



**THE TOWN OF JAMESTOWN**  
**OFFICE OF THE TOWN PLANNER**  
93 NARRAGANSETT AVENUE  
JAMESTOWN, RHODE ISLAND 02835

Phone: (401) 423-7210

Approved as written  
**PLANNING COMMISSION MINUTES**  
**June 4, 2025**  
**6:00 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave, Jamestown, RI 02835**

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

The meeting was called to order at 6:33pm. The following members were present:

Michael Swistak – Chair  
Diane Harrison  
Dana Prestigiacomio  
Not present: Mick Cochran and Nick Insana  
Duncan Pendlebury  
Bernie Pfeiffer

Also present:

Lisa Bryer, AICP, Town Planner  
Carrie Kolb, Planning Assistant  
David R. Petrarca, Jr, Esq., Ruggiero, Brochu & Petrarca  
Jack and Mary Brittain, applicants  
Bill Munger, applicant  
Christian Infantolino, Esq., Murphy Prior & Infantolino  
Michael Darveau, PLS, Darveau Land Surveying  
David Barnes, applicant  
Patrick Freeman, PE, American Engineering  
Alesha Cerrito, stenographer

**II. Citizen's Non-Agenda Item**

**III. Correspondence – Review, Discussion and/or Action and/or Vote:**

1. No items at this time

**IV. Public Hearing: Review, Discussion and/or Action and/or Vote:**  
**Under Unified Development Review per RIGL§ 45-23-50.1.**

Commissioner Swistak recused from the public hearing. Commissioner Pendlebury asked for a motion to open the public hearing. A motion was moved by Commissioner Pfeiffer and seconded by Commissioner Harrison to open the public hearing. All in favor.

1. The Application of Windridge Properties LLC, whose property is located at 14 Clinton

Avenue, and further identified as Tax Assessor's Plat 9 Lot 201. This application will be reviewed as a Development Plan per Zoning Ordinance Article 10 – Development Plan Review requiring a Special Use Permit per Zoning Ordinance Section 82-1200 - Multi-Family Dwellings for and a variance from Article 6 Table 6-2 for Lot Size for a multi-family dwelling where 20,000 square feet are required in the CD zone. The application proposes to convert existing office space into a two-bedroom apartment. Said property is located in CD zone and contains 12,600 square feet.

Commissioner Pendlebury opened the public hearing. Jack Brittain, spoke as the applicant for Windridge Properties, LLC, located at 14 Clinton Avenue. Brittain said that the commercial building was built in 2006. Over the years, in 2009 and 2012, two apartments were added to the second floor. The commercial businesses office is located on the first floor and garages in the back. Brittain said that he has had his electrical business for 50 years and is trying to downsize. The proposal is to renovate a 900 sq ft office on the first floor into a 2-bedroom apartment.

Brittain gave the calculations needed to calculate parking spaces for the building. Total commercial is unit #2 with an office that is 280 sq ft, a bathroom and front entry that is 273 sq ft for a total of 553 sq ft for commercial. This commercial space would require 3 parking spaces. If the apartment is granted on the first floor, it would require 1 parking space and the 2 apartments on the second floor would require 2 parking spaces. The garage in the back is 1,000 square feet is considered commercial and requires 4 spaces. Bryer noted that the findings of fact below show adequate parking with 18 parking spaces on-site and 3 spaces off-site.

Discussion of rentals ensued. Commissioner Pfeiffer asked what kind of rentals? Brittain said that they would like to have year-round rentals.

Commissioner Pendlebury asked for public comment including comments on the Special Use Permit and Variance needed for application. There were no public comments.

A motion was made by Commissioner Pendlebury and seconded by Commissioner Harrison to approve the request of Windridge Properties, LLC, of 14 Clinton Avenue. Specifically for development plan approval, including a special use permit and a dimensional variance with the following motion:

The application of Windridge Properties, LLC was reviewed by the Planning Commission on June 4, 2025 and the Planning Commission hereby approves the Development Plan, Special Use Permit and Variance based on the following finding of fact:

Findings of Fact:

1. The application was reviewed under the standards of Unified Development Review - Special Use Permit from Article 12 Section 82-1200 Multi-Family Dwellings. A variance from Article 6 Table 6-2 for Lot Size in CD for a multi-family dwelling;
2. The proposal includes converting existing office space into a residential unit with no building addition requested;

3. This application requires a variance for lot size, where 20,000 square feet (sf) are required for multi-family in the CD district and 12,600 sf exist and a special use permit for multi-family for the proposed work;
4. Zoning Ordinance Section 82-1200 would permit 3 residential units per the lot size;
5. The proposed improvements do not change the square footage of the building;
6. The applicant testified there are 9 parking spaces behind the building, 2 parking spaces in the garage and 5 parking spaces out front for a total of 16 parking spaces. The Planner noted in her Memo that the site has adequate parking spaces; 18 parking spaces on site and 3 off-site. The applicant confirmed at the Planning Commission meeting that the proposal requires 10 parking spaces based on the following:
  - a. 3 residential units = 3 parking spaces
  - b. 1,563 square footage of office space = 6.25 equaling 7 required parking spaces;
7. This application has been reviewed by the TRC on May 22, 2025 and by the Planning Commission on June 4, 2025;
8. The applicant was represented by the owners Jack (John) and Mary Brittain;
9. This property was constructed in 2006 and received Planning Commission approval at that time in addition to a review and approval in 2012 for conversion of interior space to residential;
10. The following information has been provided for the proposed application:
  - a) Application for Development Plan Review dated 5/1/25
  - b) Narrative – 14 Clinton Avenue
  - c) A-1.1 3 sheets, amended – dated 03-09-12
11. This property is located in the Commercial Downtown (CD) Zoning District. Mixed use, residential and office are permitted by right;

Based upon the testimony and evidence presented, and the recommended findings and proposed conditions as presented by the Planning Department, which are specifically incorporated herein, A motion was made by Commissioner Harrison and seconded by Commissioner Pfeiffer to approve the request of Windridge Properties, LLC, of 14 Clinton Avenue, specifically for development plan approval, including a special use permit, and a dimensional variance.

In granting the Special Use Permit, the Planning Commission also finds:

1. That the special use is specifically authorized by the Town's Zoning ordinance, as noted in the application.
2. That the intended use does not create a degradation in level of service with respect to traffic circulation;
3. That the intended use respects and enhances the architectural character of the surrounding area;
4. That the intended use minimizes light pollution using dark sky techniques;
5. That the intended use minimizes stormwater impacts through utilization of vegetative swales and/or similar bio-retention methods;
6. That the intended use will not exceed local noise regulations;

7. The special conditions as proposed are required to promote the intent and purposes of the Town's comprehensive plan and Zoning Ordinance because the conditions of approval and the proposed application will:
  - a. Minimize adverse impact of the development upon other land, including the type, intensity, design, and performance of activities;
  - b. Designate the exact location and nature of development; and,
  - c. Establish detailed records by submission of drawings, maps, plats, or specifications.

In granting a dimensional variance the Planning Commission also finds:

1. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not the general characteristics of the surrounding area, and is not due to the physical or economic disability of the applicant because the lot and building are existing and this proposal involves the conversion of existing space from office to residential;
2. That said hardship is not the result of any prior action of the applicant because the building was built for a specific purpose and retrofitting this space, at this time, is in the best interest of the owner and community needs;
3. That the granting of the requested variance will not alter the general characteristic of the surrounding area nor impair the intent or purpose of the Town's zoning ordinance nor comprehensive plan because it is an existing structure that was in compliance with the comprehensive plan and zoning ordinance when it was constructed;
4. That the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted, because the use proposed is permitted and no additional exterior construction is required to achieve the proposed plan.

In granting the Variance and Special Use Permit Approval the Planning Commission imposes the following special conditions as are deemed necessary to maintain harmony with other lots in the same or abutting zoning districts and to promote the objectives of this Ordinance.

Conditions of Approval:

1. The site improvements shall be built in strict accordance with the plans referenced above;
2. Any interior or exterior changes after this approval will require further approval; and,
3. The applicant shall provide a check to the Town of Jamestown for \$51 for the recording of this approval in the land evidence records of the Town of Jamestown.

The motion carried by a vote of 4-0.

Commissioner Harrison, Commissioner Pfeiffer, Commissioner Prestigiacomo and Commissioner Pendlebury voted in favor of the motion. Commissioner Swistak was recused. Commissioner Cochran and Commissioner Insana were absent.

2. The Application of Regnum LLC, whose property is located at 20 Narragansett Avenue, and further identified as Tax Assessor's Plat 8, Lot 166. This application will be reviewed as a Development Plan per Zoning Ordinance Article 10 – Development Plan Review and as a Substantial Modification/Change in Use per Article 11 – Jamestown Village Special Development District and requires a Special Use Permit per Article 3 for parking under Section 82-1307 – No net loss of parking. The Applicant seeks a change of use for a portion of the existing property and special use permit for parking standards on the property where the use is proposed. Said property is located in a CD zone and contains +/-18,138 square feet.

A. Correspondence Received:

1. Marilyn Munger, 20 Knowles Court, Jamestown, RI 02835
2. Christina DiMeglio, 68 East Shore Road, Jamestown, RI 02835
3. Michael DiMeglio, 68 East Shore Road, Jamestown, RI 02835
4. Bradford and Susan Cerilli, 32 Calvert Place, Jamestown, RI 02835
5. Bill Munger – delivered onsite

Christian Infantolino, Esq of Murphy Prior and Infantolino represented Regnum LLC, whose subject property is at 20 Narragansett Ave. Infantolino asked that items from the Findings of Fact #10 be entered as exhibits:

- a) Application for Development Plan Review dated 5/27/25
- b) Narrative – for Parking “Parking Calculations by USE”
- c) Two Sign graphics showing 1) a Narragansett Avenue window sign for Ryan’s Family Amusements and 2) a projecting sign on the rear of the building near the rear entrance door;
- d) Lighting bollard specification sheet;
- e) Amended site plan “Plan of Land” dated, revised May 22, 2025
- f) Notice of Hearing;
- g) Application for Special Use Permit dated 5/15/25

Infantolino said that there are no changes to structure. There are changes to parking lot. For the change of use, 1,800 sq ft of interior space will be re-allocated from retail to arcade. The hours of operation will be from 9:00am -9:00pm. The proposed signage is a small window sticker on Narragansett Avenue and a small sign in the parking lot off Knowles Court. Neither sign will be back lit.

Infantolino explained that for exterior lights there will be bollard lights in the parking lot. The applicant will be changing out the light over the garage so it is down-lit and shielded and all lights will be on a timer.

Infantolino explained the buffering around parking lot. On the north side, off Knowles Court, they applicant will add two shade trees. The rosa rugosa will be removed and low-level bushes will be added that will not impede sight lines. On the eastern side, there will be a fence, which is what the neighbor to that side has requested. The fence on the east property line will stop 20-feet away from Knowles Court and there is shrubery where the fence ends. On the western side, the

existing privet hedge will be maintained. A bike rack is proposed in the southwest part of the parking lot.

Infantolino explained that the existing garage door will be used for deliveries and it will be open only during deliveries.

Infantolino explained that the interior space will comply with all fire safety required by the Jamestown Fire Department. The Jamestown Fire Department calculated the occupancy for the interior space at 49 people.

Infantolino explained that the applicant is connected to town water and confirmed this with the water department. The applicant is in the final steps of disconnecting the existing well. The applicant had both a well and town water connection because that said was required by Town Council many years ago. The applicant is using only town water now.

Infantolino addressed the concerns from neighbors from the TRC meeting:

1) Regarding parking on Knowles Court. The applicant is not utilizing or proposing any parking on Knowles Court. The applicant can control the parking lot for the property.

2) Concerns on lighting and screening. Infantolino re-stated that lights will be on timers, new trees will help with the buffering of the parking lot.

3) Concerns for noise in the parking lot. There is the noise ordinance in town that can be enforced.

Infantolino stated that the best place for business activity is within the CD area of town, which the property is zoned.

Infantolino explained the parking requirements in the change of use process. The new use with the arcade will be for retail, professional space and arcade will require 29 parking spaces. The current use for retail and office space is 28 spaces. The change of use is only for one more parking space needed. Infantolino re-stated that the applicant is not counting any spaces on Knowles Court for parking. The current parking lot has 24 parking spaces and 3 off-site parking spaces on Narragansett Avenue. Infantolino said that several of the striped spaces do not fit the dimensions needed in the current regulations and parking downtown is extremely limited. There is a new provision in the Zoning Ordinance Section 83-1307 which allows no net loss of parking onsite.

Michael Darveau, PLS, of Darveau Land Surveying was called to testify. Mr. Darveau has presented to the Jamestown Planning Commission many times and was accepted as an expert witness.

Infantolino asked Darveau to describe the existing conditions plan and the proposed conditions plan specifically how they relate to the parking, lighting and property site buffering. Darveau explained the proposed site conditions. The existing light fixture over the garage door will be changed to downward facing. The bike rack is proposed in the southeast corner. There will be

two bollard lights placed in front of the existing shrubbery/privet hedge. A third bollard light will be placed along Knowles Court next to one of the proposed shade trees. Three to four low level holly bushes will be added for additional landscaping. The building will not be expanded. The existing parking area will remain. The current layout is ten (10) 8x18 ft parking spaces, where the requirements are 9x18 ft. Three (3) spaces on the southside are 8x16 ft that are a little shorter. Seven (7) spaces are 9x14 ft. In the middle of the parking lot there are four (4) spaces that are 9x18 ft. There are a total of 24 spaces that are striped on the property.

Darveau was tasked with how many to maximize the existing space to meet the requirements of 9x18 ft. parking spaces. He and his staff did two different layouts.

Plan A has the same in and out entrance on Knowles Court. This layout has 17 spaces with aisles.

Plan B is more creative with two entrances and two-way traffic at one entrance. Cars would move in “U” traffic pattern through the lot. This proposal gives 16 parking spaces and changes the lot dramatically.

Infantolino asked “Is the amount of area used for parking being reduced in this proposal?” Darveau said no.

Infantolino asked “Is it true that the applicant cannot meet either the number of parking spots required or the dimensional standards of a parking spot as required by the ordinance within the existing parking area?” Darveau said yes.

Infantolino asked “In your opinion, are there as many spots as feasible existing in the parking area in an attempt to meet the district parking requirements?” Darveau said yes.

Infantolino asked “In your opinion, will the Granting of the Special Use Permit result in conditions harmful to the public health, safety, morals and welfare?” Darveau said no.

Infantolino asked “In your Opinion, will the granting of the Special Use Permit substantially or permanently injure the appropriate use of the property in the surrounding area or district?” Darveau said no.

Discussion regarding lighting ensued. Commissioner Harrison asked about the new bollard lighting. Infantolino explained that they are looking at putting the new bollards on timers versus motion sensors due to fact that animals can set off the motion sensor. The lighting will be low level lighting. The lighting on the garage will be facing downward.

Discussion about signage on Knowles Court ensued. Bryer said that on Knowles Court there is no parking until the ambulance park. And there is no boat trailer parking the entire length of Knowles Court. There is car parking permitted from the ambulance barn to Coronado Street.

Discussion regarding the parking lot ensued. Bryer noted that on the draft motion in findings of fact #5 the number of parking spaces available is 23 not 24. Infantolino explained that they took 3 spaces to make 2 official handicap spaces. Commissioner Pfeiffer asked if this satisfied ADA

regulations? Bryer said that town ordinance specifies 1 handicap space per 10 spaces. Commissioner Pendlebury asked if the lot will be closed after hours? Infantolino said that there will not be a chain on the lot. He said that people park on the lot after hours, even though it is a private lot.

Discussion regarding building signage ensued. The window on Narragansett Avenue will have a small sticker only. An overhead door hanger with an arm will be at the back door.

Discussion of deficiencies ensued. Commissioner Pendlebury said that the applicant is proposing no net loss in parking per 82-1307. Bryer said that the no net parking loss is for onsite parking. The applicant didn't calculate parking off site and still needs a Special Use Permit. The applicant is deficient in dimensional standards and number of space standards.

Discussion of no loitering signage ensued. Cumberland Farms has "no loitering" signage. Commissioner Pendlebury noted that the applicant can have signage that says "no loitering" which gives the property owner and public safety the chance to enforce it. Infantolino said that they will accept it as a condition.

Discussion of egress ensued. The Fire Department has advised that even if the store is closed for business, the applicant has to ensure the egress pathway is illuminated and the door (in between the units and on Narragansett) is unlocked. Even though they could lock the door handle (not deadbolt) from the exterior, people could still exit because of the panic hardware. The stance of the Fire Department is the door will have to remain unlocked so the Fire Department has easy access in the case of any emergency. Infantolino said that they will be in full compliance with the Fire Department.

Infantolino concluded that the arcade is allowed in the Town. The downtown is struggling and an arcade can help the situation. It will be beneficial to citizens and visitors alike.

Commissioner Pendlebury allows the public for comments.

Roseanne Pawelec – 53 Conanicus Avenue was sworn in by the stenographer. Pawelec questioned who grants the license and the hours of operation. Bryer said the hours are set by the license that is issued by the Town Council. Pawelec said that hours are crucial because its residential on one side of Knowles Court and business on the other side. She said that she feels misled because early on the applicant said they would be open until 7:00 pm or 8:00 pm. Pawelec said that an ambulance cannot get down Knowles Court due to parking on both sides of the street. Solicitor Petrarca said that proposed hours of operation can be a condition of approval that the Town Council can adjust because they set the hours of operation. Commissioner Harrison asked what the current hours of operation are? Infantolino said the established hours are 9:00am-5:00pm. The later hours would be in line with other established businesses in Jamestown.

Delia Klingbeil of 53 Conanicus Avenue in the Knowles Avenue condos was sworn in by the stenographer. Klingbeil is concerned with the hours of operations. She said 9:00pm is too late to be dropping off teenagers. Knowles Court is a dark street. The Town can control parking,

noise and traffic on Knowles Court. She said that there will be kids hanging out in the parking lot and in the street, adding traffic and adding noise. It is the responsibility of the Town to control what goes on, on that street. Knowles Court is a residential street.

Carl Pucci of 53 Conanicus Avenue was sworn in by the stenographer. Pucci asked about the three (3) designated parking spaces in the current lot that are for the tenants at 25 Knowles Court? Infantolino said that the signs for the designated parking will come down and the parking will go to the Arcade Business. Pucci asked if the bike rack takes away parking spaces. Infantolino said no. Pucci asked if the parking lot will be re-stripped? Infantolino said that the ones that will change are the handicap spaces. Pucci said when he heard about the application it was for 20 Narragansett Avenue, but there are many changes happening on Knowles Court. He is not totally against the application, but he is not totally for it.

Liz Goldberg was sworn in by the stenographer. She is a business owner in town with Blossom Boutique. She said that Jamestown is a difficult town to operate in. She thinks the arcade is a boost for the business community. She said when Bill (Munger) has an event, there are people in her store as well. There is a short season in Jamestown. She is considering keeping her business open later until 7:00pm. She votes for the arcade.

Marilyn Munger owner of 20 Knowles Court was sworn in by the stenographer. Her property is directly across the street. She said that the property of 20 Narragansett Ave goes to Knowles Court. The proposal of the arcade is coming from a family that has run a business in Jamestown for 20 plus years and they do not want loitering. She said that the restaurants are open. They have already have had requests for 9- and 10-year-old birthday parties. She said that parking on Knowles Court is mostly workers in restaurants. She is for supporting local businesses in town.

Mary Brittain of 14 Clinton Avenue was sworn in by the stenographer. Brittain said that she has known Bill and May (Munger) for years. She said that she agrees with what Maryiln (Munger) has said. She said that Bill Munger always asks if everything is OK and if they are having any problems. They both have been doing business in Jamestown for years. She thinks the arcade will be wonderful.

Susan Hackman, President of Chamber of Commerce in Jamestown, was sworn in by the stenographer. Hackman said that the Chamber of Commerce supports all the business in Town. The arcade will be family friendly. She is hoping for the support of the arcade. She thinks it will be great for the community.

Commissioner Harrison asked if there would be seasonal hours? Infantolino said that they will – stick to 9:00am-9:00pm as proposed. They could be busy until 8pm in the winter because it is inside and warm. The licensing could change the hours.

Commissioner Pendlebury asked Bryer to pass this information along to the Chief of Police. They may want to put up “no parking” signs that limit parking to one side of the street so emergency services can get through.

A motion was moved by Commissioner Harrison and seconded by Commissioner Pfeiffer to approve the change of use per article 11 at 20 Narragansett Ave and SUP per article 3 for parking no net loss per 82-1307 as follows:

The application of Regnum, LLC was reviewed by the Planning Commission on June 4, 2025 and the Planning Commission hereby approves the Development Plan and Special Use Permit based on the following finding of fact and subject to the following conditions of approval:

Findings of Fact:

1. The application was reviewed under the standards of Zoning Ordinance Article 10 – Development Plan Review and as a Substantial Modification/Change in Use per Article 11 – Jamestown Village Special Development District and requires a Special Use Permit per Article 3 for parking under Section 82-1307 – No net loss of parking;
2. The proposal includes converting existing office space into a video arcade with no building addition requested;
3. This application requires a special use permit per Article 3 for parking under Section 82-1307 – No net loss of parking;
4. The proposed improvements do not change the square footage of the building;
5. This site has inadequate parking spaces per the standards of the 2025 Zoning Ordinance. The proposed use requires 29 parking spaces where 24 spaces are provided as amended to 23 to provide for 2 handicap spaces on site and 3 spaces are located off-site on Narragansett Avenue and 3 spaces (based on 63’ of linear space) could be accommodated on Knowles Court. The applicant agreed to not use Knowles Court on-street parking due to neighborhood objections; The required 29 parking spaces is based on the following:
  - a. Retail (2,800 sf): 82-1303(5) – 5 spaces per 1,000 GLFA = 14 parking spaces;
  - b. Professional Office 82-1303(3) – 4 spaces per 1,000 GLFA = 5 parking spaces; and,
  - c. Video Arcade: 82-1303(6) – 1 space per 5 persons occupancy (49 person occupancy): = 10 parking spaces
6. This application was reviewed by the TRC on May 22, 2025 and by the Planning Commission on June 4, 2025;
7. The applicant, the building owner of 20 Narragansett Avenue was present and was represented by Attorney Christian Infantolino;
8. This property began use as Conanicut Marina store and offices in 2000 and received Planning Commission approval at that time;
9. In the 2000 approval the Planning Commission stated:

In approving this Development Plan the Planning Commission recognizes that there will be overlap between marina customers and customers using 20 Narragansett Avenue facilities. In addition, the Planning Commission recognizes that the application requires variances to Article 12 of the Zoning Ordinance and makes the following recommendation to the Jamestown Zoning Board: “To recommend that the necessary variances be granted for parking for the development and parking plan for 20 Narragansett Avenue.”

10. The following information has been provided for the proposed application:
  - a) Application for Development Plan Review dated 5/27/25

- b) Narrative – for Parking “Parking Calculations by USE”
  - c) Two Sign graphics showing 1) a Narragansett Avenue window sign for Ryan’s Family Amusements and 2) a projecting sign on the rear of the building near the rear entrance door;
  - d) Lighting bollard specification sheet;
  - e) Amended site plan “Plan of Land” dated, revised May 22, 2025
  - f) Notice of Hearing;
  - g) Application for Special Use Permit dated 5/15/25
11. The existing well on site may not be approved for use in the bathrooms due to its location and/or use. The owner testified that the well water is disconnected from the building and they are now connected to Town Public Water for the entire building;
  12. The existing landscaping on Knowles Court is determined to be insufficient for public street standards;
  13. The applicant has provided two parking scenarios that will be reviewed by the Planning Commission;
  14. The overhead “garage” door in the rear of the property facing Knowles Court is used only for shipping receipt, which the applicant testified at the TRC, occurs daily;
  15. No bike rack is located on site;
  16. This property is located in the Commercial Downtown (CD) Zoning District. Mixed use, retail/office/video arcade are permitted by right;
  17. Infantolino testified the hours of operation for both the retail store and video arcade will be 9am-9pm, seven days per week;

Based upon the testimony and evidence presented, and the recommended findings and proposed conditions as presented by the Planning Department, which are specifically incorporated herein, A motion was made by Commissioner Harrison and seconded by Commissioner Pfeiffer to approve the request of Regnum, LLC, of 102 Cole Street, specifically for development plan approval, including a special use permit.

In granting the Special Use Permit, the Planning Commission also finds:

1. That the special use is specifically authorized by the Town’s Zoning ordinance, as noted in the application.
2. That the intended use does not create a degradation in level of service with respect to traffic circulation;
3. That the intended use respects and enhances the architectural character of the surrounding area;
4. That the intended use minimizes light pollution using dark sky techniques;
5. That the intended use will not exceed local noise regulations;
6. The special conditions as proposed are required to promote the intent and purposes of the Town’s comprehensive plan and Zoning Ordinance because the conditions of approval and the proposed application will:
  - a. Assure satisfactory installation and maintenance of required public improvements;
  - b. Designate the exact location and nature of development; and,

- c. Establish detailed records by submission of drawings, maps, plats, or specifications.

In granting the Special Use Permit the Planning Commission imposes the following special conditions as are deemed necessary to maintain harmony with other lots in the same or abutting zoning districts and to promote the objectives of this Ordinance.

Conditions of Approval:

1. The site improvements shall be built in strict accordance with the plans referenced above;
2. The window sign for Ryan's Family Amusements shall conform to the Article 14 of the Zoning Ordinance, stating that a window sign shall not occupy more than 25% of the window;
3. The Conanicut Marina businesses shall not advertise nor utilize 20 Narragansett Avenue as parking for any of its off-site businesses such as the Jamestown-Newport Ferry;
4. The applicant shall comply with all applicable well standards for public use and be approved by RI Dept of Health and tested in accordance with any requirements. as well as determine its usage for sewer billing purposes;
5. The Fire Marshall, in an email dated May 30, 2025 that "even if the store is closed for business, they will have to ensure the egress pathway is illuminated and the door is unlocked." In addition, they have installed panic hardware to always allow exit at all times to Narragansett Avenue through the store. The Fire Department has required that "the door will have to remain unlocked" (at all times) "so the Fire Department has easy access in the case of emergency." He also noted that CMS will want to have someone present at the store during operating times of the Video Arcade for this reason. In the alternative, "they would need a different means of egress."
6. The applicant shall plant two shade "street" trees along Knowles Court, the type of which shall be selected in coordination with the Public Works Director (Tree Warden). Replacement of the Rosa Rugosa shall occur along Knowles Court with Skip Laurel or other suitable evergreen shrub, keeping site distance clear in compliance with proposed landscaping plan. The Fence on the eastern property line will end approximately 20 feet from the property line with greenery continuing to Knowles Court;
7. The overhead/garage door shall remain closed except for deliveries;
8. A bike rack shall be provided as shown on the plan in the Knowles Court parking lot;
9. Any interior or exterior changes after this approval will require further approval unless noted in this approval;
10. The applicant shall provide a check to the Town of Jamestown for \$52 for the recording of this approval in the land evidence records of the Town of Jamestown.
11. A no loitering sign will be posted outside;
12. The parking lot will be striped to reflect the approved parking plan;
13. The retail store shall be open/or provide staff in the retail space during the hours of arcade operations per the testimony of the applicant's attorney; and,
14. 3 spaces currently signed in the 20 Narragansett Avenue lot for use by 25 Knowles Court, owned by a family member, will be removed onsite and located onsite at 25 Knowles Court.

The motion carried by a vote of 4-0.

Commissioner Harrison, Commissioner Pfeiffer, Commissioner Prestigiacomo and Commissioner Pendlebury voted in favor of the motion. Commissioner Swistak was recused. Commissioner Cochran and Commissioner Insana were absent.

Motion was moved by Commissioner Pfeiffer and seconded by Commissioner Prestigiacomo to close public hearing. All in favor.

Commissioner Swistak rejoined the meeting.

**V. New Business – Review, Discussion and/or Action and/or Vote:**

1. Patrick Schmidt and Vanessa Golembewski, 1 Umiak Street, AP 3, Lot 80, High Groundwater Table and Impervious Overlay District – Zoning Ordinance Section 82-800 - Sub-district A, review and recommendation to the Jamestown Zoning Board of Review;

Infantolino explained that the applicants are not present due to their baby arriving early. The application requires no dimensional relief, but it needs lot coverage relief. The lot is 7,308 sq ft and the applicant is proposing to turn the porch into conditioned space. Infantolino introduced Patrick Freeman with American Engineering. A motion was moved by Commissioner Pfeiffer and seconded by Commissioner Pendlebury to accept Patrick Freeman as an expert witness. All in favor.

Infantolino asked Freeman to describe the plans that you have prepared for the proposed site?

Freeman described the plans. The parcel is at 1 Umiak Avenue on the westerly side. The existing home is 7,308 sq feet with 2-bedrooms. There is a well on the property. There is a new advanced treatment system with ultra violet light for pathogen treatment. The proposed addition meets the setbacks and will removed 349 sq ft of paved driveway, leaving a paved apron at the end of the driveway. The seasonal highwater is 24 inches and the depth to category 9 soils is also 24 inches. The lot coverage will be reduced from 23.2% to 18.5%. The proposal will reduce stormwater runoff and the property will not need to mitigate stormwater.

- Infantolino asked: Does the proposed have an approved OWTS permit from DEM? Freeman replied: yes.
- Infantolino asked: Is the OWTS system and well located on the same lot? Freeman replied: they are.
- Infantolino asked: Is the existing OWTS system designed for enhanced nitrogen removal? Freeman replied: It is.
- Infantolino asked: In your opinion, does the application comply with Jamestown’s soil and Erosion and sediment control ordinance? Freeman replied: It does because of the soil erosion controls onsite.
- Infantolino asked: In your opinion, is the proposed use and site design appropriate to the natural characteristics of the land, including its suitability for use based on soil characteristics, geology, topography and susceptibility to surface and groundwater pollution? Freeman replied: It is.
- Infantolino asked: In your opinion does the application preserve the values of unique or valuable natural resources and features as much as possible? Freeman replied: It does.

- Infantolino asked: In your opinion, is the applications appropriate to the availability and capacity of existing public and/or private services and facilities? Freeman replied: yes.
- Infantolino asked: In your opinion, is the proposal consistent with the goals and pattern of land use contained in the Jamestown Comprehensive Plan? Freeman replied: it is.
- Infantolino asked: Do the site design measures protect the island's vulnerable and limited water supplies by maintaining maximum groundwater recharge or rainfall and treated wastewater to replenish drinking water supplies and avoid salt water intrusions? Freeman replied: yes.
- Infantolino asked: In your opinion is the proposed site design approach consistent with the need to prevent further impacts and restore impaired areas where intense development and water use, in combination with limited land development suitability, have resulted in localized flooding, incidents of groundwater contamination, low well yields, and salt water intrusion? Freeman replied: by reducing the impervious lot coverage, I would say yes.
- Infantolino asked: Is the subsurface structure designed to minimize problems and hazards created by the seasonal high groundwater table and/or impervious layer and result in the least grading, filing, or other disturbance to the site and to any wetland buffer as possible? Freeman replied: the grading onsite is minimal. The proposed addition has been designed to meeting the 12-inch setback to the seasonal highwater table.
- Infantolino asked: In your opinion, will the seasonal high groundwater table damage, interfere or reduce the potential for the proper functioning of the subsurface structure? Freeman replied: no.
- Infantolino asked: In your opinion, will the subsurface structure pose any threat to the public health or safety or to the water resources of the Town, including groundwater? Freeman replied: it will not.
- Infantolino asked: In your opinion, is the design, siting, and selection of technologies for the OWTS the most appropriate for this site? Freeman replied: yes.
- Infantolino asked: In your opinion, has the project been designed so as to minimize the combined impacts related to the OWTS stormwater runoff, and potential disturbances to wetland buffers? Freeman replied: it has.
- Infantolino asked: In your opinion, to the site improvements minimize fill and grading, and maintain to the greatest extent possible, the existing overland flow of runoff from the site to surrounding area? Freeman replied: yes.
- Infantolino asked: In your opinion, do the stormwater measures maintain the water quality function of wetland buffers and avoid encroachment that might impair the wetland's pollutant removal capacity? Freeman replied: storm water features have been proposed but by reducing the impervious lot coverage and adding a crushed stone driveway we will be improving the water quality run-ff on the site.
- Infantolino asked: In your opinion, will the granting of the permit result in conditions that are harmful to the public health and safety? Freeman replied: no.
- Infantolino asked: Will the granting of the permit substantially or permanently injure the appropriate use of the property in the surrounding area? Freeman replied: it will not.

Commissioner Prestigiacommo asked for some background how they got to 23% lot coverage? Were permits granted? Freeman said that the driveway and house were existing when the applicant purchased the property.

Commissioner Pfeiffer asked if the porch was supported with sonitubes? Freeman said on the architects plans it appears to be on piers but it has a roof. Commissioner Pfeiffer asked if there was access to the crawl space? Freeman said that he does not see access to crawl space on architect's plans.

Bryer asked is the slab is 12-inches above the highwater table? Freeman said correct that the bottom the slab is 12-inches above. Lisa – slab is 12 inches above? Patrick yes bottom is 12 inches above.

Commissioner Swistak asked if the applicant considered building up to avoid more impervious surface for a bedroom? Freeman said that the addition is for a dining room, not a bedroom.

Commissioner Swistak asked Freeman that by removing impervious driveway, no more impervious is required, but is it needed? Freeman said that this site is already developed. The crushed stone will take the rain water, so in a way it is an infiltration that take stormwater into the site.

Commissioner Prestigiaco asked if there are there current flooding problems? Freeman said that there are none that he is specifically aware of.

Commissioner Swistak asked if anything else can be done to improve the situation. Currently the lot is over 20% lot coverage, it is going down to 18.5%, but still not at 12%? Freeman said that he does not think it can be improved upon.

Commissioner Harrison asked why keep part of the pavement? Freeman said that it keeps tires safe and Infantolino said that it keeps the asphalt in the right of way and stones in the driveway.

A motion was moved by Commissioner Swistak and seconded by Commissioner Pendlebury as follows:

At the June 4, 2025 Planning Commission meeting, the Planning Commission voted unanimously to recommend to the Jamestown Zoning Board, approval of the application of Patrick Schmidt and Vanessa Golembewski: AP 3, Lot 80; 1 Umiak Avenue, Jamestown, RI; being reviewed under Zoning Ordinance Section 82-800 - High Groundwater Table and Impervious Overlay District Sub-district A, in accordance with the plans entitled "Town Submission for Patrick Schmidt located at 1 Umiak Avenue, Jamestown, Rhode Island" dated 5/7/25 prepared by American Engineering Inc. The supporting material prepared by American Engineering, 400 South County Trail – Suite A201, Exeter, RI 02822, 401-294-4090 for the above reference property.

The recommendation for approval is based on the following findings of facts and recommended conditions of approval as noted in the Memo from Jean Lambert, PE dated May 13, 2025 and amended at the Planning Commission meeting:

### Findings of Fact

#### Existing Conditions:

1. The property is 7,308 square feet (sf) in area in a R-40 zoning district;
2. The existing site is developed with a house, porch shed, and paved driveway.
3. The total existing impervious area is **1,699 sf or 23.2%**;
4. Topography on the lot slopes from east to west;
5. There are no freshwater wetlands on the property;
6. Soil evaluation results show that the site falls under **Sub-district "A"** requirements of the High Groundwater Table and Impervious Overlay District with 24" to the seasonal highwater table and 24" to impervious soil;
7. The maximum impervious cover allowed is **12.0% or a maximum of 877 sf.**;
8. The applicant was represented by Christiann Infantolino, Esq of Murphy Prior and Infantolino and Patrick Freeman, PE of American Engineering. Freeman was accepted as an expert witness at the Planning Commission meeting on June 4, 2025; and,
9. Engineer Patrick Freeman testified that there is no existing flooding issue.

#### Proposed Conditions:

1. The application is proposing to remove an existing porch and in said area construct a 193 sf addition to the existing house;
2. There is an existing 2-bedroom Septi-tech to a BSF (RIDEM #2215-1085). The system is current for inspection (last inspected in December 2024);
3. A 349 sf reduction in impervious area is proposed by replacing a portion of the existing paved drive with crushed stone. A paved apron will be left at Umiak Avenue;
4. Patrick Freeman testified that there is an overall reduction of impervious surfaces on the site therefore no stormwater mitigation is required. He further testified that there are no known adverse flooding conditions and no additional measures needed to capture runoff;
5. The total proposed impervious cover will be **1,350 sf or 18.5%** where 12% is permitted;
6. Jamestown Engineer Jean Lambert provided correspondence to Dennis Begin, Building Official (project building file) and Lisa Bryer, Town Planner dated May 13, 2025 regarding the application (attached); and,
7. **The proposed project does not comply with the requirements of the HGWT Ordinance per Memo from Jean Lambert, P.E. dated May 13, 2025; the existing site exceeds the allowable impervious surface under the HGWT Ordinance. The proposed project will result in a substantial reduction in impervious cover over the existing condition.**

#### **Recommended Conditions of Approval**

1. A Special Use Permit and Variance (for percentage of impervious cover) is required from the Zoning Board of Review per Zoning Ordinance Section 82-800;
2. The bottom of the crawlspace slab shall be 12" above the high groundwater level as required by 82-800;
3. Erosion and sediment controls must be installed at the down gradient limits of site disturbance and maintained until stabilization of the site is attained. Erosion controls shall be maintained until final stabilization is achieved on the site;

4. Maintenance and inspection of the OWTS shall continue as required by the Town Onsite Wastewater Management Ordinance; and,
5. Any additional future site work that increases the area of impervious coverage will require a review following the requirements of the High Groundwater Ordinance.

Roll call vote as follows:

Commissioner Pendlebury – aye

Commissioner Harrison – aye

Commissioner Pfeiffer – aye

Commissioner Prestigiaco – aye

Commissioner Swistak - aye

Commissioner Cochran and Commissioner Insana were absent. Motion passes 5-0.

2. David Barnes, Pole 27, Seaside Drive, AP 15, Lot 215, High Groundwater Table and Impervious Overlay District – Zoning Ordinance Section 82-800 - Sub-district A, review and recommendation to the Jamestown Zoning Board of Review;

Patrick Freeman with American Engineering represented the applicant. A motion was moved by Commissioner Pendlebury and seconded by Commissioner Harrison to accept Patrick Freeman as an expert witness. All in favor.

Freeman explained that this property has been approved with a different layout. The site is a trying piece of land that is zoned R-40. There is only an existing shed on the property. The slope is from east to west. There are no wetlands. The proposal is to construct a 4-bedroom home with a detached garage and crushed stone driveway. The site will have a well, an advanced treatment OWTS and a rain garden. The house meets all the requirements and all the setbacks. The soil evaluation results show 18-inches to the seasonal high-water table. The maximum impervious cover allowed is 11%. The plans do not show a proposed chimney which will add 12 sq ft of impervious surface, that brings the total up to 2,744 sq ft or 10.97%. A raingarden has been designed to meet the 10-year storm.

Commissioner Prestigiaco asked if there is any proposed fencing? Freeman said there is no fence proposed.

Commissioner Harrison asked about the trees on the property? The applicant, David Barnes, wants to save all the trees that can be saved. He said that there two (2) trees that will come down. One of the trees coming down is already dead and filled with concrete. The plan is like a cottage with 2-bedrooms upstairs with dormers. Barnes said that there is a house that he likes on Standish and wants to keep the trees.

A motion was moved by Commissioner Swistak and seconded by Commissioner Pendlebury as follows:

At the June 4, 2025 Planning Commission meeting, the Planning Commission voted unanimously to recommend to the Jamestown Zoning Board, approval of the application of David Barnes: AP 15, Lot 215; Pole 27 Seaside Drive, Jamestown, RI; being reviewed under Zoning Ordinance Section 82-800 - High Groundwater Table and Impervious Overlay District Sub-district A, in accordance with the plans entitled “Town Submission for David Barnes

located at Assessor's Plat 15, Lot 215, Pole #27, Seaside Drive, Jamestown, Rhode Island" dated 4/8/25 prepared by American Engineering Inc. The supporting material prepared by American Engineering, 400 South County Trail – Suite A201, Exeter, RI 02822, 401-294-4090 for the above reference property.

The recommendation for approval is based on the following findings of facts and recommended conditions of approval as noted in the Memo from Jean Lambert, PE dated May 14, 2025 and amended at the Planning Commission meeting:

### Findings of Fact

#### Existing Conditions:

1. The property is 25,014 square feet (sf) in area in a R-40 zoning district;
2. The existing site is undeveloped except for a small shed;
3. The total existing impervious area is **97 sf**;
4. Topography on the lot slopes from east to west;
5. There are no freshwater wetlands on the property;
6. Soil evaluation results show that the site falls under **Sub-district "A"** requirements of the High Groundwater Table and Impervious Overlay District with 18" to the seasonal highwater table and 36" to impervious soil; and,
7. The maximum impervious cover allowed is **11.0% or a maximum of 2,751 sf**;
8. The applicant was represented by Patrick Freeman, PE, of American Engineering. Freeman was accepted as an expert witness at the Planning Commission meeting on June 4, 2025.

#### Proposed Conditions:

1. The application is proposing to construct a 2 story, 4-bedroom house, detached garage, crushed stone driveway, well and an advanced treatment OWTS;
2. There is a permit for a 4-bedroom Septi-tech to a BSF (RIDEM #0515-1456);
3. A rain garden is proposed to mitigate the increase stormwater runoff associated with the site improvements. A raingarden with total treatment volume of 680 cf will be installed where 677 cf is required;
4. The total proposed impervious cover will be **2,744 sf or 10.97%** where 11% is permitted;
5. Jamestown Engineer Jean Lambert provided correspondence to Dennis Begin, Building Official (project building file) and Lisa Bryer, Town Planner dated May 14, 2025 regarding the application (attached); and,
6. The proposed project complies with the requirements of the HGWT Ordinance per Memo from Jean Lambert, P.E. dated May 14, 2025.

### **Recommended Conditions of Approval**

1. A Special Use Permit is required from the Zoning Board of Review per Zoning Ordinance Section 82-800;
2. A minimum 12" from the SHWT to the bottom of the slab is proposed;
3. Erosion and sediment controls must be installed at the down gradient limits of site disturbance and maintained until stabilization of the site is attained. Erosion controls shall be maintained until final stabilization is achieved on the site.

4. Maintenance and inspection of the OWTS shall be required per the Town Onsite Wastewater Management Ordinance.
5. The rain garden must be installed as shown on the approved sketch plan.
6. Any additional future site work that increases the area of impervious coverage will require a review following the requirements of the High Groundwater Ordinance.

Roll call vote as follows:

Commissioner Pendlebury – aye

Commissioner Harrison – aye

Commissioner Pfeiffer – aye

Commissioner Prestigiacomo – aye

Commissioner Swistak - aye

Commissioner Cochran and Commissioner Insana were absent. Motion passes 5-0.

3. Amanda Mitchell and Jan Hemmelmann, 63 Ferry Street, AP 5, Lot 56, High Groundwater Table and Impervious Overlay District – Zoning Ordinance Section 82-800 - Sub-district A, review and recommendation to the Jamestown Zoning Board of Review;

Patrick Freeman with American Engineering represented the applicant. A motion was moved by Commissioner Swistak and seconded by Commissioner Pfeiffer to accept Patrick Freeman as an expert witness. All in favor.

Freeman explained that the property at 63 Ferry Street Patrick is 14,400 sq ft and it is zoned R-40. There is a drinking well. There are two (2) sheds with as a stand alone shed and there other attached to the greenhouse for a greenhouse/shed combination. The property slopes from east to west and there are no wetlands present. The proposal is a to demolish the existing dwelling and stand alone shed. A new home and shed a proposed to be rebuilt. The soil evaluation results show the seasonal highwater table 15-inches to impervious soil. The maximum impervious cover allowed is 11%. The proposed area of impervious is at 10.7%. The applicant is proposing a raingarden for the parcel to capture more run off.

Commissioner Swistak asked for the square footage of just the greenhouse? Freeman could provide the square footage of the greenhouse and shed at 173 feet.

A motion was moved by Commissioner Swistak and seconded by Commissioner Pendlebury as follows:

At the June 4, 2025 Planning Commission meeting, the Planning Commission voted unanimously to recommend to the Jamestown Zoning Board, approval of the application of Amanda Mitchell and Jan Hemmelmann: AP 5, Lot 56; 63 Ferry Street, Jamestown, RI; being reviewed under Zoning Ordinance Section 82-800 - High Groundwater Table and Impervious Overlay District Sub-district A, in accordance with the plans entitled “Town Submission for Amanda Mitchell located at Assessor’s Plat 5, Lot 56, 63 Ferry Street, Jamestown, Rhode Island” dated 4/29/25 prepared by American Engineering Inc. The supporting material prepared by American Engineering, 400 South County Trail – Suite A201, Exeter, RI 02822, 401-294-4090 for the above reference property.

The recommendation for approval is based on the following findings of facts and recommended conditions of approval as noted in the Memo from Jean Lambert, PE dated May 12, 2025 and amended at the Planning Commission meeting:

Findings of Fact

Existing Conditions:

1. The property is 14,400 square feet (sf) in area in a R-40 zoning district;
2. The existing site is developed with a house, shed, greenhouse/shed and crushed stone driveway.
3. The total existing impervious area is **1,452 sf or 10.1%**;
4. Topography on the lot slopes from east to west;
5. There are no freshwater wetlands on the property;
6. Soil evaluation results show that the site falls under **Sub-district "A"** requirements of the High Groundwater Table and Impervious Overlay District with 15" to the seasonal highwater table and 15" to impervious soil;
7. The maximum impervious cover allowed is **11.0% or a maximum of 1,584 sf**; and,
8. The applicant was represented by Patrick Freeman, PE, of American Engineering. Freeman who was accepted as an expert witness at the Planning Commission meeting on June 4, 2025.

Proposed Conditions:

1. The application is proposing to demolish the existing house and shed. The greenhouse/shed will remain. A new 944 sf house with 160 s.f. covered porch and 252 sf shed are proposed.
2. There is an existing 2-bedroom Septi-tech to a BSF (RIDEM #2415-0104). The system is current for inspection (last inspected in December 2024);
3. An 85 sf increase in impervious area is proposed;
4. A rain garden is proposed to mitigate the increase stormwater runoff associated with the site improvements. The required stormwater treatment volume for the new improvements is 353 cubic feet (cf). The total proposed treatment volume is 387 cf;
5. The total proposed impervious cover will be **1,537 sf or 10.7%** where 11% is permitted;
6. Jamestown Engineer Jean Lambert provided correspondence to Dennis Begin, Building Official (project building file) and Lisa Bryer, Town Planner dated May 12 2025 regarding the application (attached); and,
7. The proposed project complies with the requirements of the HGWT Ordinance per Memo from Jean Lambert, P.E. dated May 12, 2025.

**Recommended Conditions of Approval**

1. A Special Use Permit is required from the Zoning Board of Review per Zoning Ordinance Section 82-800;
2. A minimum 12" from the SHWT to the bottom of the slab is required per 82-800;
3. Erosion and sediment controls must be installed at the down gradient limits of site disturbance and maintained until stabilization of the site is attained. Erosion controls shall be maintained until final stabilization is achieved on the site;
4. Maintenance and inspection of the OWTS shall continue as required by the Town Onsite Wastewater Management Ordinance;
5. The rain garden must be installed as shown on the approved sketch plan; and,

6. Any additional future site work that increases the area of impervious coverage will require a review following the requirements of the High Groundwater Ordinance.

Roll call vote as follows:

Commissioner Pendlebury – aye

Commissioner Harrison – aye

Commissioner Pfeiffer – aye

Commissioner Prestigiacomo – aye

Commissioner Swistak - aye

Commissioner Cochran and Commissioner Insana were absent. Motion passes 5-0.

## **VI. Old Business**

1. Comprehensive Community Plan Update & Re-write 2024/2025 – Review, Discussion, and/or Action and/or Vote

## **VII. Reports - Review, Discussion and/or Action and/or Vote**

1. Planner’s Report
  - a. Future meetings – topics and applications

- 1) June 18, 2025 – Comprehensive Plan Review:

Bryer said that after the June 18<sup>th</sup> meeting everything can go in a draft, which can be sent to the State. We can have a preliminary draft for the workshop.

Commissioner Swistak asked if it was possible changes to the preamble? Bryer said that the “rural character” can be reviewed at the June 18<sup>th</sup> meeting.

- 2) July 2, 2025 - Review, Discussion, and/or Action and/or Vote –

Bryer said that if there are no applications by next Wednesday, June 11, then the TRC Meeting for June 18 will be cancelled and there will not be a meeting on July 2.

## **VIII. Approval of Minutes – Review, Discussion and/or Action and/or Vote**

1. May 21, 2025

A motion was moved by Commissioner Harrison and seconded by Commissioner Pendlebury to approve the minutes from the May 21, 2025 meeting as written. All in favor.

## **IX. Adjournment**

A motion to adjourn at 8:56pm was moved by Commissioner Harrison and seconded by Commissioner Pendlebury. All in favor.

Attest:

*/s/Carrie Kolb*

---

Carrie Kolb