

PLANNING COMMISSION MINUTES

January 7, 2004

7:30 PM

Jamestown Library

The meeting was called to order at 7:39 p.m. and the following members were present:

Gary Girard Andrew Kallfelz
Betty Hubbard Victor Calabretta
Barry Holland

Members not present:

Jean Brown
Sue Barker

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Recording Clerk
Quentin Anthony - Attorney
Richard Pastore – Engineer
Jim Estes – Architect
Peter Brockmann – Attorney
Charlotte Zarlengo

I. Approval of Minutes from December 17, 2003

A motion was made by Commissioner Kallfelz and seconded by Commissioner Holland to accept the minutes with the following changes submitted by Commissioner Hubbard:

Page 3 New Business #2 Manning Subdivision;

Commissioner Hubbard asked for an inventory of every tree over 6 inches diameter **which had been required by the Planning Commission (Feb 7, 2001 minutes)** the last time the a ~~similar~~ subdivision from this applicant for this property was presented. Mr. Murphy replied that asking for that information would be an undue burden on the applicant. Commissioner Hubbard asked ~~why the lots could not be shifted further to the north side of the property to have a bigger buffer on the street side (south) of the property.~~ **pointed out that the process requires setting aside areas that are sensitive which in this case would be DEM's 200' buffer for drainage along Cedar Lane and Jamestown's watershed boundary at the Southeast corner of the parcel; also sensitive is the west side of the property where 2 level spreaders are planned to handle drainage headed toward the cemetery.**

(Commissioner Hubbard distributed copies of the Feb 6, 2001 minutes and 2 diagrams from the subdivision regulations illustrating Master Planning Process.)

So unanimously voted.

II. Correspondence

1. CRMC – Assent – Clifford L. White and Mary K. Farrell – 44 North St., Grafton, Ma; to construct and maintain a residential boating facility to consist of a 4’x 130’ fixed timber pier, a 3’x 18’ ramp and a 150 square ft float. The terminus of the dock will extend to 70 feet beyond MLW. Located at 541 Seaside Dr., Jamestown, RI., Plat 3, Lot 121. Received
2. CRMC – Assent – Marilyn Munger – 1 Ferry Wharf, Jamestown RI; assent to construct modifications to CRMC Assent A2002-06-027 by replacing the authorized 16 inch diameter pilings with factory alternate chain and embedment anchoring system. Located at Plat 9, Lot 354. Received
3. CRMC – Assent – Bradford Swett – 201 East 86th St. Suite 404, New York, New York; assent to construct and maintain a residential boating facility to consist of a 4’x 147’ timber pier with a 4’x 20’ “L” section at the seaward end with 2 tie-off pilings. The terminus of the proposed dock will extend to 106 feet beyond MLW requiring a 56 foot length variance from the 50 foot MLW length standard. Located at Plat 9 Lot 300 Walcott Ave. Jamestown. Received

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

IV. Reports – nothing at this time

1. Town Planner’s Report
2. Town Committees
3. Sub Committees

V. Old Business

1. **Master Plan/ Preliminary Public Hearing** - Bradford Swett – 45 Walcott Ave. 2 Lot subdivision

Commissioner Girard opened the public hearing at 7:45 p.m. Attorney Quentin Anthony introduced Mr. And Mrs. Bradford Swett and stated that he faxed a utility easement and private road easement to the planning office. Commissioner Hubbard asked if the Town Solicitor had read over it and that it should be subject to the Town Solicitors approval. Since there were no comments or questions from the audience Commissioner Girard closed the public hearing at 7:50 p.m. A motion was made by Commissioner Calabretta and seconded by Commissioner Kallfelz “to grant Master Plan/Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Survey Plan for BRADFORD N. SWETT; Assessors Plat 9 Lot 300, Walcott Avenue, Jamestown, Rhode Island; EXISTING CONDITIONS and PROPOSED CONDITIONS**; prepared by **Robert J. Curran & Associates, P.O. Box 707, East Greenwich, RI 02818, (401) 884-3400; dated November 12, 2003 and DRAINAGE PLAN AND UTILITIES PLAN for 45 Walcott Avenue, Jamestown, RI; prepared by RP Engineering, Inc., 121 Suffolk Drive, North Kingstown, RI 02852, dated 11/17/03 and 9/30/03** based on the following Findings of Fact and subject to the following Conditions of Approval:

A. Findings of Fact

The Board makes the following findings:

1. The subdivision is consistent with the requirements of the Jamestown Comprehensive Plan:
2. Each lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance. This property is located in an R-40 Zoning District;
3. No building lot is designed and located in such a manner as to require relief from Article 3, Section 308 of the Zoning Ordinance. Both lots are in the Urban Water and Sewer District and are/will be hooked up to the municipal system;
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions for approval;
5. The subdivision as proposed will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and buildings standards would be impracticable;
6. All subdivision lots have adequate and permanent physical access to a public street, namely, Walcott Avenue from Private Street servicing subdivision;
7. The subdivision provides for safe circulation of pedestrian and vehicular traffic, for adequate surface water runoff, for suitable building sites and for preservation of natural, or cultural features that contribute to the attractiveness of the community;
8. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion;
9. All lots in the subdivision have access to sufficient potable water for the intended use. Both lots will be serviced by public water.

B. Waivers from the Subdivision and Land Development Regulations

The Planning Board agrees to grant the following waiver:

1. The subdivider shall not be required to construct the street as required in Article XIII and shall be permitted to construct a private street as shown on the referenced plans consisting of 320± “two -2’ wide chipsealed asphalt strips (1304 sf total) with a 4’ wide grassed swale in the middle. This road will be privately owned and maintained per condition of approval #5 below;

C. Findings of Fact for Granting Waivers

In Support of the waivers, the Board makes the following findings of fact:

1. For the reasons stated above, the request for "Waivers" to the Subdivision Regulations is reasonable and within the general purposes and intents of the Subdivision Regulations; and,
2. That providing waivers to the Subdivision Regulations is in the best interest of good planning practice and design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

D. Conditions of Approval

1. The approval is for a total of 2 lots;
2. That payment of a fee in-lieu-of land dedication shall be required for this subdivision in the amount required by Article IIID of the Jamestown Subdivision Regulations. This fee shall be determined at the time of filing of the final plat and paid prior to recording of the final plan.

3. Granite monuments shall be placed at all corner points at the new property line;
4. The Coastal Resource Management Council shall be notified if any clearing of vegetation or disturbance is to occur within the 200 foot jurisdictional limit of the CRMC;
5. The Town Solicitor shall review and approve the Road and Utility Ownership and Maintenance Agreement prior to final approval. This document shall be recorded contemporaneously with the final plat. Any future significant changes, as determined by the Town Planner, to the road type, surface or configuration shall require review and approval by the Planning Commission;
6. The Planning Commission delegates Final Review to the Town Planner with the signature of the Planning Chair to appear on the Final Record Plan;

7. This approval shall be recorded with the Town Clerk contemporaneously with the Final Plat; and,
8. This approval shall expire one year from the date of approval by the Planning Commission.

So voted:

Gary Girard - Aye

Andrew Kallfelz - Aye

Betty Hubbard - Aye

Victor Calabretta - Aye

Barry Holland – Aye

Motion carries by a vote of 5-0

2. Zoning Ordinance – article 314 - protection of critical lands containing freshwater wetlands, high ground water table and/or shallow impervious layer –Amendments proposed by the Planning Commission

A discussion ensued regarding the proposed amendments to this ordinance. Commissioner Kallfelz wants to make sure that the changes being made will make it easier for the building inspector. The planning commission also decided to include under Impervious layer, class 9 or 10 soils. Commissioner Holland said that it should read certified Class IV Soil Evaluator in paragraph 5 under Section 82-314. Town Engineering Consultant Richard Pastore stated that it should say licensed instead of certified. This change will be made throughout the document. Commissioner Kallfelz would still like to see more than 2 holes. He stated that 6 holes would be better. A discussion ensued and Commissioner Holland stated he felt 6 holes would create more disturbance to the land and also questioned Mr. Pastore about the cost issue. Mr. Pastore stated that it would cost more to do 6 holes than 2 but not proportionally more. Resident Charlotte Zarlengo stated that the rules and regulations need to be tightened up in this ordinance to protect the residents. Attorney Peter Brockman said it sounds like this ordinance is preventing development, at which point the planning commission responded that this ordinance is to protect the health of the residents in the areas that are affected by high groundwater. Mr. Brockman also stated that there could be responsible development. After continued discussion on the number of holes that should be required the planning commission decided upon 3 holes for a 7200 square foot lot, 1 additional hole for a 14,400 square foot lot

and 1 hole per 5000 square feet after that up to 6 holes maximum. These holes will be evenly spaced and the Town Engineering Consultant Richard Pastore will present this to the Planning Commission at their next meeting in the form of a drawing. This will be the first issue on the agenda for the next meeting, followed by Downtown Parking, which the Planning Commissioners were asked to e-mail their ideas of conclusions to the Town Planner.

VI. New Business – nothing at this time

A motion to adjourn the meeting at 9:15 p.m. was made by Commissioner Kallfelz and seconded by Commissioner Calabretta. So unanimously voted.

Attest:

Cynthia L. Reppe

This meeting was recorded on 1- micro-cassette