

PLANNING COMMISSION MINUTES

October 20, 2004

7:30 PM

**Jamestown Melrose School**

The meeting was called to order at 7:35 **p.m. and the following** members were present:

Gary Girard	Andrew Kallfelz
Victor Calabretta	Betty Hubbard
William Kelly	Jean Macgregor Brown

Not present: Barry Holland

Also present:

Lisa Bryer, AICP – Town Planner  
Cinthia Reppe – Recording Clerk  
Michael Gray, P.E. – Town Engineer  
Peter Brockmann – Attorney  
Robert Cournoyer – RC Cournoyer Enterprises Inc.  
Lino Corredora  
Charlotte Zarlengo  
Randy Tyson  
Dan Lilly

**I. Approval of Minutes from October 6,2004**

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

**II. Correspondence**

1. FYI Affordable Housing Articles from Providence Journal

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

**IV. Reports**

1. Town Planner's Report
2. Town Committees
  - a. Harbor – Commissioner Kallfelz reported that, the Harbor Commission should be operating under the new ordinance now.
  - b. Fort Getty  
Commissioner Hubbard stated they are trying to wrap things up with costs.
  - c. Buildings and Facilities
  - d. Others
3. Sub Committees

At the November 8<sup>th</sup> meeting the Town Council will hold a public hearing for the Affordable Housing Plan.

A motion was made by Commissioner Girard to take New Business First. Commissioner Hubbard seconded the motion. So unanimously voted.

#### V. New Business

1. Application for Lino Corredora (Beatrice C. Burns – Owner) – Hull & Stern St. – Plat 14 Lot 80 - Zoning Ordinance Section 314 - High Ground water table/ Impervious Layer Overlay district - Sub-District A review

Peter Brockmann, attorney representing Lino Corredora made a presentation to the Planning Commission. Mr. Brockmann introduced Mr. Kevin Fetzer who is a class 4-soil evaluator.

Mr. Fetzer performed soil tests Nov 7 2003 for test holes 1&2 for the septic system area. Water table was at 10-11 inches. DEM concurred with 24-inch water table. Described location of 4 test holes. Reviewed plans and Peter Brockmann asked Mr. Fetzer questions related to the Sub-District A development standards. It was Mr. Fetzer's professional opinion that this proposal will minimize problems created by high groundwater table the design of the system will be minimal impact. Page 7- 2. Town Engineer Mike Gray stated that we were not copied on test holes 3 and 4 and he is surprised to hear of the fill on the lot. Fill over original material, it was not evident on the surface Mike said. How extensive is the fill on the lot? Mr. Gray asked if there is standing water at the original grade? Mr. Fetzer replied yes. Commissioner Girard stated he noticed standing water today. The fill was not put in recently. Commissioner Brown asked, "Where does the water flow?" She was answered, east to west. Mr. Gray wants to see reports of test holes 3 and 4, to make sure it works. Mr. Brockman provided the information.

Mr. Cournoyer gave Mr. Gray an original stamped drainage plan tonight. Mr. Cournoyer who is a registered Land Surveyor and ISDS designer described the system to be installed. Revised site drainage plan based on comments from the Town Planner and Town Engineer. Commissioner Calabretta said his only objection is to the 1 foot of fill. There is more detail of the foundation on the new site plan. Has anyone put in an application to lot 103? Mr. Gray stated they were denied a variance for an ISDS. Commissioner Girard asked for any other questions from the planning commissioners.

Mr. Brockmann introduced Mr. Lino Corredora who is here to address any questions about the house plan. Commissioner Girard asked about the garage floor, is it a slab? Yes. Mr. Corredora stated he designed the house and decided to build slab on grade, because of the water table. The garage and basement will be on grade, so nothing is below the surface. It will be 1-1/2 stories high above the basement at grade; 38x28, and raised Cape design with an Island Colonial look for outside elevations. Commissioner Girard asked where would the fuel be stored? In the utility room was the answer. He will be living in the house, with his wife and 1 child. The house will be facing Stern St. instead of Hull, because it is a safer street.

Commissioner Kallfelz stated the Planning Commission has determined that the minimum disturbance to a site would be a 600 sq ft. footprint house, which is the lowest impact possible. Commissioner Kallfelz stated this is what the planning commission discussed, and he would like to see the house much smaller. Commissioner Brown stated the 600 sq ft minimum is for a single lot, which was her impression. Commissioner Girard stated they never made a specific as far as the size of the lot. Town Planner, Lisa Bryer stated that her interpretation of the Planning Commissions discussion of minimum impact was of the worse case scenario lot. Commissioner Brown stated it would still fall beneath the footprint since it is a double lot; the only thing better would be if the ground level were gravel. There are pipes running through the foundation. Commissioner Brown stated this is a good effort. Commissioner Calabretta stated, the only issue he has is surface water flow, the fill from the sand filter to the front property line. Commissioner Calabretta said this is an excellent attempt to fit ordinance. Commissioner Hubbard said the board needs to go back and revisit this issue to come to some consensus. This may be a double lot but in terms of what they are trying to squeeze on the lot it may as well be 1 lot Commissioner Hubbard stated. If they correct these issues they could re-submit by Friday deadline. Does anyone support Commissioner Kallfelz's request to have a 2-bedroom design, Commissioner Hubbard agrees. Commissioner Kelly stated this is a reasonably sized house, and also acknowledged the fact that he was not a member of the planning commission when it was adopted. Commissioner Calabretta stated it needs to be looked at on a site-by-site basis. Commissioner Brown is encouraged that it is a 3 bedroom septic design. Protecting the environment for now and in the future is the objective of this ordinance.

A motion was made by Commissioner Girard and seconded by Commissioner Brown to have the applicant make the suggested changes, grading including passing flow between the house and ISDS, and more data in terms of grades to the street level. So unanimously voted.

## **VI. Old Business**

1. Proposed Zoning Ordinance Amendments related to article 314 - protection of critical lands containing freshwater wetlands, high ground water table and/or shallow impervious layer – Review of Proposed Changes

Town Planner Lisa Bryer said that in June the Planning Commission proposed changes to the ordinance and the Town Council has agreed with some of the changes and not others. They do not want to eliminate dual review by the Planning Commission and the Zoning Board, a use variance should not be required in sub district A. It did not address all development in A. One of the recommendations from Town Solicitor Larry Parks, is a special use permit, which is a better standard for review than a variance. Commissioner Kallfelz, asked what the purpose of the Planning Commission reviewing it was? Mr. Parks suggested that with the proposed changes he wanted the Planning Commissions concurrence. No motion or further action is need from the Planning Commission. The Town Councils hearing was left open, Mr. Parks might have the Town Council re advertise it. Only change is it was

changed to a special use permit instead of a variance. The Planning Commission suggested Development Plan Review instead of a variance but the Council said no. Surface water flow is Commissioner Calabretta's issue. Commissioner Brown asked if anything can be added that has to do with fill or that fill triggers a review? Commissioners Calabretta and Kallfelz said it was very weak on stormwater issues to begin with. Commissioner Hubbard stated when it was first put together the council rejected stormwater issues. Wanted it Island wide. Commissioner Calabretta suggested development proposals that meet these standards and do not require fill should be approved administratively for sub-district B. Any fill over a foot should not be handled administratively. Try to do it without fill. Mike Gray doesn't disagree with the fill but suggests that rather there should be another standard (#7) related to fill and grading. It should be spelled out specifically. Commissioner Girard, "we clearly state that the building official determines that it comes to the planning commission, that is the way it is now." Commissioner Calabretta's proposals are valid, we are going beyond what we are supposed to review. There are several other issues to address too. Separate out small additions stated Commissioner Girard. Commissioner Girard stated the planning commission should have it back, send the council correspondence saying we need more time. Commissioner Kallfelz, stated he wants to go forward with the existing changes and, we can let the Town Council know that we feel additional changes are necessary.

Commissioner Kallfelz made a motion to review this document and send it back for approval, without further amendments. Commissioner Girard seconded the motion. He also suggested that we let them know there will be additional amendments that the Planning commission will suggest in a memo.

The planning commission submitted changes in June. This is now a 3<sup>rd</sup> draft. The direction was to the planner not the planning commission. The November 17 meeting will be the next time we can see it. Commissioner Hubbard asked if can we look at it briefly at the next meeting.

Commissioner Girard took comments from the audience.

Dan Lilly - Seaside Dr. – he honestly sloughed it off thinking there would be no impact on him, new development is what he thought it was for. Problems on the all of the island too. Before they do anything tonight reschedule this and ask questions.

Randy Tyson – Seaside Dr. Retained legal council, some of this ordinance is spot zoning. There are a lot of things that need to be addressed. Groundwater and surface water is all over the island. This is an Island wide issue that should be addressed.

Commissioner Kallfelz asked Mr. Tyson if he was here when all of this was being discussed and if he was present at the public hearings.

This is not spot zoning, there was a recent application that was sent back because it did not meet the same standards.

The Town Planner Lisa Bryer thinks it is ok the way it is, and suggested the Planning Commission make a separate amendment, let's look at it more comprehensively.

Dan Lilly – his interpretation is he has to spend a lot of money doing test holes.

Charlotte Zarlengo – they did not take the ISDS out. Ordinance is getting so weak and as each day goes by its getting worse.

Town Planner Lisa Bryer went through the document to let the Planning Commission know what the Town Council wanted and didn't want.

Page 4 change at the top under B. Now suggested special use permit with review instead of variance it is special use permit. Variance pertains to dimensional requirement.

Page 6 took out language relating to dimensional variances, it was suggested to be a special use permit.

Make comment that says the Planning Commission should review and recommend and approve or deny., instead of it doing both.

Page 7 special use permit.

Commissioner Kallfelz amended his motion to state that the Planning Commission found these changes acceptable but they strongly believe that the Planning Commission should be the permitting authority on these applications and not just advisory in capacity to the Zoning Board of Review and that the ordinance is weakened without this change. In addition, the Planning Commission will be considering additional amendments to this ordinance in the near future related to:

- o Greater administrative review by the Building Official, the Town Engineer and the Town Planner; and,
- o Additional standards related to minimizing filling and grading, maintaining existing overland stormwater flow of runoff, and minimizing impact to the surrounding areas.

Commissioner Girard seconded the motion. So unanimously voted.

2. Jamestown Land Bank and Affordable Housing Trust Act- (continued) – recommendation to Town Council

A motion to continue this issue until another meeting was made by Commissioner Calabretta and seconded by Commissioner Brown

A motion to adjourn was made by Commissioner Kallfelz and seconded by Commissioner Kelly at 10:00 p.m. So unanimously voted.

Attest:

Cinthia Reppe

This meeting was recorded on 1 micro-cassette