

PLANNING COMMISSION MINUTES

September 18, 2002

7:30 PM

Jamestown Library

The meeting was called to order at 7:30 p.m. and the following members were present:

Rob Lambert	Gary Girard
Mary Brennan	Betty Hubbard
Victor Calabretta	Jean Brown
Andrew Kallfelz	

Also present:

Lisa Bryer, AICP, Town Planner
Cinthia Reppe – Recording Clerk
Douglas DeSimone – Town Solicitor
Richard Allphin
Michaela Kennedy – Jamestown Press

I. Reading and Approval of Minutes from September 4, 2002

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

Reading and Approval of Minutes from August 21, 2002 Workshop - Downtown Improvement

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

II. Correspondence

1. CRMC – Residential Assent – John R. Perez 27 Aquidneck Court, Jamestown RI: construct modifications to an existing (Assented) residential boating facility by installing removable boat lift consisting of a two davit system with a weight capacity of approximately 300lbs. Plat 2, lot 106. Received

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

IV. Reports

- a. Town Planner's Submitted Report
- b. Town Committees
- c. Sub Committees

V. Old Business

1. **Proposed Zoning Ordinance Amendment- related to protection of critical lands containing freshwater wetlands, high groundwater table and /or shallow impervious layer.**

A motion was made by Commissioner Lambert and seconded by Commissioner Girard to send a letter to the Town Council to consider the following changes to the proposed Zoning Ordinance amendment as a result of the public and Town Council comments from the public hearing.

1. In Section 308, setback from Freshwater wetlands, request for dimensional variance, delete the requirement for an advisory opinion from the Planning Board. The zoning board has as part of the normal variance procedure the right to ask for an advisory opinion from the Planning Board when they deem necessary.
2. In Section 314 High Groundwater Table and Impervious Layer Overlay districts, referring to Sub districts A and B delete reference to soil types thereby creating high groundwater districts based on ground water depth only.
3. In the beginning of Section 314 add reference to applying these standards to substandard sized lots that have or propose an ISDS.
4. In section 314.A delete item 3 the prohibited use in sub district A for the installation of a new ISDS. Upon deleting this prohibited use the standards from sub district B should be referenced into sub district A.
5. In Section 314.B delete items 5 and 6 referring to impervious surfaces and stormwater in their entirety.
6. In Section 314.C delete the requirement for Development Plan Review from the Planning Board. The zoning board has as part of the normal variance procedure the right to ask for an advisory opinion from the Planning Board when they deem necessary.

A discussion ensued and Commissioner Calabretta stated that the Planning Commission has sent their recommendation to the Town Council and it is in the process of a Public Hearing. Town Solicitor Douglas DeSimone stated that the Town Council asked for further comments on the comments from the Public Hearing from the Planning Commission but it would not automatically be changed, they would consider the changes and that yes, changes can be made while the Public Hearing is still open. Commissioner Girard stated that before this motion is voted on the Planning Commission should review the summary of the comments from the public hearing, the majority of the comments were addressed in the Chairs motion. Mr. Allphin stated that the Zoning Board often gets recommendations from the Conservation Commission on Section 308 variances and that they have the power to ask the Planning Commission for an advisory opinion. Mr. Allphin also asked what will we do if the state approves a plan that is not designed to our standards? Town Solicitor Douglas DeSimone stated that if these regulations are approved that engineers will quickly learn of our new regulation and design systems to meet our new criteria prior to submitting them to the state for approval. The other towns that have an ordinance like this one state that it applies to the whole town or some have the exception of areas that are serviced by Town sewers. Several engineers have looked at this proposed zoning ordinance and have not said that this is onerous or impractical. A discussion regarding number 3 in the motion, the substandard size and the location of the lots ensued. The Solicitor informed the Planning Commission that having the ordinance apply to just substandard lots was not the way most towns regulate this type of thing and that having it apply to lots on ISDS was more legally defensible. This discussion prompted a motion to be made by Commissioner Brown and seconded by Commissioner Kallfelz to remove the words substandard sized from # 3 of the motion above. So voted:

Rob Lambert – Nay Gary Girard – Aye
Mary Brennan – Aye Betty Hubbard – Aye
Victor Calabretta – Aye Jean Brown – Aye
Andrew Kallfelz – Aye

Motion passes by a vote of 6-1

Commissioner Lambert asked if the Planning Commission was ready to vote on the original motion with the change to # 3 deleting substandard sized from the sentence. So voted:

Rob Lambert -Aye Gary Girard – Aye
Mary Brennan – Nay Betty Hubbard – Nay
Victor Calabretta – Aye Jean Brown – Aye
Andrew Kallfelz – Aye

Motion passes by a vote of 5-2

2. Proposed Zoning Ordinance Amendment – related to maximum size of accessory structures Sections 103 and 311.

A motion was made by Commissioner Lambert and seconded by Commissioner Calabretta to remove #3, Amend Section 312 to include the following:

~~No lighting of private tennis courts or other permanent ball courts is permitted.~~

Commissioner Lambert asked for comments. Commissioner Brennan stated that she thinks it is unnecessary to have the courts lighted at night because it can be disturbing to hear tennis balls being smacked around late at night. Commissioner Hubbard agreed with not having ball courts lighted. Commissioner Lambert asked for a vote.

Rob Lambert -Aye Gary Girard – Aye
Mary Brennan – Nay Betty Hubbard – Nay
Victor Calabretta – Aye Jean Brown – Aye
Andrew Kallfelz – Nay

Motion passes by a vote of 4-3

Commissioner Hubbard made a motion that was seconded by Commissioner Brennan to take #3, Amend Section 312 to include the following:

No lighting of private tennis courts or other permanent ball courts is permitted, and submit it as a separate Proposed Zoning Ordinance Amendment relating to Lighting. So voted:

Rob Lambert -Nay Gary Girard – Nay
Mary Brennan – Aye Betty Hubbard – Aye
Victor Calabretta – Nay Jean Brown – Abstain
Andrew Kallfelz – Aye

Motion Fails by a vote of 2-4, 1 Abstention

Commissioner Hubbard asked if Section 312 – Lighting can be put on the next work session agenda.

A motion was made by Commissioner Brennan and seconded by Commissioner Girard to send the Proposed Zoning Ordinance Amendment related to Accessory Structures to the Town Council - include in the last line #4, add **bolded wording** in that sentence as follows: Agricultural buildings **on working farms** are exempt from these provisions. So voted:

Rob Lambert -Aye Gary Girard – Aye

Mary Brennan – Aye
Victor Calabretta – Aye
Andrew Kallfelz – Aye

Betty Hubbard – Aye
Jean Brown – Aye

Motion passes by a vote of 7-0

VI. New Business –nothing at this time

A motion to adjourn at 9:45 p.m. was made by Commissioner Lambert and seconded by Commissioner Girard. So unanimously voted.

Attest:

Cynthia Reppe
Recording Clerk

This meeting was recorded on 1 micro-cassette