

Approved As Amended
PLANNING COMMISSION MINUTES

June 17, 2020

7:00 PM

Jamestown Town Hall

93 Narragansett Ave.

Topic: Jamestown Planning Commission Meeting

Time: 7:00 p.m.

Held by Zoom

<https://zoom.us/j/98467613459>

I. Call to Order and Roll Call

The meeting was called to order at 7:05 p.m. and the following members were present via zoom:

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

Also present:

Lisa W. Bryer, AICP – Town Planner
Wyatt Brochu – Town Solicitor
Cinthia L Reppe – Planning Assistant
Tom Principe
Richard Lee
David Stokes
Gail Stokes
Bonnie Hogan
Dale Jerald
Bob Fadden

II. Approval of Minutes June 3, 2020; review, discussion and/or action and/or vote

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

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

III. Correspondence – nothing at this time

IV. Citizen’s Non-Agenda Item

V. Reports

1. Town Planner's Report – will put at the end of the meeting
 - July 1, 2020 meeting

VI. Old Business – nothing at this time

VII. New Business

1. **Gail & David Stokes, Plat 16 Lot 85, 86 Frigate St. - Section 82-314, High Groundwater Table and Impervious Overlay District -Sub-District A – for Special Use permit and Variance** - recommendation to Zoning Board; review, discussion and/or action and/or vote

David Stokes said Thomas Principe, PE will be representing him and speaking about the project tonight as will Richard Lee who is with the Mr. and Mrs. Stokes.

Thomas Principe introduced himself and gave his background. Commissioner Swistak made a motion that was seconded by Commissioner Smith to accept him as an expert witness. So unanimously voted by roll call vote.

Mr. Principe said he is here this evening to seek a recommendation for a special use permit and a setback variance from the Zoning Board for Gail and David Stokes. He will be walking through existing conditions and the new proposal. There is an existing 2-bedroom dwelling on this property which has a 7200 sq ft lot in an R-40 district. They are proposing an addition of 360 sq. ft. with the proposal dwelling about 1398 sq. ft total. This is a Sub-district A proposal. Currently the property has 26.5 % impervious coverage which is above the 9% allowed. With this proposal they will be removing asphalt and driveway and replacing it with a permeable paver for infiltration so the impervious cover it will be lowered to 19.4 %.

Mr. Lee gave a description of the internal changes for handicap access.

Commissioner Cochran asked if the **percent coverings calculation included the portion of asphalt driveway extended out to Frigate St. or only to the property line?** Only **to** the property line not the town right of way. Rosemary Enright asked will you be removing the part of the road outside of property line? He responded the westerly downhill **side drive** will be removed, loomed and seeded. Her Calculations **of allowable coverage differ in different material presented** are ~~not the same as what Mr. Principe's are.~~ He **Mr. Principe** said when the soil evals were done, it started at 10% and as it progressed, they determined it was 9% allowable coverage.

If the shed is removed would it change the calcs? It is only 82 sq. ft., it would be lowered by approximately 1.2%.

Mr. Principe responded that they have very poor soil materials. There is fill material down 84 inches. Commissioner Pendlebury said it is a question they are looking at for the size of the variance. They could remove the shed for the extra 1.2 % reduction in impervious cover.

Commissioner Cochran asked about the 2 pavement driveways, they are going to remove 1 **completely** and remove **change the other** from an asphalt driveway **to pervious material.**

A discussion ensued regarding the lack of stormwater mitigation. Frigate has quite a slope to it and makes it difficult with the poor soils for runoff.

Commissioner Swistak said in reference to handicap accessibility will there be a handicap ramp added? Yes, at some point Mr. Principe noted, with permeable block. It will be crushed stone and pavers for infiltration when put in.

Lisa Bryer asked if the handicap walkway will run straight out to Frigate. It will connect the driveway to the addition and will run North and South. Richard Lee said it would be a very small slope.

Commissioner Swistak asked Ms. Bryer and Mr. Brochu if there is a precedent for past decisions for tradeoffs for having a lot improved and still it is not in compliance but getting better. Brochu said he cannot think of anything, but said when looking at an improved situation that would be for the better. The ones Ms. Bryer can actually think of ~~they were~~ **included** replacing the septic systems but with this one they are not. Swistak said we have a system that is 20 plus years old. As long as it is passing inspection and the system works just fine, do we have something that says it needs to be replaced? Staff looked at ordinance and in the letter of law all development would need a new system. Mr. Lee said they were hoping to not do that because of money. He would hope if they took out the shed that would do it. Commissioner Cochran said he thought there was language in the ordinance that said if making the property better this would be a good thing. Lisa noted that that is the overall goal of the ordinance in general.

Commissioner Pendlebury said he has a concern about controlling the stormwater. Are we sure that this is not putting additional storm water on the adjacent property? Lisa noted that it is not unreasonable to request an additional rain garden.

They do not want to redirect any excess runoff to the OWTS which is in **the downhill** direction. Lee said the most runoff issues are off Frigate Street, by reconfiguring the driveway they are hoping that it will reduce the flow to the property.

Can we make a condition that Jean Lambert's memo needs to be corrected before it goes to zoning. 4th paragraph and 7th paragraph. Mr. Lee said they could remove the shed and put cabinets under the porch.

Commissioner Swistak said before going over the findings of fact and conditions of approval let's get a consensus on the shed. Mr. Lee said they will remove the shed.

Second issue is the septic system; it is functioning and Jean Lambert and Chris Costa did not feel that replacement is critical and the applicant said they would like to wait. Pfeiffer said it does not need to be replaced now, Smith thinks down the road it will be replaced eventually with a modern system so he would not make it a requirement. Pendlebury and Enright agree.

Clarification of the square footage needs to be updated on the motion and Commissioner Pfeiffer wants it noted that the applicant is removing the pavement **outside the property line** and replacing it with topsoil and seed. Commissioners will work to improve draft motion before vote.

Commissioner Enright made a motion that was seconded by Commissioner Smith to recommend to the Jamestown Zoning Board, approval of the application of Gail and David Stokes: AP 16, Lot 85; 86 Frigate Street, 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 "Site Plan for AP 16 Lot 85, 86 Frigate Street in Jamestown RI" revision dated 5/14/2020 and revised 6/19/2020 after the Planning Commission meeting on June 17, 2020 where the applicant agreed to remove the shed and reduce the overall impervious cover. The plans are prepared by Principe Company, Inc. Engineering Division, PO Box 298, Tiverton, RI 02878, 401-816-5385.

The recommendation for approval is based on the following findings of facts as amended:

Findings of Fact Section 314

1. The property is 7200 square feet (sf) in area;
2. The existing site is developed with a house, paved driveways, well, and a conventional OWTS;
3. Existing impervious cover is approximately **1908 sf or 26.5%**.
4. The OWTS was updated in 1998. The Town database indicates that the existing OWTS is current for maintenance;
5. Topography on the lot slopes from east to west on the site;
6. There are no freshwater wetlands on the property;
7. The soil evaluations conducted on the property were inconclusive in that they showed a large of amount of fill over the original soil horizons. Soil evaluation results from nearby lots were used to determine that the subject site falls under **Sub-district "A"** requirements of the High Groundwater Table and Impervious Overlay District. The maximum impervious cover allowed is **9% or 648 sf.**;
8. The applicant is proposing to construct a 344 sf addition and a 22 sf covered porch. One area of paved driveway will be replaced with a permeable paver driveway. Approximately 875 sf total of existing paved surfaces will be removed on site in addition to 586 square feet of impervious cover will be reduced in the town right of way;
9. The applicant has volunteered to remove the existing shed to reduce impervious cover;
10. The total proposed impervious cover will be **1315 sf or 18.3% a reduction of 8.2%** from the existing condition;
11. The existing well and OWTS will remain;
12. Two stone infiltration trenches are proposed to provide water quality treatment of new rooftop runoff.;
13. The applicant's representative Thomas J. Principe, III, PE, was certified as an expert witness by the Planning Commission and represented the applicant before the Planning Commission on 6-17-20;
14. Richard Lee, 209 Beacon Avenue spoke on behalf of the applicant;

15. The maximum allowable impervious coverage for this site is 9% or 648 sf. The proposed project exceeds the allowable area of impervious;
16. The required stormwater treatment volume for the new rooftops is 30.5 cubic feet (cf) and 75 cf are provided. The proposed BMP provides treatment for the 1” water quality volume for the new impervious surfaces on the site;
17. Jamestown Engineer Jean Lambert provided correspondence to Chris Costa, Building Official and Lisa Bryer, Town Planner dated June 10, 2020 regarding the Stokes application (attached). As noted above, the proposed project exceeds the allowable area of impervious cover; and
18. Engineer Thomas Principe testified that the size of the addition is the minimum required to accommodate accessible living in that house and that the primary purpose for the development proposal is handicap accessibility.

Recommended Conditions of Approval

1. A Special Use Permit for Section 314 is required from the Zoning Board of Review;
2. A variance is required from the Zoning Board of Review for exceeding the maximum allowable impervious surface coverage;
3. The area where the shed is removed shall be restored to pervious surface prior to the addition receiving a Certificate of Occupancy;
4. The proposed infiltration area must be physically delineated on the site prior to the commencement of construction to prevent compaction of the soil by heavy equipment;
5. An as-built plan shall 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;
6. 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,
7. 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.
8. 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.
9. Any additional future site work that increases the area of impervious coverage will require a review following the requirements of the High Groundwater Ordinance

2. CDBG Endorsement of Application PY 2019, review, discussion and/or action and/or vote

- **Consistency with the Comprehensive Community Plan**
- **Motion for approval of application**

Town Planner Lisa Bryer stated we have 3 applications for PY 2019 and on Monday night the Town Council supported the priority list and application for submission to the state, in the order it was presented. The Planning Commission looks at this specifically for consistency with the Comprehensive Community Plan. There is a suggested motion at the end of the memo.

Town Planner Lisa Bryer is open to questions from the board. When asked to clarify that even though you are submitting this request is it always funded? Many times we are not funded and 10 times out of 10 we are not fully funded. In the past some of the public services were not funded. The usual cast of subrecipients will be funded by other towns on a regional basis. When asked about the Carr Lane project, if for some reason that project does not go through, Bryer said as with any grant if the project does not go forward funds would be recaptured by the state..

Bonnie Hogan 56 Carr Lane – said she is not against affordable housing, but she has 152 signatures who share the concerns of 5 houses on 1.3 acres. Water supply is critical and as stated comp plan is intended to limit growth there are only 2 lots of 1 acre on Carr Lane. Most of the trees have to be removed for the solar in her opinion, and then it will not be an attractive wooded lot. Her concern is that you are endorsing the entire proposal, not protecting the watershed.

Sean Saunders representing CCHC, this is ultimately just a recommendation that states it is consistent with the Comprehensive Community Plan. The details on specific concerns surrounding the impact would be quite minimal and the solar technology has improved significantly over the last few years. Visibility of the panels will not be viewed. This is not about approving or disapproving the plan for the project.

Dale Jerald - 63 Carr Lane, she understands the grant and understands it may be separate but she looked at north end and feasible affordable housing should be a 1 acre lot per house. Keeping with the rural character.

Bob Fadden - 66 Carr Lane He agrees with Bonnie Hogan, and he owns land behind Carr Lane. Putting 5 units in this small area would not be good.

Commissioner Enright is concerned with the project, it is not a good precedent to put forward she has strong reservations about it.

Lisa Bryer noted that the grant opportunity do not happen often and you do not always get funded on these opportunities the first time. She put up on the screen what was provided to the Commission when CCHC came before them for this project as a Comprehensive Permit Preapplication and it outlines in detail why it is consistent with the comp plan. She added the numbers stated about density are inaccurate. It is 6.9 acres. The only reason the housing sits on 1.3 acres not is because we already protected the open space through a grant. We had to do that simultaneously with the purchase in order to get the grant. The overall density is looked at as the larger number of 6.9 acres. Therefore, it is 4 units on 6.9 acres, or one house per 1.7 acres. The comp plan also says affordable housing should be spread out throughout the island and we do our

best to accommodate that. We have a much larger number in the village due to the senior housing and recently added one to the Shores area. There are a few currently in the Shores.

Commissioner Swistak said can you talk about timing? Application to funding time line? The Carr Lane project has only been to planning for preapplication. It will come back to the planning commission again and be reviewed in great detail through many levels of review and public hearing. This funding may be available sometime in the fall. Sean Saunders said generally what happens is maybe in fall initial contract will come out. If the money is not fully spent it would be reabsorbed after 5 years.

Bonnie Hogan – the back of the lot is listed as conservation property. She agrees it should be throughout the island. It will not be on the back 5.5 acres.

The motion is for the entire application and the application says one unit at 91 Carr Lane. The Town Council authorized this to be submitted. Pendlebury said we are looking at 2 other things being funded too at this time.

A motion was made by Commissioner Swistak and seconded by Commissioner Pendlebury that states the Jamestown Planning Commission hereby certifies that the proposed PY2019 Community Development Block Grant activities are in compliance with local development policy set forth in the 2015 Jamestown Comprehensive Community Plan.

So unanimously voted:

Michael Swistak - Aye
Rosemary Enright - Aye
Bernie Pfeiffer - Aye
Michael Smith – Aye

Duncan Pendlebury – Aye
Mick Cochran – Aye
Dana Prestigiacomo – Aye

Motion carries 7-0

Reports

1. Town Planner's Report

- **July 1, 2020 meeting**

Ms. Bryer reported on the conversation at the Town Council meeting last Monday evening where they discussed the Ambulance Barn lot and the Bank America lot. She asked them to think about their goals for the Bank of America building; are you trying to create parking or just to fill up empty space. Those are very different goals and I think that needs to be flushed out in order to properly have a discussion about these two lots that were on the Town Council agenda.

We do not have any applications for the July 1 meeting but we can have a discussion of short term rentals. Would this be better in a more public setting? If not now when would we get to it stated Commissioner Swistak?

Commissioner Pendlebury asked about the zoning review, Lisa noted that the solicitors received it at the beginning of April and they are reviewing now. He asked when will that be ready? Enright would like to see this as a whole not in pieces. They decided to have the meeting on July 1, 2020 and start reviewing short term rentals.

VIII. Adjournment

A motion to adjourn was made at 8:55 p.m. by Commissioner Smith and seconded by Commissioner Cochran. So unanimously voted.

Attest:



Cynthia L Reppe
Planning Assistant