

Approved As Amended
PLANNING COMMISSION MINUTES
June 3, 2020
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

**PURSUANT TO EXECUTIVE ORDER NO. 20-25 EXECUTED BY GOVERNOR GINA
RAIMONDO ON April 15, 2020
THIS MEETING WAS TELECONFERENCED VIA ZOOM:**

Topic: Planning Commission Meeting
Time: June 3, 2020 07:00 PM Eastern Time (US and Canada)
Join Zoom Meeting:
<https://zoom.us/j/94965993734>

Meeting ID: 949 6599 3734

I. Call to Order and Roll Call

The meeting was called to order and the following members were present via zoom:

| | |
|------------------------------|--------------------------------|
| 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
Wyatt Brochu – Town Solicitor
Cinthia Reppe – Planning Assistant
Richard Pastore – PE, RP Engineering Inc.
Andrew Bilodeau, Esq.

Commissioner Swistak read the rules regarding this zoom meeting and explained to the audience the procedure for questions and comments.

II. Approval of Minutes March 4, 2020; review, discussion and/or action and/or vote

A motion was made by Commissioner Enright and seconded by Commissioner Smith to accept the minutes as written. So unanimously voted by roll call vote:

Ayes - Michael Swistak, Duncan Pendlebury, Rosemary Enright, Mick Cochran, Bernie Pfeiffer, Dana Prestigiacom, Michael Smith

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

IV. Reports –Town Planner's Report – moved to end of meeting

1. Future Agenda Items; review and/or discussion
 - Zoning - Short Term Rental; review and/or discussion

V. New Business

1. **Andrew Bilodeau - Plat 5, Lot 164 Beach Ave. Jamestown RI - Zoning Ordinance Section 314 – High Groundwater Table and Impervious Overlay District Sub-district A review - Recommendation to Zoning Board of Review – review, discussion and/or action and/or vote – Recommendation to Zoning Board**

Richard Pastore engineer for the applicant Andrew Bilodeau made a brief presentation. The Development plan was shared on the screen. The lot is 120x180 with a fair amount of wetlands on the property which are shown on the plan. There is a rain garden and less than 10% coverage. A bottomless sand filter OWTS is proposed. This is a sub-district A. Are there any questions?

Ms. Bryer was asked about the 2012 plan and approval. She noted that it was reviewed by both planning and zoning; it was a different plan then and both boards approved this. They granted a special use permit and variances, all of planning commission recommendations were conditioned. It has lapsed and now they are proposing a different plan.

Commissioner Enright asked “was it a 3 bedroom house approved in 2012?” Yes.
Commissioner Pendlebury asked about the driveway and garage, is it above the slab and crawl space? Slab is about 4 inches above grade Mr. Pastore said. Where is the garage slab then? Does the house sit on top of garage? Yes so they can be under the 10%.

Commissioner Cochran asked about Riptide St. and not being paved. It looks like a driveway and landscaped up to property line. Riptide is undeveloped in that area and yes they are using it as a driveway

A motion to recognize Richard Pastore as an expert witness was made by Commissioner Swistak and seconded by Commissioner Cochran. So unanimously voted by roll call vote:
Ayes - Michael Swistak, Duncan Pendlebury, Rosemary Enright, Mick Cochran, Bernie Pfeiffer, Dana Prestigiacom, Michael Smith

The following motion was made by Commissioner Swistak and seconded by Commissioner Smith:

At the June 3, 2020 a Planning Commission meeting was held remotely by Zoom. At the meeting, the Planning Commission voted unanimously to recommend to the Jamestown Zoning Board, approval of the application of Andrew Bilodeau: AP 5, Lot 165; Beach Avenue, Jamestown, RI; being reviewed under Zoning Ordinance Section 314 - High Groundwater

Table and Impervious Overlay District Sub-district A review in accordance with the plan entitled Development Plan Beach Ave Plat 5 Lot 164 Jamestown, RI, by RP Engineering, Inc., 121 Suffolk Drive, North Kingstown, RI 02852, 885-7255. The recommendation for approval is based on the following findings of facts as amended:

Findings of Fact Section 314

1. This site was previously reviewed and approved under the HGWT process in 2012;
2. Property is 21,600 sf in area;
3. The existing site is undeveloped;
4. The lot has OWTS approval RIDEM permit # 9015-0016;
5. Topography on the lot is flat;
6. There is a freshwater wetland wooded swamp (6038 sf) and its associated 50' perimeter wetland along the east side of the property;
7. Existing impervious cover is **0 sf or 0 %**;
8. Five (5) soil evaluations were conducted on the property. The results indicate an 18-inch seasonal high water table and 31" inches to category 9 soils. The site falls under **Sub-district "A"** requirements of the High Groundwater Table and Impervious Overlay District. The maximum impervious cover allowed is 10% (1556 sf);
9. The applicant is proposing to construct a 3-bedroom dwelling, a pervious driveway, OWTS and well;
10. The total proposed impervious cover proposed is **1530 sf**;
11. A new 3-bedroom advanced treatment OWTS (RIDEM permit #9015- 0016) is proposed;
12. For stormwater mitigation, a rain garden is proposed. The rooftop is directed toward a rain garden (with a bottom area of 576 sf);
13. The applicant's representative Richard Pastore, PE represented the applicant as an expert witness before the Planning Commission on 6-3-20;
14. The proposed impervious cover is **9.8%, 1530 sf**. The maximum allowable impervious coverage for this site is 1556 sf;
15. The proposed BMP's provide treatment for the 1" water quality volume and provide storage for runoff from a 10-year frequency storm event for the proposed impervious surface on the site;
16. Jamestown Engineer Jean Lambert provided correspondence to Chris Costa, Building Official and Lisa Bryer, Town Planner dated February 24, 2020 regarding the Bilodeau application (attached) which notes that, the proposal, in her professional judgement, the requirements for development within 82-314 of the Zoning Ordinance have been met.

Recommended Conditions of Approval

1. A Special Use Permit for Section 314 is required from the Zoning Board of Review;
2. The proposed infiltration area and rain garden area must be physically delineated on the site prior to the commencement of construction to prevent compaction of the soil by heavy equipment;
3. An as-built plan should be provided at the completion of construction to the Building Official depicting the size and location of the house, size and location of the rain gardens, and verifying the elevations and grading shown on the proposed site plan;
4. The OWTS must be inspected and maintained as required by the Town Onsite Wastewater Management Program. A maintenance contract must be recorded in the land evidence

records and a copy of the recorded document shall be submitted to the Planning Department; and,

5. The Operation and Maintenance (O & M) Plan (reproduced in 8.5” x 11” for the stormwater mitigation (rain gardens) shall be recorded in the Office of the Town Clerk with the Zoning Approval and evidence of such shall be provided to the Zoning Enforcement Officer as well as the Planning Department.
6. An erosion and sediment control permit will be required from the building official prior to commencement of construction. Erosion and sediment controls shall be installed at the down gradient limit of disturbance as shown on the site plans. Erosion controls shall be maintained until final stabilization is achieved on the site.

So voted:

Michael Swistak – Aye

Duncan Pendlebury – Aye

Rosemary Enright – Aye

Mick Cochran - Aye

Bernie Pfeiffer - Aye

Dana Prestigiacomio - Aye

Michael Smith - Aye

Motion carries – 7-0

VI. **Reports** –Town Planner’s Report – moved to end of meeting

2. Future Agenda Items; review and/or discussion

- Zoning - Short Term Rental; review and/or discussion

Town Planner Lisa Bryer noted the next agenda items, and noted that there are several applications in the wings and we have a TRC meeting tomorrow morning for 63 Conanicus Ave. a 3 unit condo unit is proposed. We have another high groundwater application ready. The old Bakers Pharmacy will be coming to us as a comprehensive permit application from Church Community Housing Corp. Our intent is to have meetings on a regular schedule via zoom until things change. We can decide if we want to hold both meetings in July and August at a later time, noted the Chair.

Bryer asked if we want to discuss the Zoning Amendments or do we want to wait until we are in person? Mr. Brochu has the draft and the only thing left to talk about is short term rentals. Commissioner Prestigiacomio asked if we could hold a meeting with lots of participants? She noted yes. The chair noted that there was discussion about getting the police chief and Chris Costas opinions and concerns regarding short term rentals. She had discussed this with them and therefore so there is not a need for them to be present. She will report on that at the next meeting where it will be ~~is~~ discussed.

VII. **Old Business** – **nothing at this time**

VIII. **Adjournment**

A motion to adjourn was made by Commissioner Swistak and seconded by Commissioner Cochran at 7:34 p.m. So unanimously voted by roll call vote:

Ayes - Michael Swistak, Duncan Pendlebury, Rosemary Enright, Mick Cochran, Bernie Pfeiffer, Dana Prestigiacomio, Michael Smith

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Attest:

A handwritten signature in cursive script that reads "Cinthia L Reppe".

Cinthia L Reppe
Planning Assistant