

Approved As Written 4-18-12  
PLANNING COMMISSION MINUTES  
April 4, 2012  
**7:30 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

The meeting was called to order at 7:37 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright	Michael Jacquard
Richard Lynn	Michael Smith
Mick Cochran	

Also present:

Lisa Bryer, AICP – Town Planner  
Michael Gray – Public Works Director/Town Engineer  
Bruce Keiser – Town Administrator  
Cynthia Reppe – Planning Assistant  
Wyatt Brochu – Town Solicitor  
Harley Lee – Consultant  
Seth Handy – Attorney  
Carol Trocki – Conservation Commission Liaison  
Bob Bowen – Town Council  
Ellen Winsor – Town Council

### I. **Approval of Minutes March 21, 2012**

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

Page 1- Reports - Commissioner Swistak asked if we will look at the entire project; **Lisa Bryer** she thinks the Planning Commissions input will be limited in scope.

Page 3 – First paragraph - Commissioner Lynn recommended that Ms. Bryer get in touch with Anne Marie Lubenau, **Executive Director of the Rudy Bruner Award For Urban Design, A Loeb Fellow at Harvard.**

**She recently facilitated a meeting of the new group Scenic Aquidneck Island.**

~~who is the Executive Director of Urban Design. She is working in Newport right now and~~

Page 3 – last paragraph – First Sentence - Sav Rebecchi **speaking as a resident**

Page 3 – 1st paragraph – Last sentence - **Lisa Bryer said** according to the tax assessor 27% of our tax bills are sent off island.

So unanimously voted.

### II. **Correspondence**

1. Administrative Subdivision – Somyk - Zhivago Plat 16 Lots 235 & 232 Seaside Dr. Jamestown. Received

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

#### IV. Reports

1. Town Planner's Report – Lisa Bryer welcomed the newest member of the Planning Commission Mick Cochran. They previously worked together on the Conanicut Battery project.
2. Chairpersons report- Chair Michael Swistak welcomed Mick. He also introduced Mike Gray, Bruce Keiser and Joe Logan, Zoning Board, Harley Lee, Consultant to town for wind turbine, Seth Handy Attorney for the Town, Carol Trocki Conservation Commission
3. Town Committees
  - a. Harbor
  - b. Buildings and Facilities
  - c. Affordable Housing Committee – met on Monday and approved the CDBG application.
  - d. North Rd. Bike Path Committee
4. Sub Committees

#### V. Old Business – nothing at this time

#### VI. New Business

##### 1. CDBG - Endorsement of Application for PY 2012

Lisa Bryer, Town Planner was asked by Commissioner Swistak to walk us through the CDBG process and give a brief explanation of the SHARP Project. We apply every year since 1987 for CDBG funding. There are 5 entitlement communities, we are one of the 34 non entitlement communities and we compete for the CDBG funds on a competitive basis. The required 2 hearings have been held and staff has prioritized the requests. The Town Council continued this issue at their Monday meeting because of Project 10 the State Housing Acquisition and Rehabilitation Program (SHARP). There are a total of 11 Projects and Ms. Bryer went through the priority list and explained the sub-recipient list to the commission. Ms. Bryer explained the SHARP program. The Community Housing Land Trust (CHLT) and CCHC has asked Jamestown to be the host community for this program. Non-profit housing developers such as CCHC are losing the opportunity to purchase foreclosed properties because the money is not readily available for purchase. This program will speed up the acquisition of these properties. The funding currently takes too long if you requisition the State for funding and opportunities are lost.

Commissioner Pendlebury asked about the Housing Authority application and if it should be moved up on the list.

Commissioner Swistak made a motion seconded by Commissioner Smith stating:

The Jamestown Planning Commission hereby certifies that the proposed PY2012 Community Development Block Grant activities are in compliance with local development policy as set forth in the 2002 Jamestown Comprehensive Community Plan as amended in 2004 and with the Jamestown Subdivision and Land Development Regulations and Jamestown Zoning Ordinance. So unanimously voted.

##### 2. Town of Jamestown – Wind Turbine - Taylor Point – Development Plan Review - Recommendation to the Zoning Board

Town Planner Lisa Bryer gave the audience and Planning Commission members the background for this project. Mike Gray Town Engineer and Public Works Director will present the site plan. The site itself is in the Public District. This plan meets 2 of the criteria to qualify for Development Plan Review under article 11; it is a new use and also it is a new construction. The TRC consisting of Fred Brown, Michael Gray, Lisa Bryer and Michael Swistak met last week to discuss this issue. Article 11 does not address wind turbines. So she looked at the broad review categories such as building placement, lighting and signage. The construction of a turbine generally requires a 2 acre clearing. The turbine location was selected so as to require minimal vegetation clearing and utilization of the existing facility and cleared areas including the adjacent street and parking area for staging.

This project is being proposed at 1 Freebody Dr., the location of the existing Sewage Treatment Facility. A special use permit and variance will be handled at the Zoning hearing April 24<sup>th</sup>, 2012.

The Planning Commission is to look at the consistency to the Comprehensive Plan. The Comprehensive Plan does not specifically address wind turbines. They were not contemplated prior to 2004 when the Comprehensive Community Plan was last adopted. The Comprehensive Plan is in the process of being amended, at which time energy and wind turbines will be addressed. The proposed site is designated as a Public Facility on the Future Land Use Map and this designation is described as indicating areas which may be appropriate for a range of public and semi-public uses.

The Taylor point site is 25 acres that spans both sides of the street. The closest abutter is the Wyndham Timeshare Condos and Jamestown's sewage treatment plant and highway garage. The planning commission review is limited. Anything related to special use permits or variances is not the Planning Commission's decision, that will be reviewed at zoning.

The consultant said a turbine at this location will not generate more than 60 decibels. Cars traveling east at sunrise may experience about 2 seconds of flicker in June. The height of the Newport bridge is 400 feet and the turbine will be approximately equal height.

Michael Gray made a presentation of the structure placement on the site. Given the project location they maximized offsets to some of the structural hazards.

A few videos were shown on how to build one (using Portsmouth as an example) and also a simulation of what it would look like from North Rd.

Mike Gray mentioned the planning standards that the state is working on currently and they are trying to meet that setback of over 1.5 times the height.

Commissioner Swistak asked about the connection to North Rd. at the TRC they talked about connecting to poles. Mr. Gray explained what the process would be and they will minimize the use of existing poles. It will be at Weeden Lane and North Rd. The interconnection will be underground until it comes out at North Road.

Commissioner Enright wants to speak about the historical aspect. In the past when it impinges on the historic district the historical society has been asked to comment. The lines coming out next to a building that is on the historic register would trigger this. Commissioner Enright mentioned a project at the War College. Lisa Bryer said CRMC would engage the Historic Preservation and Heritage Commission in the process most likely. Commissioner Pendlebury echoes what Enright is saying, he thinks the switching gear is inappropriate at the corner of the meeting house and it needs to be addressed. Commissioner Pendlebury said part of the aesthetics issue would be to screen the transformer box.

Commissioner Swistak asked consultant Mr. Lee if the turbine is decommissioned who will assume that expense. Mr. Lee said he would hope that expense would be escrowed over time so that we do not ask taxpayers to approve a bond. Any decommissioning expense is escrowed and protected by the town, Bruce Keiser, Town Administrator said. Portsmouth is taking that approach. There is salvage value to the metal that is replaced so they can sell that to try to offset the decommissioning cost, Keiser said.

A discussion ensued regarding the transmission line, the connection, maintenance and who would own the line.

Commissioner Smith is looking for the sequence of this plan, zoning and several agencies, including CRMC, FAA, etc. A request for proposal it is going out very shortly. The RFP for the turbine and then construction, it is going out to narrow down the exact cost. After these are received then the Town Council will award the bid if determined to be feasible at that point. Any time frame of when it will spin; early next year Mr. Lee said.

Bob Bowen said initially they came up with a feasibility study from that point forward they were to tighten up the uncertainties. They have been looking at model turbines they will become much more clear in the future, the Town Council will not go back to the public on this.

Commissioner Pendlebury asked are we changing the topography? Mike Gray answered no and showed Pendlebury on the site plan. Commissioner Cochran asked about whether or not emergency vehicles will be able to access this area during construction. There will be a temporary closure of Freebody Dr. during construction.

Commissioner Swistak asked about the impact on property values, residential or commercial? Mr. Keiser responded that studies show there is not a big change in property values due to the turbine; it is the negative impacts that cause property values to decline such as shadow flicker and noise. The Town has considered both of these issues carefully. Commissioner Swistak said during the TRC they discussed failures and fall zone, safety issues. There are features inside the turbine itself that have operational shutoffs. The ability to shut off during ice conditions, hurricanes etc. and also we can turn it off manually. Yes there have been cases where they have fallen but they are generally older machines and he does not know what the risk is of the newer machines Mr. Lee said, it is not zero risk. Commissioner Swistak asked what is the risk to the water treatment plant. Mr. Gray answered that the worst case scenario, it would be potentially be out of operation? That would impact our ability to treat the wastewater.

Keiser said there are 1100 hundred customers on our sewer system. Ms. Bryer in terms of site consideration, the site of the turbine and the radius around it towards the building it is more than a blade away. Mr. Lee says it shuts down at a wind speed of 55 mph. An additional fail safe includes that the blades feather, to turn towards the wind and is flat.

Ellen Winsor - 736 East Shore Rd. – the issue of the Waste Water Treatment plant is worrisome. The turbine sitings for distances now have come back with the likelihood that they need to be set back further. This is something to consider with the plant. The Narragansett Bay Commission just put up 3 at their wastewater treatment plant to support the operation. The risk borne by the town, financially how much can we absorb? She thinks we need an alternative energy committee to run parallel to this project. Look at both health and safety of our workers and the treatment plant. Property values in Portsmouth have been directly affected to 5 houses due to shadow flicker.

Mr. Keiser staff as you know are impartial to advising the council, we are here to provide information only. Ms. Winsor is correct in safety development we are trying to isolate the impacts and setbacks are the basis in which we make judgments for things. There is no other site in Jamestown to support this turbine. This is the place. Should we pursue wind energy as an option in Jamestown or do we choose to not pursue. These are the facts that you as a planning board should look at. An Alternative Energy committee for renewable development is a good idea. We do not have the land mass for solar in Jamestown.

Commissioner Smith asked what about Dutch Island? Bruce Keiser answered that it is State owned and they would want the proceeds. Ellen Winsor has been to several meetings regarding Alternative Energy possibilities and there are options coming she said.

Commissioner Cochran asked about the impact of an accident happening that affected the Treatment plant does that mean that sewage would be overflowing the bay? There is an outside chance of it happening but we have insurance to cover cost of the building. This does not mean we will be without power if the turbine is down right? Correct.

Commissioner Swistak told the Planning Commission they are reviewing this for Development Plan Review of the site as proposed, the siting of the Wind Turbine and they can send any comments or concerns to the Zoning Board for issues not adequately addressed, also whether or not the application is in conformance with the comp plan.

The following statements from the Planning Commission with regards to recommendations or concerns.

Commissioner Lynn would like a visual or examples of the poles and lines. Are there any visual examples? We might be able to have some Mr. Lee said.

In terms of consistency with the Comprehensive Plan. Commissioner Smith said based on what the Planning Commissions purview is, he would have to vote in favor.

Findings of fact developed by Commissioner Swistak were read to the Planning Commission by Commissioner Swistak as follows:

1. The Planning Commission review of the Development Plan presented by the Town of Jamestown, was limited in scope to the guidelines contained in the Zoning Ordinance, Article 11 – Section 1101K.2 & 5.
2. The review did not include discussion of the merits or necessity for any Special Use Permits or Variances
3. The fact that this project involves new construction and a new use triggers a review by the Planning Commission.
4. The Planning Commission review did include discussion of the following: Building Form, Building Placement; Building Function; Parking Location; Landscaping; Drainage; Signage, Architecture; and Consistency with the Comprehensive Plan.
5. The Planning Commissioners were reminded and cognizant that the scope of their review was not to include the financial aspects of the project.
6. Some consideration was given to the impacts of the project on the health, safety and welfare of Jamestown residents.
7. The Comprehensive Plan does not specifically address wind turbines, however the project meets the intended use of the Public Zone, and meets the goals of the Future Land Use Map.
8. A majority of the Planning Commissioners agreed that wind turbine did not contradict the goal of maintaining a ‘rural character’, although this was not a unanimous sentiment.
9. Shadow flicker effects on nearby residents or drivers of vehicles are not a concern, based on the planned orientation of the turbine.
10. The turbine is similar in scale and mass to the adjacent Pell Bridge.
11. The Pell Bridge provides a significant buffer to nearby residential neighborhoods.
12. Access to the site is suitable for the construction of the turbine, and maintenance during its lifetime.
13. There is ample area for parking and emergency access
14. Siting of the turbine at Taylor Point minimizes impact/disturbance of natural features, and adjacent undeveloped land.
15. Signage and exterior lighting are minimal, and little impact.
16. A beacon, which meets Federal Aviation Administration guidelines, will be placed at the top of the turbine for air safety purposes.
17. The siting of the turbine impinges on the historic district view shed.

18. Catastrophic failure of the turbine may have disastrous impacts on neighboring municipal, commercial and residential properties, and have extremely serious impacts on the health safety and welfare of Jamestown residents. The risks to public safety introduced by the construction of a wind turbine have been strongly considered during the planning phase.

Commissioner Pendlebury would like to recommend the Town consider drafting a zoning ordinance for wind energy conversion systems, we don't want to have a precedence set without having guidelines. As soon as possible send a memo to council and request guidance from them. Town Council member Bob Bowen said wait until the state sets their guidelines, Commissioner Pendlebury said this also includes private use in addition to municipal. The following recommendations were summarized from comments from the Planning Commissioners:

1. The siting at Taylor Point negatively impacts the historic view shed from Windmill Hill Historic District. The RI Historic Preservation Office should be consulted before any final approval, regarding impacts on historic features, landmarks, or structures.

2. The turbine must be connected to electrical power lines somewhere between the Pell Bridge toll plaza and the intersection of North Main Rd and Weeden Lane. The final plans for this interconnection are still undetermined. It is imperative that these interconnections not interfere with the Town's responsibility to protect historic features, such as the Quaker Meeting House and the Historic Windmill on North Main Road.

The location of interconnection infrastructure is a major concern, and final zoning approval should be contingent on further review and discussion of the element of the project. The interconnection to existing power sources should be as far away from historic features as possible.

3. Any anticipated decommissioning expenses should be allocated to an escrow account over the life of the project, and restricted for exclusive use to decommission the turbine at the end of its' life cycle. This restriction would be intended to protect taxpayers from incurring an additional burden, not unlike the capping of the landfill on North Main Road.

4. Consideration to the risk of catastrophic failure needs to be continued through the entire approval process.

5. An amendment to the Zoning Ordinance containing specific rules and guidelines for Wind Energy Conversion Systems should be developed as soon as possible. Delay in implementing new guidelines may allow for additional turbine development, which does not meet the goals of the Comprehensive Plan.

The Planning Commission directed the Town Planner and Wyatt Brochu to draft a motion for approval based on these findings for approval at the next meeting April 18, 2012.

A motion was made by Commissioner Smith and seconded by Commissioner Enright to continue the Wind Turbine agenda item until the April 18, 2012 meeting. So unanimously voted.

Planning Commission Minutes

April 4, 2012

Page 8

A motion to adjourn at 10 pm made by Commissioner Smith and seconded by Commissioner Enright. So unanimously voted.

Attest:



Cynthia L Reppe  
Planning Assistant

This meeting was digitally recorded