

PLANNING COMMISSION MINUTES

April 21, 2004

7:30 PM

Jamestown Library

The meeting was called to order at 7:37 p.m. by Vice Chair Andrew Kallfelz and the following members were present:

Andrew Kallfelz	Victor Calabretta
Betty Hubbard	Barry Holland
William Kelly	Jean MacGregor Brown

Not present: Gary Girard

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Recording Clerk
Richard Pastore – Town Engineering Consultant
John Murphy – Attorney
Andrew Johnston – Northeast Engineering Consultants
Joseph Manning
Peter Brockman – Attorney
Anthony and Lorana Demedeiros

I. Approval of Minutes from April 7,2004

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

II. Correspondence

1. CRMC – Assent – Joseph J Oliveira, 1046 East Shore Rd., Jamestown, RI 02835; construct modifications to an existing residential boating facility by extending the fixed pier 4’x70’ seaward with a 4’x15’ terminus “L” and relocation of the ramp and float. The dock shall incorporate a boat lift system at the seaward end. The terminus of the dock and boat lift system will extend to 145 ft beyond (MLW) and be located in greater than 10 ft. of water depth at MLW. Received
2. CRMC – Assent – Thomas and Lois Markarian, 746 East Shore Rd, Jamestown RI 02835; construct a residential boating facility to consist of a 4’x271’ fixed timber pier, a 4’x20’ ramp and a 150 sq ft float. The dock will also incorporate a boatlift system. The terminus of the facility will extend to 162 ft beyond MLW to span the existing SAV habitat (~14’MLW) requiring a length variance. Received
3. CRMC – Assent – Bernanrd M & Traci Maceroni, 54 Taylor Dr., East Providence, RI 02916; construct a residential boating facility to consist of 4’x210’ fixed timber pier, a 4’x20’

ramp and a 150 sq ft float. The terminus of the proposed dock extends to approximately 153 ft beyond MLW to span the existing SAV habitat requiring a length variance from the RICRMP. Located at 596 East Shore Rd. Plat 2, Lot 70. Received

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

IV. Reports

1. Town Planner's Report

Town Planner Lisa Bryer reported on the Fort Getty master plan committee meeting. She also reported that she will be out of town at a Planning Conference next Monday, Tuesday and Wednesday

2. Town Committees

Commissioner Kallfelz reported that at the last Harbor meeting the Commission was discussing how to proceed w/1000 ft line policy for mooring permit management.

3. Sub Committees

Commissioner Kallfelz addressed the applicant and representatives of the DeMeideros application, scheduled for the agenda. He informed them that Chairman Girard will not be at the meeting this evening and asked whether they wished to proceed with the application or continue without a full Board. Peter Brockman stated that he would confer with his clients and report later.

V. Public Hearing

Manning 9 Lot Major Subdivision - Cedar Lane – Master Plan Informational Meeting – Continued

Commissioner Kallfelz opened the continued Public Hearing at 7:43 pm.

Commissioner Kallfelz gave a brief recap of why the Planning Commission continued this hearing until tonight. The address to Cedar Cemetery was given as Town of Jamestown 93 Narragansett Ave. and signed for by a town employee. It was then hand delivered to an employee of the cemetery. Mr. Head was contacted after the public hearing and any concerns that he has will be addressed tonight.

Mr. John Murphy introduced Andrew Johnston, Engineer with NE &C who made a brief presentation and responded to comments made at the last meeting regarding water concerns. He stated that there are no site-specific problems anticipated. Wells on other 3 lots across Cedar Lane were producing 3-4 gallons per minute when tested. The neighboring wells being drawn down are of great concern to the neighbors. Mr. Murphy stated the Manning families are willing to adopt a restriction requiring each house in the proposed subdivision to have a cistern to collect rainwater.

Rick Topp –Steamboat St.- When were wells drilled? April 17, 2003. If wells were drilled in middle of summer you might not see that much. Andrew Johnston replied that the depth of the 3 wells are as follows, 275 ft., 235 ft., 305.

Alton Head- representing Cedar Cemetery apologized for not being at the last meeting. The employee did not notify him. Drainage and screening are concerns. The Town does maintain the road although it has not adopted the road because of improper construction issues and the state says it's not their road any longer. James Williamson gave the road to the town, but it was never

received or accepted by the town. Drainage is a problem for Cedar Cemetery since the new road was constructed. There are 50 yr old graves that have washed out due to runoff from the new road. The water does not run into the catch basin only about 20 percent goes into it. Mr. Head is asking for the Planning Commission to give him direction in that area regarding drainage and if this subdivision will make this problem any worse. The screening that the Manning family has agreed to with additional planting along property line to screen cemetery, is a plus and appreciated by the cemetery.

Andrew Johnston has seen the problem with the catch basin but stated it should not be made worse with this plan.

Valerie Malloy – Will there be one general contractor? The response was that it is not known yet.

Andrew Johnston - They have done drainage systems to meet 10,12, and 25 year storms at other locations that are contained in swales. Mr. Manning offered that the cemetery could use the open space area on his property to grant an easement for sheet flow away from the cemetery. If a pipe needs to be run through Manning property that would be ok.

Alton Head - Are you extending the utilities? Yes Andrew Johnston stated. Once they receive final approval the plans will be sent to Narragansett Electric.

Alton Head - Does an engineer review this? Yes he will review all the plans. Is the Town responsible for the design?

Lisa Bryer – Town Planner stated it is at the conceptual stage now, next steps will be Preliminary review where many of the details such as state approvals and a hydro geological study will be worked out.

Richard Pastore – Town Engineering Consultant - with drainage there are 2 things, rate of runoff (gallons per minute) and volume of water. He hasn't formally looked at this plan since no drainage has been submitted yet. If the area down stream is flooding and there are water problems, taking the wooded area and creating more impervious surfaces will produce more run off. If allowed to discharge at same rate just the way it used to you will have big rushes of water; ultimately more water.

Commissioner Calabretta - Is your problem with standing water or wash outs at the cemetery? Mr. Head replied that wash outs are the problem.

Commissioner Brown - Don't we have any power to change this as far as who owns the road? Should town look at the problem, do we act or avoid?

Attorney John Murphy - stated that Representative Bruce Long would be a good one to talk to about it.

Perry Scott - His concern is the amount of well water and contamination, what happens if our wells are contaminated or dry out? Who does he turn to if this happens?

Lisa Bryer – Those are 2 separate issues, quantity of water and quality of water. The quantity that the well produces will be identified by the hydro geological study. It should identify if you are at risk now and what effect the new homes have on it. If your well is not deep enough now you may already have an issue with quantity whether this property is developed or not. It could very well be that this will impact it or it could be impacted now.

Charlotte Zarlenggo- Who is down hill from the sheet flow? Cedar Cemetery. Sunset Farms was a similar situation, water flows down the hill uncontained and impacts residents downhill.

Andrew Johnston – They will use pipes under the roadway to contain the water. It is designed to not increase peak runoff. Containing the runoff in the swale so it does not exceed what happens now.

Commissioner Kallfelz summarized the comments of concerns from the public being contamination, enforcement, commitment to no blasting, quantity of water, surface water issues and screening. He then asked for comments or questions from the Planning Commission.

Commissioner Calabretta stated there was a hydro geologic study by DOT when the road was put in. He wonders if any data is available? Commissioner Hubbard stated that is when the problems started for residents in that area (dry wells). Commissioner Hubbard wants a hydro geologic study to be conducted. Commissioner Hubbard moves to have the study done now.

Attorney John Murphy stated he would like the opportunity to work with the staff to develop the criteria for this study. Alton Head stated that as a past member of council, there was a water quality study done, but no quantity studies done. Commissioner Kelly stated that the response from the state regarding the road is unacceptable, and that the town should contact DOT and request a meeting to resolve this issue. The Town should initiate this according to Lisa Bryer. Lisa will follow up on this issue and get back to the Planning Commission with the response.

Richard Pastore, Town Engineering Consultant said it is appropriate to request a hydro geologic study, and ask for proposals to be submitted. The Planning Commission felt that preparing a detailed scope of work should be the next step and that we ought to share this with the applicant.

Commissioner Kelly made a motion to close the hearing at 8:40 p.m. Commissioner Kallfelz seconded the motion. So unanimously voted. This issue will be on the agenda for the next meeting to discuss the hydro geologic study.

VI. Old Business

1. Demedeiros – Bark Ave. - Plat 16 Lot 40 – Zoning Ordinance Section 314 - High Ground water table/ Impervious Layer Overlay district - Sub-District A review-continued

Attorney Peter Brockman representing Anthony and Lorana Demedeiros stated that they would request a continuance until a future meeting but would like to stay and listen to the next agenda item.

VII. New 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

A discussion ensued regarding the flow chart prepared by the Town Planner that depicted the process to be followed for applications in sub-district A. The planning commissioners and the Town Planner and Engineering consultant made suggestions. There was much discussion of what should be put into the ordinance and how it should be worded. Town Councilor Julio DiGiando asked about the building option appeal process, if denied it can be re submitted by the applicant. Anything in the zoning ordinance can be appealed. The Town Planner noted that there is a process for appeals in the regulations already and it does not have to be reiterated in this part of the ordinance.

Commissioner Calabretta made a presentation of how surface water flows, how development impacts flow and how maintaining surface water flow as it occurs today is critical. Channelizing flow has detrimental impacts down flow that have a cumulative impact. He also discussed solutions to minimize fill, such as a house on piers for minimal impact and disturbance to a lot. Commissioner Calabretta is a licensed engineer in 13 states and has been a PE for the last 38 years. Commissioner Calabretta explained what has happened with this ordinance and why the Planning Commission should continue to be careful in terms of minimizing impact and disturbance. He explained sheet flow and contour lines, fill around the home etc. If this lot was being developed to allow water to go by either side the impact is cumulative on the houses downstream. Water is building up and the person down at the bottom of the hill, will be the one impacted. In order to stabilize the cumulative downstream impact, the few remaining lots must have a minimum impact on existing site contours from development. Any disturbance should maintain the same sheet flow off of a site. A foundation acts as a dam to the surface and ground water. This is why we require the structure to be above GWL. The Planning Commission is looking for innovation from the architects and engineers to design these houses. Consider piers that extend below frost but do not act as a dam to flowing water. If you must have a basement use grade beams and a floating slab. Minimizing channeling around the house and level spread downstream. This can be accomplished through landscaping as well as mechanical means. Commissioner Kelly asked about French drains around the house. Commissioner Calabretta stated that all of this can be done. This is the innovation that the Planning Commission should be looking for. Commissioner Holland asked if it is possible that a design could improve the drainage situation. It would have to be proven. Landscaping plays a role stated Commissioner Hubbard. Commissioner Kallfelz commended Commissioner Calabretta on a nice presentation.

A motion to adjourn was made by Commissioner Hubbard and was seconded by Commissioner Holland at 10:10 p.m. So unanimously voted.

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Attest:

Cynthia Reppe

This meeting was recorded on 1 micro-cassette