

PLANNING COMMISSION MINUTES

July 18, 2007

**7:30 PM**

**Jamestown Melrose School**

The meeting was called to order at 7:35 p.m. and the following members were present:

Gary Girard	Victor Calabretta
Betty Hubbard	Barry Holland – arrived at 7:36
Jean Brown	Richard Ventrone
Michael White	

Also present:

Lisa Bryer, AICP – Town Planner  
Cinthia Reppe – Recording Clerk  
Wyatt Brochu – Town Solicitor  
Michael Gray – Town Engineer  
Donald J Packer – Attorney  
Jack and Mary Brittain  
Peter Brockmann – Attorney  
John Hayes  
James Thompson  
Pamela Storey

**I. Approval of Minutes June 20th, 2007**

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

Page 4, item 2 Randall end of first sentence should say the connector between the gallery and ~~home~~ **proposed building**. So unanimously voted.

**II. Correspondence**

1. CRMC – Michael Powers 569 Seaside Dr., Jamestown RI 02835; residential assent to construct and maintain a residential boating facility to consist of a 4'x204' fixed timber pier with a 4'x20' "L" shaped terminus. The fixed pier extends to 132 feet beyond MLW requiring an 82 ft length variance and a 15 foot side setback variance. Received

**III. Citizen's Non Agenda Item – nothing at this time**

**IV. Reports**

1. Town Planner's Report  
Town Planner Lisa Bryer reported that there will be a meeting on August 1<sup>st</sup> with the consultant for the upcoming Charrette which will take the week of Sept 10<sup>th</sup>. We are looking for a suitable location on Narragansett Ave to have the meeting.
2. Chairpersons report
3. Town Committees
  - a. Harbor

Commissioner Ventrone reported on the last harbor meeting that they discussed more moorings at heads beach and a pump out to be put there also.

b. Fort Getty

The committee had a site visit on July 12<sup>th</sup> and has designated 5 tent sites to be rented out starting August 3<sup>rd</sup>. This will be done as a test to see if we will go forward with this part of the master plan in the future.

c. Buildings and Facilities

This committee will meet on July 24<sup>th</sup>, 2007.

d. Others

The tree committee met and they would like to have a joint meeting with the Fort Getty Committee. There was a guest speaker last night from the State Forestry.

4. Sub Committees

## V. Old Business

### 1. **Windridge Properties LLC - Jacks Electric – Plat 9 Lot 201, 14 Clinton Ave. – Request for Modification to Approved Development Plan**

The new attorney for Jacks Electric is going to give a brief overview, there were many changes made this afternoon as late as 5:00 p.m.

Donald Packer attorney from South Kingstown will now be representing Jack's application. They will be requesting to continue this application because they now need a recommendation from the Planning Commission for shared parking was not on the agenda. They have proposed to remove the 3<sup>rd</sup> floor attic. Mr. Packer discussed Fred Browns memo which stated that the two new spots on the dog-leg area of the lot adjacent to Hammet Court Properties does not meet the requirements for parking in the Zoning Ordinance and therefore needs relief. They want to go before the Zoning Board at the end of August with the shared parking application. He would like to be on the first meeting in August so that they can be on the Zoning Board in August. Attorney Packer stated that he will not address the issues that were discussed before and would like previous discussions/minutes to be incorporated as part of the record and that we not go over issues for a second time. His understanding is that most of the minor changes were acceptable. The shared parking agreement and any other paperwork, changes, modifications etc need to be submitted by this Friday to be on the agenda for August 1<sup>st</sup>. They need to submit the written agreement/easement with the neighbor as well as show the parking on both sites and which sites will be dedicated to Jacks site for shared parking. Commissioner Ventrone said previously he would like to see in writing what changes they are making to be in compliance. Commissioner Girard wants it to be summarized in writing. The applicant should take the time to go through the plans and memo and note which changes are being requested. Commissioner Ventrone said the plan should reflect the changes as built. Mr. Packer thinks it does. It is confusing that the plan is labeled as-built and it shows proposed changes with no change in date. Commissioner Holland wants to see the original approved plan that shows the storage on the second floor. He wants to know where the storage is going to be put now that they will be removing the 3<sup>rd</sup> floor. The storage will be in the garage area in a less accessible area. Commissioner Calabretta wants to go over the parking. He wants to see the 5 ft setback. They have already wrestled with space 20 and 21 from previous plans submitted before approval why are they going there again. The only thing they are sharing is 2 spaces. Commissioner Ventrone wants to see everything in a memo and plans

that show this and the agreement. A motion to approve the continuance was made by Commissioner Hubbard and seconded by Commissioner Holland. So unanimously voted.

## VI. New Business

### 1. **John A. Hayes -- Zoning Ordinance Section 314 Sub District A Review – High Groundwater Table and Impervious Layer Overlay District – Section 308 Variance Plat 16 Lot 15, Bark and Seaside Dr. – Recommendation to Zoning Board**

Peter Brockmann introduced John Hayes who has owned the property since 1990 he will use the house as his residence and office. This house is a 2 bedroom which one of them will be used as an office, he does consulting work for the legal profession.

William Christopher, Architect with Roach – Christopher Architecture is a registered architect for 25 years in specialty housing. The house was designed with a limited elevator. The architect made a presentation, the key elements of the house are a green roof, capturing the rainwater to collect and distribute, using passive solar energy too. The height restriction does not apply to elevators but it does not address stairs in the ordinance and so the Planner will check. Both the elevator and stairs exceed the height of 35 feet.

John Braga Jr. a Registered Land Surveyor and an Engineer. Has been designing for over 20 years and has been licensed for 12 years and he has designed about 500 ISDS systems. They have a copy of the drainage plan and the engineer went through all the figures with him. The grading was to get the ISDS approved with DEM. The tank has to be 1 foot above the water table.

Commissioner Ventrone asked about the elevation of how the fill is going to look and affect Seaside Drive. Commissioner Girard asked for a 500 foot radius map. They will need a variance for Section 308. A discussion ensued with the Engineers of both the applicant and the Town and the Planning Commission. Commissioner Ventrone is bothered by the drainage issues.

Commissioner Calabretta wants the applicants engineer to explain how this is not going to short circuit the infiltration system and flow down hill to the 4 inch pipe and then down to Seaside Drive. Mr. Braga said it can be raised but he thinks a 4 inch pipe is not going to drain that much water. Commissioner Calabretta stated that they have had concerns as a planning commission that each house adds to the drainage problems. Right now you are exacerbating the problem. Mr. Brockmann stated it is not their job to fix a problem that has existed and they have done what the ordinance has required. Commissioner Calabretta suggested they have not addressed the ordinance and that they look into level spreaders, let the property line see the flow that it sees now. Commissioner Girard wants to take input from the neighbors.

John Kalooski 334 Seaside Dr. – the drainage will come towards the existing house which is his. He respects Mr. Hayes using his lot. His lot will be ruined if this house is built. Water will be thrown into Seaside Dr. and could create an ice problem in the winter as well as standing water other times during the year.

David Gorelik - Bark St. – he thought this lot would not be buildable since he had his lot right next to it analyzed years ago and it is not buildable. But now with the new ISDS, maybe his lot is buildable. The drainage will go right into his lot to the north and eliminate any future potential that he could do, including gardening etc.

Charlotte Zarlengo 350 Seaside Dr. – she lives at the lowest point on Seaside Dr. there are no swales to collect the water that runs down the street. As it is now Seaside Dr. floods in the winter since it is the lowest point on Seaside Dr.

David Gorelik – he will have a sheet of ice on Bark Avenue if his driveway is elevated, just please do not worsen the situation. Commissioner Girard asked if the professionals took into consideration the low points of the lot.

John Regan 340 Seaside Dr. – wants to corroborate what everyone has said, if the drainage system is built up it will create more ice on Seaside Dr., is this Minimal impact? The wetland buffer being only 65 feet instead of 150 ft is a big issue. It is also within 150 feet of the wetland across Seaside Drive. Also the well is a huge concern.

John Kalooski – flowers on his yard, he was watering his flowers a few weeks ago he was watering for about 15 minutes and he started to get brown water from watering in that short time. Commissioner Ventrone thinks this is a beautiful house and would like to see more designed this way but this is a 9 inch water table at the front of the lot. The planning commission has a responsibility to not create more of a problem and impact abutters.

Charlotte Zarlengo – Shores President stated that flooding in the Shores is a huge issue.

Peter Brockmann would like to ask for a continuance for another meeting.

The abutters would like notification of the upcoming meetings and Commissioner Girard said they need to look on line or at the Library or Police Station at the agendas.

**2. James Thompson Islandtop Subdivision, 831 North Main Rd, Jamestown Plat 16 Lot 343– 2 lot subdivision with variance request for frontage – Pre Application Review**

Mr. Thompson representing himself for this 2 lot subdivision for pre application review. He is looking for The commission to tell him what they are looking for. They have owned the property for 15 years they are seeking relief because it is a hardship maintaining the existing property which is a 6500 square foot house. 200 feet of frontage is required and he has a total of 100 feet instead of 200 feet on two separate roads (50 feet each). This board does not grant the variance any approval would be from the zoning board, hardship and frontage is up to the zoning board. Planning Commission has to look at a viable subdivision. They could not do it without variances. How would you decide a viable subdivision Mr. Thompson asked? This was already subdivided in the 80's how can they do it and have it make sense. Commissioner Brown said if you take the road in from North Main. If he needs to provide frontage then that would solve the problem as long as he still has 80,000 square feet for each lot. Lisa Bryer told him if you were able to create frontage than you could also extend one of the 2 roads with a cul de sac. There are private deed restrictions stating no further subdivision of lots. Commissioner Calabretta stated if there is a deed restriction why are we here talking about this.

Commissioner Brown said lets here him out since he is on the agenda. Commissioner Girard said the next step is expensive engineering. Commissioner Ventrone said this is not an adversarial relationship. There are ordinances and laws and what we are trying to do is save you money by giving you advise up front.

John Flinton – North Rd. abutter Deed restriction was recorded on same day the subdivision was recorded and they are specific regarding no further subdivision. This reads that it goes on every 10 years unless it is voted on by the 5 current property owners.

Would it be prudent for the applicant to get together with the other 5 property owners relating to the deed restriction to decide if he should go forward. They do not know exactly what is needed stated Pamela Storey. She would like ideas on what to do. The town solicitor said it is there burden to come up with a plan that meets the ordinances. They can tell you what the requirements are if they are presented with a plan. It is not their job to come up with a plan for you. They can assume this is what they have but they cannot tell them without an engineers or surveyors report.

Mr.Thompson asked why the 200 foot frontage is so important, the Zoning Board grants variances all the time. He asked how many were granted last year. The Solicitor stated that was not an appropriate question for the board since they do not have that information. Commissioner Calabretta asked if they have enough real estate to comply with the regulations? He sees that they have 5000 extra sq ft. The lot is at the end of Felluca and Sampan what about a driveway. In his opinion, that should be the first step for the applicant. If they can do this legally, by creating frontage, then that is an important fact. Commissioner White stated that they need to first get with their neighbors. Lisa Bryer will be happy to meet with the applicant again.

A motion to adjourn at 9:35 by Commissioner Calabretta and seconded by Commissioner White. So unanimously voted.

Attest:

Cynthia L Reppe  
Recording Clerk

*This meeting was recorded on 1 micro-cassette*