

PLANNING COMMISSION MINUTES

October 6, 2004

7:30 PM

**Jamestown Library**

**26 North Main Rd.**

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

Gary Girard	Andrew Kallfelz
Betty Hubbard	Jean Macgregor Brown
William Kelly	Barry Holland

Not present:

Victor Calabretta

Also present:

Lisa Bryer, AICP – Town Planner  
Mike Gray – Town Engineer  
Barbara Sokoloff – Barbara Sokoloff and Associates  
Melanie Jewett – Barbara Sokoloff and Associates  
Brigid Ryan – Church Community Housing Corporation  
Bruce Bartlett – Church Community Housing Corporation  
Michael and Janice Dutton  
Joseph Palumbo – Attorney  
Robert C. Cournoyer – RC Cournoyer Enterprises  
Rob Smedberg – Engineer – Vanasse Hangen Brustlin, Inc.  
Tina McIntyre – Conanicut Realty

**I. Approval of Minutes from September 15,2004**

A motion was made by Commissioner Kelly and seconded by Commissioner Girard to accept the minutes with the grammatical errors pointed out by Commissioner Holland amended. Page 2 Last paragraph beginning of second sentence, Delyi, **gave a**

Page 2 Last paragraph fourth sentence **siltation**

Page 3 First paragraph see punctuation marks as follows in bold:

It would provide extra safety. They are not sure if Severence Lane is public or a private **road**; this needs to be researched. The **applicant's** family has always maintained the road. This issue needs to be resolved once and for all. If it is publicly owned and hasn't been accepted it could be done without the planning **commission's** involvement.

So unanimously voted. Commissioner Kallfelz abstains.

## II. Correspondence

1. Question 8: \$70,000,000 Open Space, Recreation, Bay and Watershed Protection Bond. Received.

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

## IV. Reports

1. Town Planner's Report
2. Town Committees
  - a. Harbor
  - b. Fort Getty
  - c. Buildings and Facilities
  - d. Others: Tree

There is a movement to designate the forest at the schools to a Town Forest and have the school children participate in the program.

### 3. Sub Committees

## V. Public Hearing

1. Housing Element Amendment of the 2002 Comprehensive Community Plan entitled Town of Jamestown Affordable Housing Plan  
Barbara Sokoloff gave a brief overview of the plan and the amendments that were made since the last meeting. She gave a power point presentation showing the changes.

On Page 6 Town Employees - first paragraph at the end, instead of second paragraph – shorten second paragraph and add into first paragraph.

Suggestion made to keep in both the overlay district as well as the transfer of development rights strategy. All agreed.

Charts need to be checked. Some do not add up. Table 2: Total units. Table 7: check numbers.

The Chair opened up the floor to Public comment on the Housing Plan. No residents spoke on the issue.

A motion was made by Commissioner Hubbard and seconded by Commissioner Girard to approve the Affordable Housing Plan as an amendment to the Comprehensive Plan and incorporate it by reference in the Plan and forward it to the Town Council. The Hearing was continued to a date to be announced so the Planning Commission could consider any recommended significant changes by the Town Council at a later date.

## VI. New Business

1. Dutton Minor (1 new lot)/Administrative (4 existing lots) Subdivision with Street Creation – Prospect Ave – Pre-application Review  
Attorney Joe Palumbo presented the application including the abandonment of the streets through the Newport County Superior Court. They want to continue maintaining Holly Street although the maintenance of that street was given to the Quattrocchi's when they received Zoning approval to build on lots 44 and 45. Mr. Dutton agreed to maintain Holly Street if the subdivision was approved. The Planner stated that the maintenance of streets must be made clear and legal through legal agreements approved by the Town. Commissioner Kallfelz feels that this is a major subdivision based upon the fact that the roads were abandoned and we now have one big lot to start from. The Board asked for more formal opinion from the Solicitor on this issue. The Zoning issues were discussed. The Town Engineer stated that Holly Street is not within the right-of-way but on Town property (Lot 47) and that that should be rectified as part of this subdivision. Commissioner Girard advised the Attorney to contact the Town Solicitor with respect to the responsibility of moving the road. Several members of the Board suggested that this subdivision be developed in a cluster fashion and that it would reduce road costs and the open space could be used as farmland or part of the horse farm.

This application will be discussed again when resubmitted by the applicant.

2. Straight Property Minor – 2 lot – Subdivision – Hull Cove Street and Beavertail Road  
Rob Smedberg, an engineer representing VHB made a presentation of the proposed subdivision. The parcel is 2 \_ acres; they want to create two lots in the R40. The lot is wooded and there are 2 existing wetlands on site. They have 2 approved wells and ISDS's. Mr. Smedberg would like approval with all the conditions that were suggested by the town engineer.

Commissioner Girard asked for comments. Commissioner Brown asked, is there anyway to turn around down there? Mike Gray stated there that it is a Town Road and that it is developed to the next lot and is gravel there. During construction they will take all precautions to insure that no erosion will take place. Mike Gray stated that the town couldn't enforce them to create a turnaround because it is a Town Road. Commissioner Girard asked Mr. Smedberg if they would consider a pervious driveway. There is a significant increase to the slope with the design. Water will flow into the gutter and down the road. Mike Gray explained some of the engineering aspects including detrimental impacts to down flow abutters and residents at the end of the street. The planning commission discussed options.

The Planning Commissioners were all in favor of continuing the meeting until 10:15 p.m.

The engineer stated he could not accommodate the grading for the septic on his own lot so he needed a grading easement. Commissioner Kelly stated the water drains down Hull Cove Rd. and onto other people's property. Mr. Smedberg stated they are trying to fix this situation with the grading. The Planning Commission said the applicant needs to look at eliminating the 5 feet of fill. Commissioner Holland asked, "How is your plan mitigating the run off?" Commissioner Hubbard suggested they go back to DEM and ask for a system amendment that uses less fill. Mike Gray, Town Engineer suggested they check out bottomless sand filter systems. Commissioner Kallfelz asked where in the standards do we deal with runoff and fill? Article 13 Lisa Bryer stated.

Commissioner Kallfelz made a motion that this application be denied for failing to meet a number of standards in our subdivision regulations, without prejudice. Commissioner Hubbard made a second on the motion. Lisa Bryer stated that the board is not happy with this proposal, and it is their decision. Commissioner Kelly suggested that Lisa Bryer give some history of the last few months of applications. Is stormwater the main thing that the Planning Commission is concerned with asked Mr. Smedberg? As long as A-H is met than soil erosion doesn't have to be included for minor land development? Lisa read from the regulations, "the proposed grading should not exceed 2 feet." It is in the Planning Commissions purview to require this. DEM is not concerned with abutters. The Planning Commission should be. The increase in slope creates more runoff. They do not want to make an existing condition that is already bad, worse. Public works has put some drains in for runoff because of comments from residents.

Commissioner Kelly stated that the bottom line is there is a better way to do this without impacting neighbors. So voted:

Gary Girard - Aye

Andrew Kallfelz - Aye

Betty Hubbard - Aye

Jean Macgregor Brown - Nay

William Kelly - Aye

Barry Holland - Aye

*Motion passes by a vote of 5-1*

**VII. Old Business – nothing at this time**

A motion to adjourn at 10:30 p.m. was made by Commissioner Kallfelz and seconded by Commissioner Girard. So unanimously voted.

Attest:

Cinthia Reppe  
Recording Clerk

This meeting was recorded on 1-micro-cassette