

PLANNING COMMISSION MINUTES

November 19, 2003

7:30 PM

**Jamestown Library**

The meeting was called to order at 7:33 and the following members were present:

Gary Girard	Victor Calabretta
Jean Magregor-Brown	Barry Holland

Not present:

Andrew Kallfelz	Betty Hubbard
Sue Barker	

Also present:

Lisa Bryer, AICP – Town Planner  
Cinthia Reppe – Recording Clerk  
John Murphy  
Mike Swistak, President, Jamestown Chamber of Commerce  
Charlotte Zarlango  
Matthew Clarke, Chamber of Commerce

**I. Approval of Minutes from November 5, 2003**

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

**II. Correspondence**

1. CRMC – Assent – David G. and Judith B Enstone, 10 Holmestead Ct., Jamestown RI 02835; to construct a residential boating facility to consist of a 4'x165' fixed timber pier with a 4'x20' access platform at the seaward end of the facility. The proposed dock will extend to 75' beyond mean low water. Plat 2 Lot 60. Received.
2. FYI – Zoning Board of Review Agenda Nov 18<sup>th</sup>, 2003. Received.

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

Commissioner Hubbard arrives at 7:35 p.m. and Commissioner Kallfelz arrives at 7:36 p.m.

**IV. Reports**

**1. Town Planner's Report**

Town Planner Lisa Bryer stated that she will be out of town for the December 17<sup>th</sup> meeting. The planning commission decided to discuss the Comprehensive Plan changes at their next meeting on December 3<sup>rd</sup> and take the applications for the meeting on December 17<sup>th</sup>.

**2. Town Committees**

Commissioner Kallfelz stated that the Harbor Management Commission will be holding maybe one of its last hearings on the Harbor Management Plan.

Town Planner Lisa Bryer informed the commission that the archeological sub surface testing will be starting for the Downtown Improvement Project. It should take about 13 days.

Commissioner Girard shared with the planning commission a letter of resignation from Sue Barker effective immediately. A motion was made by Commissioner Girard and seconded by Commissioner Calabretta to send a memo to the Town Council asking them to send a letter of Thanks to Commissioner Barker for her dedication to the Planning Commission for the last 6 years. So unanimously voted.

**3. Sub Committees**

Commissioner Holland reported that the tree warden Dave Nickerson does not agree with the solicitors recommendation to the ordinance and is going to the Town Council meeting to discuss it. Commissioner Brown asked if the tree committee takes into consideration where the sewer lines are before planting trees. Commissioner Holland reported that yes, he believes that they do.

**V. Old Business**

Commissioner Girard asked the Planning Commission to take Old Business 2 before 1. All agreed.

**1. Proposed Zoning Ordinance Amendment –Section 103 Definitions related to protection of critical lands containing freshwater wetlands, high ground water table and/or shallow impervious layer**

A discussion continued on these issues that were previously discussed at the last meeting.

Town Planner Lisa Bryer handed out 2 proposed changes that the Town Solicitor had submitted that day. Commissioner Girard explained to the commission that this was the solicitors first attempt at this and that the planning commission needs to review and discuss these issues and address any questions they might have about it to the solicitor.

Commissioner Hubbard stated that this doesn't address the issue of where the test holes should be, and also stated this is much less restrictive. Commissioner Hubbard stated that there are 2 issues here, putting the test holes in the specific location of the ISDS and also determining if the planning commission wants to use a percentage of holes to determine if a property is in the overlay district. Commissioner Kallfelz stated that he thought averaging was permissible now, but it is not addressed in the ordinance. Commissioner Holland suggested that at least one of the test holes should be in the intended position of the leachfield site and if it does not meet the standards and all the other holes do it still should not be accepted. Commissioner Girard stated that the commission should come up with a minimum # of holes in the area of the ISDS. Commissioner Hubbard stated that the intent of this ordinance was not to allow flexibility. Town Planner Lisa Bryer stated that 2 test holes could cover the majority of a 60' by 120' site. Commissioner Girard said the commission needs to decide if they want averaging allowed. Commissioner Brown asked if there could be a pattern to the test holes, for instance a number of feet apart. The commission would like to ask the Town Engineering consultant if a pattern would work and if 1 hole triggers a classification then leave it open for the planning commission to figure it

out. The building inspector would like something more concrete in the ordinance.

Commissioner Kallfelz came up with the following draft;

*Perc results from a minimum of 3 holes must be provided inside the footprint or within 20 feet of the ISDS. Holes must be spread at least 15 feet from each other. A minimum of 3 holes must be provided within 15 feet of the perimeter of the footprint of the proposed building. Holes must be spread at least 15 feet apart. Data from all holes tested must be provided. Sub district category will be determined by the lowest performing test hole of the 6 holes specified. This will be given to the solicitor to review. Some of the commissioners would like the averaging part taken out.*

Commissioner Girard asked if there were any comments on the proposed definition of Impervious Layer. Commissioner Holland stated that the definition of high groundwater table it should be consistent with the word **certified** to describe the RIDEM Class IV Soil Evaluator.

John Murphy stated that the preamble to the presentation of this states that DEM regulations rely on Soil evaluation and not perc tests, they allow perc tests as an alternative. A soil evaluation is far more subjective than a perc test. Town Planner Lisa Bryer stated a perc test is allowed by variance only.

Charlotte Zarlango – Shores resident – supports what has been discussed tonight by the planning commission but also stated that she has seen instances where a certain type of system that is approved and then that is not what is put in. A motion was made by Commissioner Girard and seconded by Commissioner Kallfelz to forward the following change regarding Impervious layer to the Town Council:

***Impervious layer.*** ~~Includes “ledge” and other~~ Consists of category 10 soils as defined by The Rhode Island Department of Environmental Management (RIDEM) with a percolation rate equal to or slower than 40 minutes per inch and shall be as determined by a RIDEM certified Class IV Soil Evaluator. So voted:

Gary Girard - Aye

Andrew Kallfelz - Aye

Betty Hubbard - Aye

Victor Calabretta- Aye

Jean Brown - Aye

Barry Holland – Aye

*Motion carries by a vote of 6-0*

## **2. Downtown Parking Plan – Final Review**

The planning commission will discuss questions they might have on the plan starting with the Section IV. Recommendations Feasibility and cost

Commissioner Hubbard stated that the school and Fort Getty are not included in Satellite Parking and needs to be included. Commissioner Girard recognized that this plan only addresses the commercial downtown area and that is why Ft. Getty was not mentioned.

Lisa Bryer stated that when the Fort Getty site was discussed it was originally discussed as being utilized for long term parking and the shuttle would be water transportation and how we get to any satellite parking area definitely needs to be discussed at the same time as using Fort Getty for overnight parking. Commissioner Holland stated that a significant obstacle to Fort Getty would be the transportation problem. Commissioner Girard stated that private enterprise could take care of a shuttle service.

Commissioner Brown stated that there are 2 issues here, 1 is the employees taking up spaces close to the businesses and 2 boaters. Commissioner Calabretta stated that the Planning Commission's conclusions are not included in this report, and that it needs to be put in writing. Commissioner Calabretta made a motion that was seconded by Commissioner Girard to add a section titled Conclusions. It should be stated that there is not a parking problem in Jamestown but the following issues need to be addressed:

- A. Parking in Village for more than 2 hours
- B. Resident Parking/Overnight Parking
- C. Buildings that cannot comply with Ordinance, Article 12 in Zoning Ordinance
- D. Creating additional Parking Places
- E. Handicap Spaces
- F. Employee Parking

So unanimously voted.

This will be drafted and the planning commission will discuss it the next time they discuss parking. The school site will not be included as an alternative site for satellite parking since the school committee was against this idea several years ago when it was suggested.

Commissioner Kallfelz made a motion that was seconded by Commissioner Brown stating that he would like a clear set of conclusions before discussing recommendations.

Commissioner Calabretta would still like to have a discussion. Motion withdrawn. A discussion between the planning commissioners and the audience ensued with some of the following comments made:

John Murphy – speaking as a member of the Chamber, a resident, and a local attorney he stated that the suggestions are practical. The Chamber approached the Town Council on this issue asking for relief of burden to the village businesses.

Commissioner Calabretta asked what has been accomplished in the last 6 months since the ordinance change has been effect?

John Murphy – it was for the purpose of making existing businesses conforming, he suggested considering that if a change of use occurs and it does not need additional parking, that it not be subject to review. Mr. Murphy also recommended a piece of property that the town could purchase for long term parking that is next to the post office. He submitted a tax map showing the property.

Mike Swistak – Chamber president – suggested shared parking should be increased from 200 feet to any property within CD and CL.

Commissioner Girard asked how many spaces would be gained. There has not been a study done on that.

Chuck Masso – owner Chopmist Charlies and Tricia's Tropi-Grille, stated that on a summer evening he employees at least 35 people that drive and there is no place for them to park.

Mike Swistak – the additional municipal spaces provide some relief but the town could use more. He also stated the discrepancy in record keeping regarding shared parking needs to be addressed in the conclusions section.

The Planning Commission discussed putting this item on the agenda for the second meeting in January after the Town Planner, Lisa Bryer has time to update the plan. This item will be put on every agenda until finished.

**VI. New Business – nothing at this time**

Commissioner Brown asked that preserving current structures in Jamestown on the agenda for a meeting in January. The town planner will check the Comprehensive Community Plan to see when it is listed in the timetable.

A motion to adjourn at 10:00 was made by Commissioner Calabretta and seconded by Commissioner Holland. So unanimously voted.

Attest:

Cynthia Reppe

*This meeting was recorded on 1 micro-cassette*