

Approved As Written 7-1-09
PLANNING COMMISSION MINUTES
June 17, 2009
7:30 PM
Jamestown Town Hall
93 Narragansett Ave.

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

Gary Girard	Michael Swistak
Jean Brown	Barry Holland
Richard Ventrone	Alexandra Nickol
Nancy Bennett	

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
Michael Gray – Town Engineer
Wyatt Brochu – Town Solicitor
Joseph Palumbo – Attorney
Abbey Campbell King – Architect – Presenter for Jamestown Art Center

I. Approval of Minutes June 3, 2009

A motion was made by Commissioner Swistak and seconded by Commissioner Ventrone to accept the minutes with the following change recommended by Bennett:

Page 4, move paragraph 4 to paragraph 5 and move paragraph 5 to paragraph 4.

So unanimously voted.

II. Correspondence

1. FYI – Letter to Julio DiGiando from Charlotte Zarlengo, Shores Association president – water supply. Received
2. FYI – Letter to Gary Girard from James Upton – Shoreby Hill Historic District. Received

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

IV. Reports

1. Town Planner's Report – The Town Council has asked the Planning Commission and the Town Engineer to look at Summer St. which is a private road that the residents are asking the town to make a public road. Town Planner also recommended that the Commission hold the meeting on July 1 which they had cancelled or hold another meeting in July. The Board agreed to hold the July 1 meeting.
2. Chairpersons report
3. Town Committees

- a. Harbor – Commissioner Bennett reported, after some discussion, the Harbor Commission decided not to apply for a dredging permit from CRMC for the Ft. Getty boat ramp project. It was felt that, because the boat ramp is in Type I Waters, CRMC would not approve it. So the application to CRMC will be limited to what can be described as maintenance only for the Ft. Getty boat ramp with a little digging out at the current base to put in new blocks and the addition of a dock alongside. The Commission continued their work updating the Jamestown Comprehensive Harbor Management Plan and the Jamestown Harbor Management Ordinance. The Harbor Office has been getting a number of inspection reports for moorings that were submitted and paid for by someone other than the mooring permit holder. The Commission decided to tighten up the language in the Jamestown Harbor Management Ordinance concerning the Renewal permit applications to reduce or eliminate this situation.
 - b. Fort Getty – The FAST agreement will be going to the Town Council for review in July.
 - c. Buildings and Facilities – will meet in mid July.
 - d. Tree Preservation and Protection – Bennett reported they met last night and the Tree Warden reported that he has received some grants to help out with trees around the highway barn and salt storage sheds.
 - e. Affordable Housing Committee – Church Community Housing’s proposal on North Rd. was approved by Water & Sewer this past week and will come before AHC on July 6th and then the Planning Commission on July 15 with the application.
 - f. Wind Energy
 - g. North Rd. Bike Path Committee
4. Sub Committees

PUBLIC HEARING - Continued

VP Enterprises LLC – Dutton - Plat 1, Lot 61 and a portion of Lot 244 - Minor 3 lot Subdivision with Private Street Extension of Prospect Ave.

Commissioner Girard opened Public Hearing and introduced Attorney Joseph Palumbo. At his request the hearing was continued so that they could have an opportunity to discuss the conditions that Mr. Gray drafted previous to the June 3rd meeting. He has had a number of conversations with Mr. Gray and Mr. Darveau, the engineer for the applicant. There is one minor modification to paragraph 11 of the conditions. Based upon what they have submitted they have satisfied all the requirements for preliminary subdivision approval.

The plan that the Planning Commission received prior to the June 3rd meeting shows the road that was accepted by the town council. The drainage has been revised and it is also reflected in the maintenance agreement.

Commissioner Ventrone stated that he is still not satisfied with the road and he has brought up this issue prior to this meeting and that the issue to him is having a private road not built to the standards of a public road. He also stated that at the Board and Water and Sewer Commissioners meeting on Monday there is a petition from residents on Summer St. which is a private, unaccepted road that is impassable from lack of maintenance over the years. They are now asking the town to accept and maintain the road. Ventrone said that after a private road is approved there

are some things that are not taken care of and maintained in his opinion. He is against having private streets, who enforces it? What do we have in place to enforce it? He has trouble approving this in light of this situation.

A discussion ensued regarding private vs. public roads. According to Mr. Palumbo there will be a maintenance agreement and they will be enforcing whatever requirements are imposed on the plan. With a road owners association they all understand their responsibilities. Commissioner Girard asked Town Solicitor Brochu if there is a problem, who is the responsible party? The association is responsible he responded. He cautioned the Commission about this being a remand from the court and that is why the matter is back here. It was denied on certain findings of fact and there has been new evidence entered in that regard only.

Commissioner Bennett asked about #15 in the Conditions of Approval and wants to know who looks at the maintenance agreement. The Town Solicitor she was answered. The reason for denial was because of access by Holly St. Mr. Palumbo stated.

A motion was made by Commissioner Bennett that was seconded by Commissioner Brown: To Grant Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**MINOR SUBDIVISION PROPERTY LINE PLAN FOR V.P. ENTERPRISES, L.L.C., Plat 1 Lot 61, Prospect Avenue, Jamestown, Rhode Island; Owner V.P. Enterprises, L.L.C., 1350 North Main Road, Jamestown, RI; prepared by Darveau & Associates, Inc., 1725 Mendon Road, Suite 202, Cumberland, RI 02864; phone 401-475-5700; Sheets 1-4 dated revised May 22, 2009;** based on the following Findings of Fact and subject to the following Conditions of Approval:

A. Findings of Fact

The Board makes the following findings:

1. The subdivision is consistent with the requirements of the Jamestown Comprehensive Plan and/or shall satisfactorily address the issues where there may be inconsistencies;
2. Each lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance;
3. No building lot is designed and located in such a manner as to require relief from Article 3, Section 308 of the Zoning Ordinance as long as the proposed system is located beyond 150 feet from the edge of any wetland;
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions for approval;
5. The subdivision as proposed will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and buildings standards would be impracticable;
6. All subdivision lots have adequate and permanent physical access to a public street, namely, Holly Street. Lot frontage on a public street without physical access shall not be considered compliant with this requirement;
7. The subdivision provides for safe circulation of pedestrian and vehicular traffic, for adequate surface water runoff, for suitable building sites and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community with all required conditions for approval;

8. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion with all required conditions for approval;
9. All lots in the subdivision have access to sufficient potable water for the intended use. Both lots propose private wells.

B. Conditions of Approval

1. The approval is for a total of 2 lots;
2. That payment of a fee in-lieu-of land dedication shall be required for this subdivision in the amount required by Article IID of the Jamestown Subdivision Regulations. This fee shall be paid prior to recording of the final plan;
3. Granite monuments shall be placed at all corner points at the new property lines as well as along all angle points and property boundaries along the private street. Such granite monuments shall be shown on the final as-built survey as required by condition of approval number 4 below;
4. The roadway shall be constructed in accordance with the General Construction Procedures as listed in the Subdivision Regulations, Article XIII J including the required periodic inspections, as built drawings and inspection fees;
5. Per Article VII of the Jamestown Subdivision Regulations, the applicant shall state in writing either 1) the intent to complete the improvements (road and drainage) subsequent to final approval and prior to the Planning Commissions recording of the final plat; or 2) a letter requesting that security sufficient to cover the cost of required improvements be established by the Commission.
6. Prior to final approval, the applicant must complete the town form for Project Certification to be signed by the Professional Engineer of record that the road will be constructed in compliance with the approved plans;
7. Two potable wells must be installed and tested to insure sufficient quantity and quality of drinking water for the intended use prior to final approval;
8. The applicant shall provide a watershed map of the site and surrounding area showing natural drainage patterns for pre- and post conditions of the subject property for the purpose of ensuring future maintenance of those drainage patterns. The berm that blocks the natural drainage pattern at the end of Holly Street adjacent to lot 246 and Prospect Avenue Extension must be removed to maintain existing runoff patterns;
9. This approval does not preclude the developers of each lot from complying with all applicable local and state regulations;
10. Final plans must be updated to include the new lot line for the existing Holly Street that was accepted as a public road. The plans must be revised to extend the proposed Prospect Avenue to connect to the existing Holly Street. Provisions must be made to handle the runoff from the street extension to meet Holly Street;
11. The drainage must be designed and the final sites graded in such a manner that there will be no additional runoff from the subdivision to adjacent properties. In addition the final grading of the subdivision shall not cause ponding on adjacent properties by impeding the natural runoff characteristics of the surrounding area. The applicant shall not be responsible, however, for any ponding on adjacent properties created by the action of the owner of such properties;

12. The applicant must provide drainage easements across Parcel 2 of the subdivision and the adjacent lot 246. The easement must be granted to the homeowners association and recorded with the final plat and the two individual lots;
13. Prior to final approval the Town Solicitor shall review and approve homeowners association documents including the 1) the road ownership and maintenance, 2) drainage easement, 3) utility ownership and maintenance agreement and 4) the covenant noted in Article IV C.2.c. of the Subdivision and Land Development Regulations stating that the Town of Jamestown shall not be asked or required to accept or maintain the private streets including snow and ice removal within the parcel for a period of 99 years from the date of recording prior to final approval. These documents shall be recorded contemporaneously with the final plat;
14. Newly created homeowners association will maintain and be responsible for maintenance of Prospect Avenue at the intersection of Holly Street which is recognized as Town owned property;
15. A maintenance plan must be reviewed and approved by the Town Solicitor and recorded with the final plat and include drainage, swale and all related drainage systems;
16. The Planning Commission shall review the final plan as required by the Subdivision Regulations with the signature of the Planning Chair to appear on the Final Record Plan;
17. This approval shall expire one year from the date of approval by the Planning Commission unless the final plans are approved by the Planning Commission.

So voted:

Gary Girard - Aye

Jean Brown - Aye

Richard Ventrone- Aye

Nancy Bennett- Aye

Michael Swistak- Aye

Barry Holland- Aye

Alexandra Nickol- Aye

Motion carries 7-0

Commissioner Girard closed the hearing.

Commissioner Ventrone asked that the private road issue be added to an upcoming agenda. When we talk about Summer St. we will discuss the issue of private roads on July 1.

V. Old Business – nothing at this time

VI. New Business

1. Jamestown Arts Center – Development Plan Review – Plat 8, lot 461- 18 Valley Rd. Jamestown RI

Abby Campbell King will be making the presentation for the Arts Center but she first introduced some members of the Committee that wanted to give some background to the project.

Kate Petrie President of Jamestown Art Center -1050 Fort Getty Rd. – she read a statement referring to why they want to open an art center in Jamestown and they feel this is a wonderful location. The art center will benefit all ages from children to adults. The location is fantastic for all involved.

Elizabeth Congdon - 39 Pierce Ave – they are a nonprofit and are completely dedicated to this project. This center is part of the future for this island. They are expanding and this will be a wonderful community center that all ages will benefit from. An Art Center is culturally enriching and spiritually enlightening. An Art Center is needed and wanted.

Abby Campbell King is on the board of the Jamestown Art Center she is also an architect. Commissioner Swistak made a motion to accept her as an expert witness and Commissioner Bennett seconded. So unanimously voted.

Ms. King presented the plan to the Planning Commission with what the Art Center is proposed to look like. 16 parking places are needed. They have 8. A discussion ensued regarding parking. Ms King and Ms. Petrie did a study watching traffic patterns from 7:15a.m -8:30a.m. and they observed the issues with parking in the area. Most of the traffic went towards the school or into town not past the Arts Center.

Commissioner Ventrone thinks this is a wonderful project and has no objections at all. Commissioner Bennett agrees with Ventrone and said she thinks that gallery openings tend to be on weekends, when the area is less congested and there may initially be parking issues when they get started but they will be easily resolved. She feels the benefit to the town will be worth having to deal with the parking issues.

Ms. Congdon said they will coordinate openings with the Library and the town for big meetings etc.

The following comments were made by Planning Commissioners:

Brown – the location is perfect if we can satisfy the parking.

Girard – this is a perfect site. The parking will have to be worked out .

Holland – Fully supports this application but wants to caution the commission about double standards related to parking. We need to be consistent and cautious about this.

Nickol – Did you consider removing a portion of the building to allow for parking?

Swistak – asked if shared parking is only allowed in CD or is CL included? Town Planner Lisa Bryer said it is allowed in both with certain conditions.

The Planning Commission was reminded that this is an advisory opinion to the Zoning Board, if they feel there are specific recommendations they can suggest this to the zoning board Commissioner Nickol suggested a planning benchmark they can model anything by variables, for instance maybe saying if there are triple the number of spaces needed (8 in this instance) then at any given time parking should not be an issue. It also protects the applicant.

Eleanor Burgess 29 Walcott – it could help if we started thinking bicycles for that area. We should encourage people to ride to the Arts Center.

Kate Smith – 15 Spanker – The bike issue falls perfectly in place with the bike path proposal since it is at the end of the proposed bike path.

Commissioner Ventrone made a motion to recommend to the Zoning Board Preliminary Approval of the Jamestown Arts Center as presented with a condition to investigate a more detailed parking plan including options of on street & shared parking for the Zoning Board. Commissioner Bennett seconded the motion.

So voted:

Gary Girard - Aye

Jean Brown - Aye

Richard Ventrone- Aye

Michael Swistak- Aye

Barry Holland- Aye

Alexandra Nickol- Aye

Nancy Bennett- Aye

Motion carries 7-0

2. Letter from Commissioner Nancy Bennett – Re: Revised Zoning Ordinance and Comprehensive Plan

Commissioner Girard explained the process which we follow for updating zoning and the comprehensive plan.

Commissioner Bennett has asked that we revisit the whole thing ourselves and asked to make a statement. The smart code is more prescriptive she said and it is her opinion that we need more public involvement because we are narrowing the public involvement with the TRC. She wants the survey to probe whether or not the public wants it to be a public process or administrative. She wants to do the Community Survey (for the Comprehensive Plan) before the Zoning Update she said she has had lots of phone calls about this.

Commissioner Ventrone stated they have been down this road several times. He made a motion to go forward with the Zoning Update/Smart Code after review by the Town Solicitor Town Council review and public hearing. Commissioner Girard seconded the motion.

Commissioner Swistak said in response to your letter, your major concern is that the Technical Review Committee eliminates the public involvement, they actually expedite the process. It is not a private procedure.

Town Planner Lisa Bryer stated the TRC is part of the State enabling legislation. The more organized and formal it is, makes it very effective and it helps the applicants. The frustration in the business community was evident before and during the Charette process and this will be very helpful to the businesses as well as the Planning Commission. We owe it to the business community to follow through with the promise made during the Charrette. If an applicant does not agree with the TRC recommendation they can appeal. This process is public. The Planning Commission can set the threshold however low or high they feel is appropriate.

So voted:

Gary Girard - Aye

Michael Swistak- Aye

Jean Brown - Aye

Barry Holland- Aye

Richard Ventrone- Aye

Alexandra Nickol- Aye

Nancy Bennett- Abstain on grounds of new information that has come to light tonight.

Motion carries 6-1 abstention

Jack Brittain asked if the public will be able to view the final draft before it goes to the Town Council. Yes.

Mary Brittain – will the Comprehensive Plan be rewritten before the zoning ordinance? No. Will the public be involved with this process? Yes

The survey will be out hopefully by Sept. We will look at any policy changes and anything that has happened over the last 10 years.

3. Election of Officers

Planning Commission Minutes

June 17, 2009

Page 8

Commissioner Girard would like to address the commission. As the chair it has been an honor to be both vice chair and chair and being a part of the Planning Commission for the last 12 years. He will not be seeking reappointment when his term is up in December.

Commissioner Nickol nominated Commissioner Swistak for Chair, Commissioner Girard for Vice Chair and Commissioner Holland for Secretary. Commissioner Ventrone seconded the nomination. So voted:

So voted:

Gary Girard - Aye

Jean Brown - Aye

Richard Ventrone- Aye

Nancy Bennett- Aye

Michael Swistak- Aye

Barry Holland- Aye

Alexandra Nickol- Aye

Motion carries 7-0

A motion to adjourn was made by Commissioner Ventrone and seconded by Commissioner Holland at 9:45 p.m. So unanimously voted.

Attest:



Cynthia L Reppe
Planning Assistant

This meeting was recorded digitally