Design, 22 Bianco Court, Providence, RI 02909, 401-749-1797.** The recommendation for approval is based on the following findings of facts:

Findings of Fact Section 314

1. The applicant owns a 8,385-square foot lot with an existing dwelling, un-paved driveway, shed, well and a two bedroom OWTS. The applicant is proposing to re-construct the existing house and reconfigure a portion of the house to comply with zoning setbacks on the west side of the lot. A pervious gravel driveway is proposed in place of the existing pervious driveway.
2. Based on soil evaluation reports, the subject lot is in sub-district A of the High Groundwater Table and Impervious Overlay District.
3. The OWTS on Plat 16 Lot 218 was recently replaced as part of the Town cesspool phase-out program. The OWTS system has advanced treatment (RIDEM permit number #1715-0110).

4. The proposed house will have a 902 square foot footprint with a 103 square foot existing shed and a 10 square foot well house. The total impervious cover is 1015, or 12.1% of the lot.
5. The applicant Christina Scully, represented herself before the Planning Commission on 6/7/17 with regards to the above referenced application.
6. The proposed impervious cover has been reduced by 24 square feet from existing conditions. The applicant has not proposed stormwater mitigation since the impervious cover has decreased.
7. Jamestown Engineer Jean Lambert provided correspondence to Chris Costa, Building Official and Lisa Bryer, Town Planner dated June 1, 2017 regarding the Scully 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

1. A Special Use Permit for Section 314 and Variance for impervious coverage are required from the Zoning Board of Review as well as a variance for exceeding the 9% lot coverage;
2. The OWTS must be inspected and maintained as required by the Town Onsite Wastewater Management Ordinance and Program.
3. An As-built plan shall be provided to the Building Official at the completion of construction depicting the size and location of the house footprint, and verifying the elevations and grading.
4. The site plan shall be amended to reflect accurate adjacent lot numbers.
5. The approval is based on reconstruction of the existing well in accordance with the existing site plan X1.1, and the proposed site plan A1.1.

So unanimously voted:

Michael Swistak – Aye

Rosemary Enright – Aye

Dana Prestigiacomo - Aye

Duncan Pendlebury – Aye

Bernie Pfeiffer - Aye

Michael Smith - Aye

2. Discussion of Marijuana Regulation and Potential Moratorium
 - a. Review of Presentation to Town Council by Assistant Attorney General Joe M. Lindbeck regarding Legislation and Policy Unit Marijuana in Rhode Island
 - b. Discussion of recommendation to Town Council regarding a Moratorium to allow the Planning Commission to draft regulations.

Town Planner Lisa Bryer said she has had discussions internally based on existing state laws. This issue needs to be addressed and they want a stay on applications until they get some regulations for retail sales and cultivation. She has a presentation that was given to the town council if they want to watch it. All they are asking for right now is simply asking the town council for a hold/stay.

Town Solicitor Wyatt Brochu said the state is talking about cultivating for medical marijuana. Our use table does not list marijuana cultivation the state says you cannot say it is not allowed. Our ordinance allows agriculture in residential so should this be allowed? Lighting, security concerns

comings and goings, is this a traditional agricultural use? Various cities and towns are approaching this in different ways. It is going in 2 different directions, some are using the mills some are saying it is not appropriate in a mill. Our ordinance does not address this right now. This is similar to the vineyard discussion on Beavertail, Mr. Brochu said. The town wants to look at this and then decide what type of regulation do we want for this. We would like to put a temporary moratorium in place.

Commissioner Swistak said the proposed law seems to take away our ability to regulate. Is it true that if we come to a conclusion on how we want to regulate this and it disagrees with the state law we will not be able to enforce it? Is this use agriculture? Is the Department of Business Regulation licensing these propositions? We have to look to see where it fits? Is it agriculture? Commissioner Pendlebury said when you are growing grapes its allowed and you produce a regulated product is this the same thing? This was the issue on Beavertail with the vineyard and winery. There is nothing in our regulations right now, no special use permit regulation to base this on.

Commissioner Smith said this discussion is based on a law that does not exist. The cultivator license determines how much you can grow. He thinks the law will be written to favor 6-10 huge conglomerates.

Lisa Bryer said we need time to look at this that is why we need the moratorium. Even in Colorado 68% of towns there do not allow it.

Moratorium's are traditionally for 6 months, in the past we have extended them. It is desirable to get it done as quickly as possible.

We vote and recommend to the council and they put it on their agenda.

Mr. Brochu said personally he attended a presentation with the Jamestown Police Department, he left the presentation a bit scared. They are tailoring the drugs now and they are processing it to increase the THC level and it is powerful stuff now. It is not the marijuana of years ago.

We will be talking about policy first. We can put regulations together. Commissioner Pendlebury pointed out that we did not ask this question in the Comprehensive Community Plan. We will vet this first before it gets to the council. We can ask them their opinion first. Commissioner Pendlebury said this has a lot to do with quality of life in our residential area. It can cause light pollution, noise pollution from the fans. How do we ensure that it does not get out of hand. Commissioner Pendlebury is curious as to where the feds are on this. Commissioner Smith said it is here now we have to figure out how to regulate it. Commissioner Enright said the state is not required to enforce federal law.

Commissioner Enright asked has anyone asked about this yet? Yes we have had an application for a cultivators license with a Jamestown address.

Should the moratorium include retail and growing? Yes, it should cover everything Ms. Bryer said.

Commissioner Swistak made a motion to recommend to the town council a 6 month moratorium on any permitting regarding marijuana cultivation, processing and distribution too allow the

planning commission time to review the current ordinances and regulation and determine if any additional amendments should be made, and also authorize the Town Planner to send a memo to the town council. Commissioner Pfeiffer seconded the motion. So unanimously voted.

VIII. Adjournment

A motion was made by Commissioner Pfeiffer and seconded by Commissioner Enright to adjourn at 9:05 p.m. So unanimously voted.

Attest:



Cynthia L. Reppe