

Approved As Written
PLANNING COMMISSION MINUTES
December 5, 2012
7:30 PM
Jamestown Town Hall
93 Narragansett Ave.

The meeting was called to order at 7:34 p.m. and the following members were present:

Michael Swistak – chair	Duncan Pendlebury – vice chair
Rosemary Enright – secretary	Mick Cochran
Michael Jacquard	Richard Lynn
Michael Smith	

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia L Reppe – Planning Assistant
Wyatt Brochu – Town Solicitor
John Murphy – Attorney
William Burgin – Architect – Burgin Lambert Architects
Ben Brayton – ESJ Inc. DBA Simpatico Jamestown – JTN-LLC
Amy Barclay

I. Approval of Minutes November 7, 2012

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

II. Correspondence

1. CRMC – Adam Silkes – Aquaculture Preliminary Determination – Narragansett Bay West Passage
2. CRMC- Duncan Pendlebury – RI Assent to construct and maintain a residential boating facility – Plat 4 Lot 54 - 302 East Shore Rd. Jamestown
3. CRMC – Phillip Willis – RI Assent to construct and maintain a 10,000lift onto an existing residential boating facility – Plat 3 Lot 480 – 1191 North Main Rd., Jamestown.

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

IV. Reports – nothing to report at this time

1. Town Planner’s Report
2. Chairpersons report
3. Town Committees
 - a. Harbor
 - b. Buildings and Facilities
 - c. Affordable Housing Committee
 - d. North Rd. Bike Path Committee
4. Sub Committees

Commissioner Swistak would like to take New Business before Old Business if the Planning Commission agrees. All were in favor of this.

V. New Business

1. **Simpatico Restaurant – Development Plan Review – 13 Narragansett Ave. Jamestown Village Special Development District**

Bill Burgin, Architect for this project resides in Jamestown and has an office in Newport. Many of the changes to the building and site are due to reorganizing the space and making it more efficient. They will be adding 2 handicap restrooms and a small indoor bar, an outdoor dining porch and enclosing the service area and walk in cooler. This is Phase 1.

There will be no change in the number of seats. The applicant has renegotiated shared parking agreements with the offsite parking suppliers.

Phase 2 will rebuild the “Garden Room” tent structure and make it so the outdoor bar can be screened and enclosed.

Mr. Burgin showed the commission views of the outside renderings of the structure.

Commissioner Cochran –Mr. Brayton stated at the site visit that the storage area in the rear is increasing for organization purposes.

Commissioner Enright – the railing on the porches, look like they do not go with the character of the village, cables and rods are not what we are looking for downtown. Mr. Burgin said he was looking through historical files and this is the kind of railing that was used previously.

Mr. Brayton stated it is more inviting when it is open with see through railing where as solid is more inviting looking. More inviting brings more customers.

Commissioner Pendlebury has the same concern with the railing. The metal portion he thinks is not appropriate. The Village district encourages the buildings to be harmonious with the streetscape. The Planner thought that was a very good point and noted that that type of railing will bring a very different experience to the diner sitting at the street; where the current lattice allows the diner to look out but provides more shielding and privacy to the diner. It is worth thinking about.

Commissioner Smith – does not agree with Enright and Pendlbury. If this is what the applicant wants he agrees with them. Commissioner Lynn agrees with Smith. It is transparent and that is the way they like it.

Commissioner Swistak – said the intent of the Special Village District design guidelines are to make it easier for the applicant but it cannot be mandated although discussion is appropriate. Commissioner Cochran asked if the tents will be removed in Phase 2? Mr. Brayton said he discussed with the fire department and intends to keep the tents there now, he feels they are festive and attractive. Greens Pier Beach has a building designed by Burgin and Brayton may do something similar. But at this point no phase 3 is planned and the Chair noted that it should not be part of the decision since it is not in front of us at this point.

Commissioner Enright brought up signage and was satisfied with the proposed sign. Staff will approve prior to installation.

Commissioner Swistak asked how do we get to Phase 2 from Phase 1 administratively? Town Planner Lisa Bryer noted that the applicant came with the whole package even though it is being done by phases. For planning purposes, this is just what you want. The Planning commission is looking at this as a whole the only difference is the building permits will be done at separate times. If the applicant decides on a substantial change they will be back before board.

Mr. Brayton said that Phase 2 changes will not be significant.

Commissioner Pendlebury asked that there be screening on the second floor rear deck if the area is to be used for storage. Attorney Murphy said they agree with that. There are flat roofs shown in the Design Guidelines pattern book. The screening design for storage will be approved by Staff.

A discussion regarding parking, off site parking and loading ensued. The applicant has shared parking agreements with several property owners downtown and have provided a few spaces in excess of the required 24 spaces. Commissioner Smith asked how do the 6 sites on the street count? This is in the Zoning Ordinance for the CD District.

Off street loading requirements apply to this application. Trucks can back in and unload or they can drive in headfirst, but they need to dedicate a spot to loading. Most if not all of the downtown Narragansett Ave. businesses use Narragansett Ave for their loading and unloading. This is one of the only sites with a site big enough to accommodate a loading zone in the driveway.

The current area being used for dumpsters will change and they will no longer be using dumpsters if possible. They will use the big green covered bins with more frequent dumping.

Mr. Bryaton said they will be keeping 95% of the current landscape including the beautiful Beech tree. Commissioner Pendlebury said he would like to see more screening. Mr. Brayton said they will address adding more as time goes on. Commissioner Swistak asked about the cut through behind the restaurant coming from the Recreation Center asking if there is any way possible if that can be left open. It backs up to teen center and is difficult to keep an eye on things. It is much better for it to be blocked off as they have had risky behavior going on back there recently.

Commissioner Enright does not think it is historic building of value with special requirements. Commissioner Swistak asked if they need approval from water and sewer; they do not since it is not a change of use. Fire department approval will be required prior to building permit. Mr. Brown will make sure he has fire approval.

Commissioner Jacquard asked if the apt on the 3rd floor is going away. Yes it is, it does not meet fire code. Commissioner Jacquard was disappointed since affordable housing is needed in Jamestown but understands.

Commissioner Swistak asked if any additional parking spaces are needed because of the office space above. No Ms. Bryer said it is ancillary to the restaurant use.

Swistak asked if the applicant is resurfacing or paving the driveway that is shared with Jamestown Design building? No not at this time.

Chris Smeraldi – 12 Union St. lives directly in back of the site. He and his wife think it is going to be cleaned up and nicer than previously.

Lighting was discussed as was the front stone wall that if it is damaged during construction the applicant intends to fix it to look consistent with the existing stone wall. The railing material was also discussed and the planning commission will make a recommendation.

A motion was made by Commissioner Swistak and seconded by Commissioner Cochran to grant Development Plan approval to Benjamin Brayton, JTN, LLC and ESJ Inc., DBA Simpatico Jamestown, 13 Narragansett Avenue, Assessors 9 Plat Lot 603 based on the following facts of finding and subject to the following conditions of approval:

The restaurant and real estate at 13 Narragansett Avenue were purchased by the applicant on November 1, 2012. The location has operated as a fine dining restaurant with indoor and outdoor seating for approximately 20 years, and the applicant desires to continue a similar operation after making significant alterations and improvements to the property.

Findings of Fact:

1. The application was reviewed under the standards of Zoning Article 11 – Section 82-1101K – Applicability, and 82-1103 – Site and Building Plans.
2. The application was reviewed by the Technical Review Committee on November 30 as required by 82-1101K.
3. The applicant has provided the following information for the current application:
 - A front building/street-side perspective
 - Plan showing existing floor plan and proposed floor plan Phase 1
 - Plan showing Proposed Floor Plan – Phase 2 and proposed parking plan
 - Plan showing existing East, North, West and South elevations
 - Proposed elevations, East North, West and South
 - Proposed Lighting Plan

The drawings were prepared by William Burgin of Burgin Lambert Architects, who presented as the applicant's Architect during the meeting.

4. The property is located in the Commercial Downtown (CD) District. Restaurant and office use is permitted in the CD district.
5. The second and third floors will be office use, which will be ancillary to the restaurant use. The existing apartment use on the third floor will be replaced by the ancillary office use.
6. The renovations will be completed in two phases as shown on the attached plans. In the first phase the applicant will construct a new two-story porch out to the sidewalk on the

north side of the building. The porch will be restaurant dining seating on the first floor and the second floor porch will be for private use – and an extension of the office space. Phase 1 will also include construction of a permanent building addition to the rear of the site which will enclose existing service and refrigeration areas. Internally, dining, restroom and service areas will be reorganized.

7. Phase 2 will include a reconstruction of the existing indoor tented dining area to a permanent structure with additional square footage, and the outside bar area is planned to be enclosed within this enlarged structure.
8. Modification or replacement of the tents along the north – street side boundary are not included in Phases 1 or 2.
9. The restaurant previously had approval for 120 seats and has adequate parking for this approval. Since there is no proposed increase in seating capacity, parking will be provided as follows. The applicant has amassed a total of 35 parking spaces, both on site and off. Thirteen parking spaces are available on site, including a dedicated handicapped accessible space. Six spaces are available on Narragansett Avenue adjacent to the property. Five spaces are available at 19 Narragansett Avenue and an additional 11 spaces are available at 35 Narragansett Avenue through Shared Parking Arrangements. The 120 seat restaurant requires 24 parking spaces. (Copies of the current Shared Parking Arrangements are attached).
10. The applicant has also met the requirements of providing a dedicated loading/ unloading space as required in Article 12, Section 1206.
11. The requirements of Section 1108 A 9 pertaining to construction of flat roofs has been determined to not be applicable due to the fact the roof line over this section of the structure is not visible from the street.
12. There are no issues or concerns related to drainage.
13. There are no issues or concerns related to ‘Buildings of Value’ or other Special Requirements.
14. No additional approval is required from Water & Sewer Board.
15. No additional approval is required with regards to Liquor or Victualling Licenses.

Conditions of Approval

1. A bike rack is necessary and will be added to the property prior to issuance of a Certificate of Occupancy.
2. Final selection of outdoor lighting fixtures will be pre-approved by staff.

3. If the flat roof to the rear of the building is to be used for storage as indicated by the applicant, the screening design and materials which will be utilized along the perimeter of the roof will be pre-approved by staff.
4. The design and location of new signage will be approved by staff prior to installation to insure compliance with Article 13 of the Zoning Ordinance.
5. Trash receptacles shall be shielded from view.
6. The replaced stone wall shall be similar in character and height to the existing stone wall understanding that it may be necessary to increase the height to match the base of the new porch.
7. Any damage done to the public right-of-way / sidewalk during construction will be repaired by the applicant to Town standards.
8. The applicant has agreed to maintain the vegetation adjacent to the sidewalk to insure it does not encroach on the sidewalk / right of way.
9. The applicant will remove the existing signage at the entrance to the driveway, and trim the shrubbery to improve visibility to the sidewalk and street for vehicles entering and exiting the driveway.
10. If the second and/or third floor use should change at any time, the parking requirement will be recalculated accordingly and referred to the Zoning Officer for review and approval.
11. The applicant will obtain all necessary approvals from the Jamestown Fire Department during the permitting/construction phases.

Recommendation:

It is recommended that the applicant reevaluate the railing design on the new front porches to more closely comply with the purpose and intent of Article 11 of the Zoning Ordinance and looking ahead to the possible redesign and or replacement of the lattice screening along the entire north boundary of the property.

Town Solicitor Wyatt Brochu told the commission they can ask the applicant to consider all the comments of the commission regarding materials for the railing.

So unanimously voted.

VI. Old Business

1. Archaeological and Historical Burial Sites - Amendment to Section 1 – Chapter 30
Jamestown Code of Ordinances — Transmittal to Town Council

2. Accessory Family Dwelling Units – Ordinance Amendment – Chapter 82-1400 –
Transmittal to Town Council

At the last Town Council meeting it was decided to have Peter Ruggiero, The Town Solicitor review both of these ordinances before going to the council even though Wyatt Brochu has been to all the meetings where they were discussed and has reviewed the drafts. After the solicitors review, the Planning Commission will have them on a future agenda for transmittal to the Town Council.

Commissioner Swistak wants to look at Accessory dwellings with regards to existing non-conforming structures. Commissioner Jacquard thinks we have to look at this again with regards to the existing accessory dwellings and Commissioner Smith agrees it has to be part of the package. Ms. Bryer recommends we forward this sentiment to the solicitor's office and ask how we can handle this. We need their guidance in this process as it will be a legal one. Ms. Bryer has looked into this and there are a few communities that are doing this.

Both Barnstable Mass and Bristol, RI have an ordinance but neither is exactly what we are looking for. One of the communities had an amnesty program.

A motion to adjourn was made by Commissioner Smith and seconded by Commissioner Pendlebury to adjourn at 9:50 p.m. So unanimously voted.

Attest:


Cynthia L Reppe

This meeting was digitally recorded