

Approved As Amended June 1st 2005
PLANNING COMMISSION MINUTES
May 18, 2005
7:30 PM
Jamestown Library

The meeting was called to order at 7:33 p.m. and the following members were present:

Gary Girard Victor Calabretta
Betty Hubbard Jean MacGregor Brown
William Kelly

Not present:

~~Barry Holland~~

Also present:

Lisa Bryer, AICP – Town Planner
Cynthia Reppe – Recording Clerk
James Donnelly – Attorney
Jack Brittain – Owner Jacks Electric
Julia Gerald - Designer
Peter Brockmann – Attorney
Chris Duhamel – Engineer – Diprete Engineering
Steve Perry – STD Builders
Robert Cournoyer – RCCournoyer Enterprises Inc.
Jay Bilow
John Somyk
Mark Fontaine - Designer

I. Approval of Minutes from April 20th, 2005

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

Approval of Minutes from May 4, 2005

A motion was made by Commissioner Hubbard and seconded by Commissioner Calabretta to accept the minutes with the following changes;

Page 2 – 3rd paragraph, She believes it would be a much nicer, **visible** entry. ~~He will need the Town's permission to cross the ROW of the town.~~

Page 3 – 2nd paragraph, 2nd sentence delete he add **Mr. Brittain** talked to Steve Goslee.

Page 3 – after Commission Brown asked if a gate was possible. **Lisa Bryer stated** it should not be encouraged, we do not live in New York city.

Page 5 – 3rd paragraph, last sentence add **The Commission decided** we should get an answer from Fred Brown.

Page 5 – last sentence on page, strike ~~Commissioner Hubbard said just say it doesn't meet the least disturbance or run off etc. Either accept or reject.~~

II. Correspondence

1. FYI – Memo Re: Manning Approval. Received
2. FYI – Memo Re: Administrative Approval Barbara Lundy. Received

III. Citizen's Non Agenda Item

Charlotte Zarlengo as chair of the Jamestown Shores Association **High Groundwater Committee** stated she was asked to address the board regarding Plat 15 Lot 84 and 85, Plat 16 lot 123 was denied by DEM. The owner has asked for relief, there is flooding in the area. Mrs. Zarlengo said the speculative development in the shores is out of control. When are the councils going to start saying no to these substandard lots being developed? Maybe someone higher will intervene for the residents if this continues.

IV. Reports

1. Town Planner's Report-nothing additional
2. Chairperson's report – The chair asked which meeting the Planning Commission will take for vacation in July. The Commission decided it should be July 6th.
3. Town Committees
 - a. Harbor
 - b. Fort Getty- the report has been adopted by the council and copies are available for anyone to see. Committee will stay in tact until the planner is hired.
 - c. Buildings and Facilities-Town Hall study adopted by town council, the chair resigned, the committee will be appointing a new chair.
 - d. Others
4. Sub Committees

V. Old Business

1. Application of Jack's Electric – Assessors Plat 9, Lot 201, Clinton Avenue – Development Plan Review for new building in CD District – Continued

Mr. James Donnelly handed out a new plan to the commissioners. 1 less parking space is needed with the new plan he explained to the board. It shows reallocated **interior** space but the **overall** size of the building is still the same. Mr. Donnelly met with Fred Brown and everything is copasetic with regards to the plan. This is a different approach to the option of shrinking the size of the building. On the other issues he is in complete agreement with everything in the memo of the Town Planners report. Outdoor storage will be removed when the building is erected.

Commissioner Brown originally thought the outdoor storage was needed but he stated he could work without it will be a bit of a burden but he will do it.

Robert Dupre 16 Green Lane – I have a couple of questions. My view will be looking at parked cars; the zoning ordinance says a high level of quality and design, and businesses that generate pedestrians. An Industrial building is what this is. He is concerned about what he bought into when he bought in the village in Jamestown. He questions the building design standard of review. He would like to see smaller building and less parking, he is familiar with concept of scale. It is out of scale. Will you look at it? He asked the Commission.

Mrs. Brittain - there is parking all the way up to Narragansett Ave on both sides of the street. Maddie Southern - 41 Clinton Ave. We have to go up to High St. where can we walk now, its too big. Sydney Waller -7 Beavertail Rd. - everything is going in circles. This is what the law allows. It's a waste of time all the way around anyone trying to do business in this town

should go elsewhere. Mr. Brittain has owned the property for 2 years; he has been working on it 2 years.

Commissioner Girard asked if there was a motion to vote for approval of development plan review with the conditions in the planners report. **Jacks Electric agrees to** all ~~He meets~~ but number 4, which is reducing the size of the building. Commissioner Brown asked, "There is no caveat now that insists that they reduce the size of the building right?" The planner read the square footage out loud to the planning commissioners. They will be adding a catch basin and a walkway into the plan and that can it be reviewed administratively.

A Motion to approve the development plan review for Jacks Electric subject to the conditions discussed was made by Commissioner Calabretta and seconded by Commissioner Brown. The Town Planners Report was referenced with numbers 1-12 with 4 crossed off. Commissioner Girard said add final square footage. The motion is as follows:

Plans

Sheet 1, 1.1, 2.0, 4.0, 4.1, 4.2, 4.3 dated 3-16-05, and Sheets 3.0, 3.1, dated revised 5-18-05, Plot Plan/Parking & Utility Plan and Proposed Landscaping Plan and Notes by Hoffman Engineering, Inc., dated 2-1-05.

Conditions of Approval

1. Revised lighting fixtures for the rear of the building that specifically shield abutting properties. Such lighting shall be approved administratively by the Town Planner;
2. Provide a brick walkway from the front door of the building to Clinton Avenue;
3. Install 20 feet of 6 foot high opaque fencing along the northwest rear property line;
4. Provide 2 additional shade/street trees in the planting strip in front of the building. The type and size of the trees shall be approved by the Town Tree Warden;
5. Locate the low plantings close to the front porch allowing for walking in the Town right-of-way and off of the paved street;
6. NO outdoor storage of equipment including portable storage units (excluding vehicles);
7. The pavement runoff should be captured by slightly grading the parking area and providing a catch basin in the northwest corner of the property that connects to the Town drainage system in Narragansett Avenue. These plans should be reviewed and approved by the Town Engineer prior to construction;
8. This approval is for a 5,450 square foot building with 3,500 square feet on the first floor and 1,950 square feet on the second floor. This includes 1,100 square feet of office space, 900 feet of common space, including bathrooms, hallways, and common entryway, 470 square feet allocated to a communal break room (not for future office space without providing appropriate parking), 760 square feet of second floor storage, 660 square feet of second floor mechanical space and four indoor parking spaces.
9. Revised plans should be provided to the Planning Office for submission to the Building Official with the Development Plan approval;
10. The approval should be recorded in the land evidence record of the Town with specific reference to plat and lot. Any change of use of this building will require further development plan review and approval by the Planning Commission;
11. Compliance with the above conditions is required prior to a Certificate of Occupancy by the Building Official.

So voted:

Gary Girard – Aye
Betty Hubbard – Aye
Jean MacGregor Brown – Aye

Victor Calabretta – Aye
William Kelley – Aye

Motion carries by a vote of 5-0

Mr. Donnelly added that in the downtown commercial area no one meets the 5 ft buffer requirement. Commissioner Kelly received the memo from the building official and noted it does meet the requirements. Commissioner Kelly went to the site at least 10 times and said that this use is a minimal disturbance for the area in comparison to say a retail shopping center which would have been much more disturbance in his opinion.

2. STD Builders - Plat 5, Lot 58, Proposal for new house on Ferry Street, Zoning Ordinance Section 314 Sub-District A Review, High Groundwater Table and Impervious Layer Overlay District, Recommendation to Zoning Board

Attorney Peter Brockmann briefly went over the issues that were raised at the last meeting. They submitted the site plan to DEM at the suggestion of the Planning Commission. They should have the approval within about 4 weeks. Chris Duhamel engineer from Diprete Engineering will answer any questions. They reconfigured the drainage area.

Commissioner Girard asked for comments from the Planning Commissioners.

Commissioner Calabretta stated that they made an effort to resolve the issues.

Commissioner Calabretta asked what is going on inside the treatment area? Is the pipe going to be exposed? Mr. Duhamel said the surface would be crushed stone. The pipe and roof ~~liters~~ **leaders** will tie into that. It will be filled with crushed stone at the surface. The retaining wall shown on the plans is a retaining wall made of railroad ties. Commissioner Calabretta said it is a pond now and it will always be a pond. Mr. Brockmann stated "I don't think we will be aggravating a problem that is an existing problem now. We cannot fix the existing problem that is there now."

Amy Barclay de Tolley showed the commissioners pictures of the property with recent rains and ponding. If Mr. Perry builds the house they do not want it to exacerbate the problem and she wants a written assurance that says it will not exacerbate the problem for surrounding neighbors. If it is done right and put in writing will the town taking full responsibility, if so then she will accept it. She has standing water in June, she doesn't want it in July. This will reduce the runoff and it will be creating less runoff with this plan stated the engineer Chris Duhamel.

Commissioner Brown asked, as these houses go up is there thought to doing a master plan to help the flooding of the road, the town has a drainage plan that is funded every year.

Amy Barclay de Tolley – Steve Goslee visited the site 2 years ago and there is nothing they can do. A catch basin was put in so the road does not erode.

Leo Erarra - Riptide St. - the builders come in, they don't care about anything and walk away, and they don't worry about the neighbors or anything.

Lori Bergeron - 65 Ferry St.- I have been here 35 years and it has been a hassle ever since she lived here, she has been pumping constantly from her basement, also her shallow well has gone dry, her concern is that she does not know where she will go if this has a negative impact on her home.

Deb DAgastino – 108 Steamboat – it is a pond now, hindsight site is a terrible thing for them. What can they do for recourse they will be stuck. A rule is a rule why is everyone asking for a variance.

Charlotte Zarlengo – you are allowing a development in a pond.

Commissioner Calabretta, said this is really sad, this is a pond , the ordinance is to protect the groundwater. When we do that we force people to fill, this is the top of the hill, it will be made no worse, no better than it is now. We have a developer that has achieved the ordinance. Charlotte Zarlengo - just say no. It has to meet the ordinance.

Commissioner Hubbard it is not the least disturbance in her view. A footprint no greater than 800 sq ft. would be better. The applicant has done as much as scientifically possible but the size of the house is not the minimum impact to the site.

Commissioner Brown said their hands are tied.

Commissioner Kelly said his concern is about solving the problem for just this house it is for all the neighbors, we are not being pro active we are being re active. Is the commission ready to dig in and say least disturbance?

Mr. Brockmann stated they thought they were addressing the issues now he is hearing they want the least possible disturbance. This is a two bedroom house, they have proven that what has been designed and engineered will not aggravate the problem.

These other houses were not developed under the ordinance. Chris Duhamel said this system would make it better. Phil Zarlengo asked if the Commission would defer the vote until maybe the land trust can look into purchasing this property. Commissioner Girard said the commission has nothing to do with this.

Mr. Brockmann said take into consideration the grade and how many lots. If there were a guideline for sub-district A that would be helpful. **The Planner informed the applicant that** the Planning Commission doesn't want to see fill, **alterations to the** natural grade and **more** minimum sq footage. The zoning board can put conditions on an application.

Commissioner Brown made a motion to approve the plan and send a positive recommendation to the Zoning Board. Commissioner Calabretta seconded the motion.

Commissioner Kelly wants the town to look at the drainage problem one more time for that area. So voted;

Gary Girard – Nay

Victor Calabretta – Aye

Betty Hubbard – Nay

Jean Brown - Aye

William Kelly - Nay

This motion is denied 3-2

VI. New Business

1. Jay S. Bilow - Zoning Ordinance Section 314 Sub-District A Review, High Groundwater Table and Impervious Layer Overlay District, Plat 15, Lot 234, Proposal for new house on Mizzen Avenue, Recommendation to Zoning Board

Attorney Peter Brockmann representing Mr. Bilow who has owned the property since 1948 he wants to build this for his family to live in. This is a 2-bedroom dwelling consisting of a 1001 sq. ft. footprint with 1811 total square feet. The Impervious coverage is within 15% . Robert Cournoyer is the designer for the applicant. He explained the plan to the board. Commissioner Girard asked what the driveway is made of? Mr. Cournoyer answered crushed stone. There are not a lot of problems on the lot.

Commissioner Calabretta said they did a great job, the house is very nice. When he looked at the lot he saw a swimming pool on the lot behind it. A 500 ft radius map was not included in the packet because it was not brought to the planning office. A diagram of the basement

should be provided too. There are no dimensions Commissioner Hubbard stated what is the height of the building?. We need all the data submitted for us to make a decision.

Commissioner Girard does not want a closet here in a room that is supposed to not be a bedroom, it makes it too easy to convert to a bedroom. The drainage will be channeled on either side of the house. He will get additional information said Mr. Cournoyer. The lot coverage is 14.01 percent according to Mr. Cournoyer.

Ben Buglio – Mizzen St. he is directly south of this home. He has a well and the site plan shows the applicants well within 3 feet of the property line. He is asking to please place the proposed well further away from his well, because drilling so close could significantly impact his well and cost lots of money and it could be a serious problem. Mr. Cournoyer has to check the design, if it can be moved they will do it. The Planning Commission will continue this to a future meeting when the additional information is submitted. No date will be given to the applicant until it is submitted and reviewed at a later date.

2. John Somyk - Zoning Ordinance Section 314 Sub-District A Review, High Groundwater Table and Impervious Layer Overlay District, Section 308 Review. Setback to Freshwater Wetlands, Plat 16, Lot 232, Proposal for new house on Seaside Dr., Recommendation to Zoning Board

Robert Cournoyer is the designer working with the applicant John Somyk. Mr. Somyk is trying to work with the planning board on this instead of hiring an attorney. Mark Fontaine is the house designer. A discussion ensued between the planning commissioners and the applicant. The applicant wanted to know what the Planning Commissioners are looking for. **The Planning Commission would like to know if the lot to the south is flagged for wetlands.** They discussed the application and given the late hour, they continued the issue to a later date.

A motion to adjourn was made at 10:12 p.m. by Commissioners Girard and seconded by Commissioner Calabretta. So unanimously voted.

Attest:

Cynthia Reppe
Recording Clerk

This meeting was recorded on 1 micro-cassette