

Approved As Written  
**PLANNING COMMISSION MINUTES**  
August 24, 2020  
**3:30 PM**

**Join Zoom Meeting**  
<https://zoom.us/j/93841742464>

**I. Call to Order and Roll Call**

The meeting was called to order at 3:35 p.m. Via Zoom and the following members were present:

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

Michael Smith – in attendance but not participating due to technical difficulty

Also present:

Lisa Bryer, AICP – Town Planner  
Wyatt Brochu – Town Solicitor  
Cynthia Reppe – Planning Assistant  
Bill Piva – Town Councilor

**I. Approval of Minutes July 15, 2020;** review, discussion and/or action and/or vote

A motion was made by Commissioner Cochran and seconded by Commissioner Enright to approve the minutes with the following changes:

Page 2 under reports - the town is leasing the parking lot at the old ~~B of A~~ **Bank of America** building until the end of August

Page 2 second paragraph under New Business - Town Solicitor David Petrarca addressed each reason that Mr. Infantolino ~~sited~~ **cited** and gave an opinion

Page 3, 4<sup>th</sup> to the last paragraph, This doesn't become effective until ~~then~~ the Town Council

So unanimously voted:

Michael Swistak – Aye	Duncan Pendlebury – Aye
Rosemary Enright – Aye	Mick Cochran - Aye
Bernie Pfeiffer - Aye	Dana Prestigiacomo – Aye

**II. Correspondence – nothing at this time**

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

**IV. Reports**

1. Town Planner's Report

## V. Old Business

### 1. **Zoning Ordinance Amendment related to Building Height, Proposed amendment of Sections 82-302 and 82-317. This amendment seeks to limit building height in any zoning district from exceeding 35' in height due to required elevation provisions of flood zone requirements – Memo to Town Council. Discussion, review, and/or action and/or vote**

The Town Planner Lisa Bryer discussed the agenda item. Commissioner Swistak said the takeaway here is our proposal is not that we have a 35 foot cap for the special flood hazard area but it is 40 feet because of the freeboard.

Chair Swistak asked the Planner is an 18foot base flood elevation unique? She will not call anything typical. How is it measured? Asked Commissioner Swistak. Lisa Bryer explained in detail how it is measured and shared some graphics of a recent house that was built.

Commissioner Pendlebury said this is something that will be looked at as the data changes, assuming that the homeowner stays with this baseline here and does not try to build it up it will still be 11 feet in 10 years. Are we going to change it because of sea level rise?

Commissioner Swistak said FEMA allows some grandfathering with regards to flood insurance. Not related to building height but the govt is trying to help.

The Town Council received communication opposing this ordinance. In light of that there was push back to the council via social media saying that there may be conflicts of interest.

Commissioner Swistak asked Councilor Piva if he had anything he wanted to say about this. No Councilor Piva did not.

Town Planner Lisa Bryer drafted a memo to the Town Council with help from the Chair.

Commissioner Pendlebury said just to confirm is there a Sept 1 council meeting? Yes and the public hearing was put off until the 21<sup>st</sup> for this issue.

Commissioner Swistak said in conversation with Town Administrator Jamie Hainsworth and Town Solicitor Peter Rugeiro who said the town of Narragansett attempted to put a moratorium with a zoom meeting and the judge said you cannot put a moratorium in effect until we have public, in person meetings.

Bryer said in a similar conversation with the solicitors they indicated that in lieu of a moratorium the Town Council could approve it and suggest the Planning Commission work on amendments if needed. Pendlebury said that sounds appropriate.

Commissioner Swistak asked Solicitor Brochu “Are you aware of this moratorium ruling in Narragansett?” “Yes” he said.

Commissioner Swistak made a motion to forward the memo to the Town Council so it is included in their packet for their meeting next week. The motion was seconded by Commissioner Pendlebury. So unanimously voted:

Michael Swistak – Aye

Rosemary Enright – Aye

Bernie Pfeiffer - Aye

Duncan Pendlebury – Aye

Mick Cochran - Aye

Dana Prestigiaco – Aye

#### **VI. Adjournment**

A motion to adjourn was made by Commissioner Cochran and seconded by Commissioner Enright at 4:10 p.m. So unanimously voted.

Attest:

Cynthia L Reppe