

Approved As Written 8-5-09
PLANNING COMMISSION MINUTES
July 1, 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:

Michael Swistak	Barry Holland
Richard Ventrone	Alexandra Nickol

Not present:

Nancy Bennett
Jean Brown
Gary Girard

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
Victor Bell – owner - EPI
Shahin Barzin – S Barzin Architects

I. Approval of Minutes June 17, 2009

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

II. Correspondence – nothing at this time

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

IV. Reports

1. Town Planner's Report
2. Chairpersons report
3. Town Committees
 - a. Harbor
 - b. Fort Getty
 - c. Buildings and Facilities
 - d. Tree Preservation and Protection
 - e. Affordable Housing Committee – They will be meeting on Monday July 6, 2009 to discuss the Comprehensive Permit application for 79 North Rd. Church Community Housing has a purchase and sales agreement. It is scheduled for July 15th Planning Commission meeting but there is an issue with the survey so it may or may not be on that agenda.
 - f. Wind Energy – received feasibility study Friday it is being reviewed.

- g. North Rd. Bike Path Committee
4. Sub Committees

V. Old Business

1. Manning Major Subdivision, Upland Farm - Cedar Lane – Final release of Bond - \$6,530.00

Town Planner Lisa Bryer is recommending release of final bond, they have completed everything that was asked of them. It was noted that the wet pond is retaining water in the southwest corner and in the front sediment basin and may affect long term function of the pond. The Planner noted that it is a private road and their engineer has signed off on it. Going forward, this is the owners responsibility. Commissioners Ventrone and Holland want some of the monies held back until the wet pond issue is taken care of. It appears that it is not draining as fast as it should be. The planning commission discussed holding back all the money.

A motion to withhold the final release of bond until the retention pond is corrected was made by Commissioner Ventrone and seconded by Commissioner Holland. So unanimously voted.

2. Environmental Packaging International – 41 Narragansett Ave – Development Plan Review in CD Zone – Recommendation to Zoning Board - Amendment to Approved Plan

Victor Bell owner of Environmental Packaging International has been working with the green consultant during construction, they have suggested adding a second green roof. There will not be any additional height or square footage added. It consists of less roof and less volume, and it changes the visual of the building and includes an exterior spiral staircase to access the roof.

Commissioner Ventrone asked if negative heat impact was the reason behind the change and also if it provided more seating? Mr. Bell said there was no reason economically since it is actually going to cost more money to construct this way. They think that it is an aesthetic improvement. Commissioner Nickol wanted to know if this will provide more seating and what the roof consists of with regards to turf and pavers.

Shahin Barzin of S Barzin Architect in Jamestown RI. He is licensed in RI and NY. A motion was made by Commissioner Holland and seconded by Commissioner Nickol to accept Mr. Barzin as an expert witness. So unanimously voted.

Mr. Barzin said that in working with the green roof consultant they came up with the design for small pavers and loose gravel, percentage wise not much. This is a Natural design or organic they call it. Almost every green roof has this combination. Mr. Barzin said there will be flower boxes for the larger plants, suspended so that it will increase the green hypothetically.

Commissioner Nickol asked if in the future it needs to be modified to a standard roof; structurally can it be done? In other words what if Mr. Bell sells the business in the future and they do not want to maintain it as green, the benefits of the flat green roof go away and what will we be left is no longer green and we are stuck with a flat roof. Mr. Bell responded that the building itself will look nice even without the plants. Commissioner Nickol said we are urging people to have a pitched roof but we are encouraging green also.

Commissioner Swistak reminded the Planning Commission of the site plan review section of zoning ordinance, sec 82 1105 are the Planning Commissions responsibilities.

Commissioner Ventrone said the Planning Commission has jurisdiction over aesthetics. He feels it has changed too much and prefers the original design which maintains the pitched roof and also incorporated the contemporary design that fits in with the ambiance of Jamestown. He likes the original design. He thinks the negative impact of the heat does not justify the change. He feels the extended flat roof is not as appealing and not permitted by our ordinance.

Commissioner Nickol does not feel comfortable with the change. They are trying to accomplish green certification and be a model and encourage green but thinks experimenting with this on this large scale would not be a good idea. Commissioner Holland does not feel strongly either way, he has no objection either way. He would be willing to go along with it since this is what the owner of the property wants to do. He is in support of it.

Commissioner Swistak asked if the applicant came back in a few years could it be done then and Mr. Bell stated no it has to be done now with regards to the structure. It is possible to go to a pitch roof from flat but not the opposite.

Town Planner Lisa Bryer said even if the commission votes to move this forward, it still has to go to zoning because the Zoning Board was the original permitting authority of the special use permit and variance. Do we need a majority vote to go to zoning? If there is no consensus or a tie vote, then the motion does not carry.

Commissioner Swistak asked why this was not originally presented in this way. Mr. Bell said they all looked at it together during construction, the builder, architect, designer and green designer. Commissioner Swistak said it comes down to a question of aesthetics? It is not a black and white decision but one that is a bit subjective; what are the pluses and minuses? The pluses Mr. Bell is saying he is trying to be as green as possible. We as a town generally support green sustainable choices such as proposed bike path, recycling, water conservation, a wind generator etc. Lets go through our charge, the scale has not changed, front and side has not changed that much. The compatibility is subjective. The right of the property owner is to develop his property and use it as the best way he sees fit. Commissioner Swistak is going to defer on the applicants side and is supportive.

Commissioner Holland said he thinks the issue in our guidelines regarding prohibiting flat roofs was because we did not want industrial flat roofs. This is a green roof that happens to be flat and contradicts what is in written guidelines.

Commissioner Nickol said we spent money last year for the design guidelines generated and she thinks a precedent is being created. Is there any chance of keeping the pitch with it partially open for the green roof? They did not think so.

Commissioner Ventrone said a flat roof is a flat roof. A motion was made by Commissioner Ventrone to send a recommendation to the Zoning Board that they do not approve the proposed amendment to change the roofline. Commissioner Nickol seconds. The following Finding of Fact will be part of the motion. Section 1105.2, D.2. which states that "within the CL and CD districts, no flat-roofed buildings may be constructed. All roofs should have a minimum pitch of six inches on 12 inches (22.5 degrees). Ventrone and Nickol Aye, Swistak and Holland Nay.

Of the 4 voting members present at the meeting the vote was 2-2 which means the motion does not carry and there is no consensus.

3. Jamestown Zoning Ordinance Update – Discussion - continued

VI. New Business

1. Summer St. - Private Roads Discussion – recommendation to the Town Council

Our charge is to make a recommendation to the town council.

Commissioner Nickol asked if it is the responsibility of the town or the owner or owners of the road to maintain it. It is the owner's responsibility.

Town Planner Lisa Bryer suggested that the Town of Jamestown come up with a policy for this in the future.

Commissioner Ventrone sees how the town maintains his public road. He thinks all private roads should be made to public standards. Commissioner Holland said there are maintenance agreements on private roads and it is up to the homeowners association to maintain it. He also said sometimes even paved roads are a mess. Who is going to enforce these maintenance agreements on private roads?

A discussion ensued regarding what the standards are for a public road. The Town Engineer has been asked for a recommendation in terms of a road standard.

In new private roads he town requires them to record a covenant that says they cannot ask the town to take over the road for 99 years unless it is brought up to public standards. Commissioner Nickol asked, "Why are we afraid to make it onerous to someone who is modifying their home or subdividing? If they are making the change by subdividing or new construction they have to meet the standards of our ordinance."

One of the Affordable housing goals are to subdivide downtown lots and to keep costs down we encourage this. In all cases you can apply for relief Nickol said.

The following recommendations will be sent to the Town Council:

Recommendations for New Subdivision Roads

- A. All new roads should be publicly owned and built to public road standards;
- B. The Town Engineer should review existing standards and recommend a standard for public roads for review and approval by the Planning Commission;
- C. The Planning Commission recognizes the need for flexibility in public road standards in certain situations and the Subdivision Regulation waiver procedure provides such flexibility.

Recommendations for Existing Private Roads – including Summer Street

- A. The Town should publicly accept existing private roads with the condition that the road be upgraded to public road standards prior to the Town accepting the road.
- B. The Town may be instrumental in determining the cost of upgrading the road to public road standards and construction of the road provided that the residents of the road pay for all such improvements. Such payment may be upfront or over time through special assessment.
- C. A procedure is adopted by the Town Council for acceptance of a Private Street as public roads to include but not be limited to: 1) a petition signed by a significant portion of the residents residing on that street 2) public hearing, and 3) payment guarantee.

2. Sale of Properties Acquired by Foreclosure on the Right of Redemption – Discussion

The Town Council asked the Planning Commission for a recommendation on this issue. The majority of these lots are in the Jamestown shores area. The groundwater protection committee initiated the process of claiming the right of redemption on 100 or so lots in the Jamestown Shores area to protect the water quality for residents.

Town Planner Lisa Bryer does not feel it is good policy for the town to sell the lots due to the sensitive nature of the area. The reality is a lot that is fully wooded is better for recharge than a lot that is cleared, mowed etc. Enforcement of these lots would be problematic in the future. For example, DEM does not do title searches when they approve an ISDS. How would they know the lot is restricted? The town can give conservation easement so that future councils cannot sell them. Commissioner Ventrone agrees with Ms. Bryer do not sell. Commissioner Holland agrees with both Bryer and Ventrone.

Commissioner Nickol said a deed restriction could be recorded to never build. In very unique cases it could be looked at but if a neighbor came forward with a hardship that would be an exception but not the rule. A hardship 30 years from now might be different than now.

Commissioner Ventrone made a motion to recommend to the Town Council that the Town retain ownership of all town owned shores lots and recommend that they are to remain protected in perpetuity through legal covenants. The Planning Commission entertained such legal covenants as development right transfer to a third party (It should be an organization whose main goal is land preservation) and a conservation easement. This is a unanimous recommendation of the Planning Commission.

Nancy Ventrone is the new president of the Jamestown Shores Association and, said they want the land left as it is.

A motion to adjourn at 9:48 p.m. was made by Commissioner Ventrone and seconded by Commissioner Holland. So unanimously voted.

Attest:


Cynthia L Reppe
Planning Assistant

This meeting was digitally recorded

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