

Approved As Written
PLANNING COMMISSION MINUTES
June 19, 2019
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 7:00 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Bernie Pfeiffer	Dana Prestigiacomio
Michael Smith	

Also present:

Lisa Bryer, AICP – Town Planner
David Petrarca – Town Solicitor
Cinthia Reppe – Planning Assistant
Deb Foppert – Esq.
Don Powers – Architect, Union Studio Architecture
Christina Carlson – Architect – Union Studio Architecture
Dan Cotta – American Engineering
Patrick Freeman – American Engineering
Bob Bailey – Realtor, Lila Delman
Frank Spinella – Consultant
Brian Muio – Landscape Architect
Christian Infantolino - Esq.
Peter Fay
Dianne Grippi
Jane Bentley
Gayen Thompson
Bill Schall
Arlene Labua
Sandy Sorlein
Leslie Harkin
Peter Fay
Justin Seratin
Steven Hollister
Laura Vetter
Mike Delessio

Eliot Richmond

Abby Jenkins

II. Correspondence

1. Letter to Lisa Bryer from Paul Christman – Re: 78 Narragansett Ave. Received
2. Letter to Planning Commission from Linda Davis – Re: 78 Narragansett Ave. Received
Commissioner Swistak entered another letter into the correspondence from Jocelyn Schaffer.

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

Commissioners Pendlebury and Enright recused.

IV. Old Business

The Planning Commission Sitting as the Local Review Board pursuant to RIGL 45-53 Low and Moderate Income Housing Act

Master Plan Informational Meeting - Continued

- 1. Stuart and Anne Sanderson, 70 and 78 Narragansett Avenue, Plat 8, Lots 120 and 121 – Master Plan Review for a Comprehensive Permit for low and moderate income housing per Jamestown Zoning Ordinance 82-1700, a major Land Development Project for 19 units (5 are low to moderate income restricted units) 4 buildings, Special Use Permit for Multi-Family Development Proposal with Special Use Permit & Variances – Review, discussion and /or action and/or vote**

Commissioner Swistak made a motion to open up the meeting and the continued hearing, this was seconded by Commissioner Pfeiffer. All in favor.

Commissioner Swistak updated the audience on pertinent points of the last meeting. Tonight we will hear more about affordable housing and architecture from the applicants consultants.

The goal tonight will be a consensus vote on what the Planning Commissioners thinks of the project so far.

At the July 17th meeting we will have a motion with conditions for the project for discussion.

Deb Foppert said Don Powers will present first and then Frank Spinella will talk about affordable housing followed by Bob Bailey who will speak about Real Estate.

Don Powers from Union Studio is going to briefly go through questions that came up at the last meeting.

- He said the affordable units will be spread throughout the buildings. He showed the floor plans of the units and explained the different units and the way in which they will be placed

on the property. The north end of the site which is the rear of the lot is where they will have car barns for parking.

- The existing building is plus or minus 33 feet.
- Lot coverage of 70 Narragansett Ave. is 40%.
- Snow removal: if it is a lot it will be trucked off site or otherwise it will be pushed into the corners of the lots.
- The tuck under garages were explained and he showed with a drawing.
- A Cape Cod Berm was shown on the drawing and he explained that it is made of asphalt and used to control stormwater from running off the driveway. In addition stormwater will be controlled with roof gutters, berms etc.
- He showed actual dimensions of the trash enclosure and how will it be screened. It is 14 feet off the property line and it will be screened by garage structure, landscaping and fence.

Bob Bailey was sworn in at the last meeting as local real estate expert. He said they did a study of the condo properties by going through the tax records to compare how many people may occupy the units throughout the year by looking at their full-time mailing address to get this information. They did the Bayview condos, 36 units all are 2 bedrooms none of them are Low Moderate Income (LMI). Potential of 72 bedrooms. 50% of the units are second homes.

35 Knowles Court does not have LMI and has a total of 10 units. There are 7 out of 10 that are year round occupants.

The most recent is Jamestown Terrace 16 units, 4 LMI and they are 1 and 2 bedrooms. All of the affordable units are full time residents and 7 out of 12 market rate units are owner occupied, 2 are rented from the developer.

73 Conanicus Ave. consists of 4 - 1 level units, 10 bedrooms, 3 are owner occupied, 1 renter.

Based on this he thinks maximum 29 people on a full time basis. These units will be desired by those wanting to downsize. In the homeowners association rules it will be not less than a 30 day rental and no more than 2x per year. Currently there are 6 condo units for sale, 4 of them are Mike Hills properties on Arnold Ave. and he thinks they are not selling because the bedrooms are upstairs. Bayview HOA fees are 700-800 per month.

The market rate for these units will be 675,000. The affordable units based on 120% median income will be for the 1 bedroom \$264,000 and 2 bedroom will be \$302,000

The HOA fee will be \$200 per month.

Frank Spinella – FJS Associates in Newport RI

He has been in this business for 26 years, he wants to talk about where we are in Affordable Housing. He discussed the fact book from RI housing that comes out every year.

Jamestown is the second to the least affordable town to buy property in the state. Block Island is the most expensive. Currently Jamestown is 4.39 percent for affordable housing and we need to be at 10% state mandated. Affordability in the state is enforced by a deed restriction. The other part of affordability is you have to be a full time resident. It cannot be for a part time resident.

Median household income in Jamestown is \$101,000. 84% own and 16% rent. It costs \$4,000 a month to own a home in Jamestown.

At 120% for the 5 unit he feels very strongly it is serving a need.

They originally proposed 4 affordable units and then were going to do a fee in lieu of but they are doing 5 units out of 19, this is what the state approved and this is what determines the purchase price. The total housing cost is after construction is what determines the cost. The maximum purchase price is what will be looked at to determine the HOA fees for the affordable units.

HUD puts out annual incomes and Jamestown is under Providence and Fall River area.

The following are maximum incomes for a 1 person \$67000, 2 person \$77000, 3 person \$87000.

He does not anticipate many 3 person families applying. \$86,000 is not a lot of money this meets a need. So this is defined by Hud as income not assets, it is based on your income not on your assets.

Commissioner Swistak asked if a person makes \$2,500 a month for SS wages but has 1million in the bank can they qualify? If the total income derived from money and assets puts you over the amount allowed per person then you would not qualify. If it does not set you over then you do qualify.

So who will be the customers for the affordable units asked the Chair?

Bob Bailey answered there will be a 3rd party agency that will determine who qualifies. He believes it to be school teachers, retirees, town workers. As a realtor he hears all the time from retirees that they want to sell now but there is nothing that is affordable. This is why they are listing it at the 120%, they can purchase now based on the money they currently make and if they make more money later they can stay or they can move and then a new buyer will have to quality.

The letter of eligibility determines who can afford to buy the houses and that is what the price is based on too. RI housing said this is the maximum price people can pay. They can make less as long as they qualify for the amounts stated in the letter.

Commissioner Cochran asked "If the houses do not sell at this price then what happens? Mr. Spinella said it happened many years ago and the developer has to lower the purchase price.

Lisa Bryer asked do you have the "for sale" numbers to look at for 100% and 80%. Frank Spinella said that he will get that information to her for the next meeting.

Commissioner Swistak asked how are the parking assigned.? Do the affordable units get the uncovered spaces because they are paying less? Attorney Foppert said no, they will be assigned equally.

Lisa Bryer asked about the HOA fees. They are \$200 for the market rate units so what are they for the affordable units? The same, Bob Bailey said each association does it differently most have set standards that can be based on different things. They will all being paying the same at this association. Bryer noted that at the Jamestown Terrace project, the units fees, including the affordable units, were based on value so the affordable units were less. The LMI units will be 200, the others can be more possibly but that will not be determined until construction has completed. When do you lock in the condo fees? Foppert answered that at the public offering statement. That

is when we will know what the affordable units will be sold for. RI housing determine the sale price at that point in conjunction with the condo fees.

Commissioner Swistak asked about a report from the fire chief and others. Ms Bryer read the comments and noted that all the comments from fire, police, conservation, town administrator, AHC, RI DEM were in her report from the last meeting.

Swistak asked what will happen to the wells on the property? Dan Cotta said they do not need the wells for potable water. It will be used for exterior water.

Don Powers talked about living adjacent to mini-split units (for heating and cooling). He is quite certain that the units they will install are very quiet and he will research before the next meeting.

It was noted that Jamestown does not have lighting standards; just that it should not spill onto adjacent properties. Don Powers noted that he would like to make it less bright while still being considered safe. The photometrics were done by industry standards but will welcome it if the Planning Commission wants less light.

The Planning Commission and audience was reminded that a lot of these questions are addressed at preliminary stage which is the next step. This is conceptual.

In terms of buffering they work with each neighbor on that. Lisa noted that we could have a TRC to discuss this with the neighbors. Swistak said the construction schedule needs to be refined as it continues; a detailed plan in terms of deliveries, construction etc. needs to be presented. Owner will bring a contractor with a detailed plan, his team does not have that. Deb Foppert said on the buffering, this has to be within reason both aesthetically and financially.

Brian Muio – Landscape Architect suggests if that is a condition of approval as far as the buffering it needs to be in the conditions of approval and spelled out.

Commissioner Swistak asked for Public Comment.

Jane Bentley – Mt Hope Ave. –She has lived on the island her whole life, taught school here and was involved in the historical society. Are we going to turn into Newport? This project is not Jamestown. She asked Don Powers if he was involved in the Charette? Yes he responded. This is way out of proportion for Jamestown. It is on Narragansett Ave and will disrupt the whole street for 3 years. A few years ago they were asked what they wanted and it was answered, to keep Jamestown rural, this is not rural. Her career started out at the school with low, middle and high income students, she does not think this is going to be low income. She wishes there was a way to stop this or make it smaller. They have always conserved water since she was a child, how can we conserve with 19 units.

Gayen Thompson – 52 Grinnell – she remembers living in a condo, the first one established in Milwaukee there were 8 or 9 buildings. She was on the board of directors and said there are always arguments.

Christian Infantolino – represents Vincent and Christina Rivers. Mr. Bailey gave statistics on occupancy all of them are above 50 % occupancy. Re: Frank Spinella's affordable housing statistics we all know we are lacking. We do have 142 units. His other concern is the 120% its not doing justice to what it really should be doing. Also we should consider what Jamestown needs. He went through the comp plan and under future housing needs, he quoted they do not support density bonuses and it should be consistent with existing neighborhood character and it is surrounded by single family homes. An 8,000 sq. ft. footprint is not in character with the neighborhood. Making more 3 bedrooms and reducing the number might be better. Some of the 2 bedrooms are 1300-1400 sq. ft. units. Break the building up. It could assist buyers and open up for green space and walking. He personally doesn't think the cupola meets the standards. It is a high structure. Affordable and deed restrictions are how many years? 30 years. It goes by quickly.

Bill Schall – Jamestown Shores – 3 years ago he purchased a CCH home the process is incredibly complicated and he had to jump through hurdles. There are water issues in this town. His well went dry 2 times last year. We have an overstressed aquifer in this town and the water comes from 1 place.

Commissioner Swistak said the Planning Commission has no jurisdiction over water and sewer and the applicant will need approval from that board.

Arlene Labua- Fowler St. – regarding the trash she thinks all they did was move it from one spot to another spot. She thinks it was a pretty picture on the screen they should put trash in the center of the buildings. The whole project is like getting a big box store on the island in the center of town. There is already a parking issue in the summer. And with this we are giving up 2 spaces. What about the visitors will they park in the parking lot? Will this increase values or bring it down or stay as it is? She does not want to pay more on her water bill to support this cause. The traffic study was done in March it should be done in the summer months. She feels awful for the people even across the street with light pollution. Lighting is going to be a big issue. Fire chief said they can accommodate that project. After this project is done after 3 years I hope we don't have to go to a paid fire department. 50% of people will live here full time it is estimated. How about all the volunteerism in town. Things have changed it is not easy to get volunteers anymore. If the project can be brought down to 13 or 14 units it might be better.

Sandy Sorlein – 82 Howland Ave – she was on Don Powers team for the charette when they created the special development district. Back then they advised to re-zone this area to a more residential feel. The community and neighborhood did not want it. This is much better than what they could end up with. She thinks that Narragansett Ave. is the best place to have these projects and its better have them closer to services for residents. Maybe create a paved walking path to library and school that might make a difference between getting in a car and walking and biking. She thinks after the awful construction period she thinks it will be a welcomed project in Jamestown.

Dianne Grippi – 82 Narragansett Ave. She has more signatures for the petition she submitted last meeting. She is not going to repeat what she said last time regarding the size and number of bedrooms being too much, and the water issue. She knows something is going there. She feels they are being very conscious of the neighbors. Almost 3 years of construction how will they protect the construction site? Screening etc. during construction? Some kind of consideration

should be given for the length of this problem. How can 19 condensers not make any noise? She fears it will sound like a small airport. Snow removal - she looked up snow fences, even temporary should be put up. Think about all seasons, snow in winter, traffic in summer, etc. drastically too big for the town and consider the materials being used.

Leslie Harkins – Narragansett Ave. – appreciates Bob Baileys comments. The traffic study should be done in the summer or look at the worse case scenario.

Mark Delessio – a lot of talk about the traffic study he is concerned about the time of year it was done. Impossible getting down Narragansett Ave. right now with the fire trucks. His primary concern is around pedestrians. He thinks a study should be done. His children walk past those spots, this represents a significant safety issue. Volume of cars. Delivery vans people in and out of development. These are his primary concerns. It is harder and harder to find volunteers. Adding more volume to the fire dept is going to put a strain on the volunteers. It will cost if they have to go to a paid fire dept.

Peter Fay – Swinburne St.– He wants to note about the presentation the handouts were not available for the public to see. He is addressing why we are here tonight. This area is zoned commercial district it is all residential on his side. Wants to reinforce that the developers 12 years ago said this zoning is not appropriate for this area. Why was nothing done 12 years ago? This is the Planning Commission why did you not change it? This is why we are here tonight. Don't jeopardize the single family housing.

Justin Seratin - 34 Green Lane – the amount of space allocated is approx. 50k sq ft of land, it captures roughly 6 homes if this was limited to 7 or 8 homes this would satisfy a lot of issues. Fundamentally utilizing the land the way it is being used today. The scale of project is making for challenges.

Laura Vetter – East Shore Rd. – she grew up on Staten Island and it is unrecognizable now 30 years later. This is the beginning of a flood gate that will not stop. She is not against affordable housing. The project will set a precedent that will be hard to stop.

Steven Hollister - 79 Narragansett Ave. – his home is the one that the rock wall is being built, directly across the street. He is in a cd zone and he knows that these things are going to change – he moved here 36 years ago and he understands things change, parking, number of people, will the parking places be assigned? Bigger issue is things are changing Jamestown and is this a turning point. What will the town do to limit what he can do? I can put in 4 or 5 condos on my property. Is this really going to be affordable? Beyond all of this fitting in all these units and 5 years down the road it can be like Staten Island or like Newport. I would like you to think about setting precedent for maximizing properties.

Gayen Thompson – Can someone answer a question for me. What was the intent of the 8 units north of the day care. Have they sold yet? There are 4 units there noted the Chair. She also wants to clarify her experience of condos in Milwaukee and is convinced 19 units are not appropriate.

Eliot Richmond – Bryer Ave – new resident – works at Union Studios he sees both sides of this he thinks the look of it fits with the character of Jamestown, if he didn't have family here he could not

afford to live here. To get the 5 affordable units you need to have the density. He thinks that things like this need to be embraced.

Abby Jenkins - 994 Fort Getty Rd – Downtown went from being small to huge condos, this is beautiful but way to many units for this size property please consider the size of the structure.

Dianne Grippi –Affordable housing should be on its own. Change the zoning.

Before the deliberations start Commissioner Swistak asked Mr. Sanderson and the team if there is anything that they have heard at the last few meetings that they would like to address or talk about. For instance, size, number of units, density, he asked if they want to respond to this. Attorney Deb Foppert asked for a 5minute break so the team can discuss this.

The meeting was resumed.

Commissioner Swistak thanked everyone for their comments and said the public comment is now closed. The next opportunity will be the 17th of July.

Deb Foppert they feel as a team they considered all the issues and worked with the neighbors. They stand by the presentation that they have made and the project; this is the most viable and best for the community.

Planning Commission was reminded by the Chair of what their charge is and the what the overriding rules are.

Going back to review of the first meeting, rules to follow, they cannot make an emotional decision.

There are 5 reasons for denial:

1. Proposal inconsistent to the affordable housing plan
2. Proposal is not consistent with local needs in the comp plan, local zoning ordinances, or Affordable Housing Plan
3. Proposal not in conformance with comp plan
4. 10% low and moderate income we have not met
5. Concerns for the environment, and the health and safety of current residents have not been met.

Chair Swistak is going to ask the Commissioners where they stand.

Commissioner Swistak said drainage is the biggest question mark to him. The applicant does not know until they get their master plan approval and engineer the project. It would be appropriate if there was a peer review of the plan.

Commissioner Pfeiffer said given the level of project development at this stage Dan Cotta has been forthcoming on where he is now. Based on a typical timeline we need to keep it in mind the plan is not complete, the time for peer review is too early. Dan Cotta said it should happen at preliminary stage and Lisa said we do not need to make the decision today but you need to make a decision on if we need to have it. Peer review is asking another engineer outside of town employees to provide a complete review of the applicants drainage plan. Sometimes it is better to have a third party provide a professional opinion.

All Commissioners are in favor of this peer review for drainage/stormwater.

Commissioner Swistak brought up issues to be discussed.

1. Trash and possible decentralization of trash
2. TRC for landscaping of lot with attention to buffering
3. Cupola – does it make good planning sense

Commissioner Swistak read the list of relief required:

1. Table 3-1 permitted uses - Special Use Permit for Multi Family Dwelling Project in CD Zone;
2. Deviation from front yard setback – 82-302, Article 3, Table 3-2
Setback required – 0-12 feet,
setback provided – match existing structure (19 feet)
Relief requested – 7 feet (19 feet total)
3. Deviation from Lot Width (frontage) – 82-302, Article 3, Table 3-2
Frontage required – 40’ Min – 96’ Max
Frontage provided – 238.82 feet once lot 120 is merged with 121
Relief requested – 142.82 feet
4. Deviation from Frontage Buildout - 82-302, Article 3, Table 3-2
Required frontage buildout – 60%
Provided frontage buildout – 40%
Relief Requested – 20%
5. Deviation from Building Placement, 82-1107
Required Building Placement – as permitted in 82-1107, Edgeyard not permitted
Provided Building Placement – Edgeyard
Relief Requested – Edgeyard permitted
6. Deviation from Building Form, 82-1108 A.3.
Required Building Form – 30% glazing on first floor facades
Provided Building Form – 5% glazing on first floor facades
Relief Requested – 25% glazing
7. Deviation from Parking Location, 82-1202
Required Parking – in rear
Provided Parking – primarily in rear or near units
Relief Requested – request to allow spaces on side, drive lane
8. Deviation from Architectural Standards, 82-1115 (A)(b)
Required – Sliders prohibited on front and side elevations
Provided – Some units proposed with front or side sliders
Relief Requested – sliders permitted on front and side

There was consensus on the 8 items that they should be approved.

David Petrarca said multi family is permitted by Special Use Permit and anything listed in the table as a special use permit is a use allowed by right that can be conditioned on health safety and welfare. The Planning Commission needs to decide what restrictions and conditions are necessary.

Frank Spinella was asked about how long will these remain affordable. He said a minimum of 30 years and he is open to discussion. The affordable designation stays with the property he has seen them be affordable in perpetuity, in RI 99 years is in-perpetuity.

The applicant is looking for the affordable units to be for sale for 120% of median income. The Chair asked if there were any strong feelings now before the next meeting regarding the 100% or 80%?

Frank pointed out that in the housing fact book the actual median income is \$101,000 in Jamestown. Median income is based on the providence metro area.

Commissioner Swistak wants to come back and talk about a compromise with some at 100%. Because the AHC raised the issue regarding a 3 bedroom he would like to discuss that also. Anything else the Planning Commission wants raised to the team? Commissioner Smith said he thinks as a town we are pushing the red cedar shingle thing too much. Why can't we use materials that are less maintenance and longer lasting?

This will be back on the Planning Commission agenda on July 17th for more discussion of conditions.

A motion was made by Commissioner Swistak and seconded by Commissioner Cochran to continue the public hearing to July 17th at 7 pm at Jamestown Town Hall Council Chambers 93 Narragansett Ave. So unanimously voted.

V. Adjournment

A motion to adjourn at 9:49 pm was made by Commissioner Cochran and seconded by Commissioner Smith. So unanimously voted.

Attest:



Cynthia L Reppe