

PLANNING COMMISSION MINUTES

April 7, 2004

7:30 PM

Jamestown Library

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

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

Also present:

Lisa Bryer, AICP, Town Planner
Cynthia Reppe – Recording Clerk
Richard Pastore – Town Engineering Consultant
John Murphy – Attorney
Andrew Johnston – Engineer – NE&C
George Gifford – Landscape Architect – Gifford Design Group
Joe Manning

I. Approval of Minutes from March 17,2004

A motion was made by Commissioner Kallfelz and seconded by Commissioner Hubbard to accept the minutes as written. So unanimously voted. Commissioner Girard Abstains.

II. Correspondence

1. CRMC – Assent – Patricia Rompf, 124 Bay View Ave., Jamestown, RI 02835; to construct a residential boating facility to consist of a 4'x 107' fixed timber pier with a 4'x20' fixed terminus access platform. Plat 8, Lot 268. Received
2. CRMC – Assent – Bradford Swett, 201 East 82nd St., Suite 404, New York, New York 10028; construct a residential boating facility to consist of a 4' x 185' +/- fixed timber pier with a 4' x 20' terminus "L" section. The terminus of the proposed dock will extend to 145 ft beyond mean low water (MLW) requiring a 95 ft length variance from the CRMP Section 300.4.E.3.(k) 50 foot beyond MLW standard. Located at Plat 9, Lot 300. Received

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

IV. Reports

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

Commissioner Hubbard reported that the Fort Getty Committee will meet on April 20th.

Commissioner Kelly reported that the Affordable Housing Committee had a public meeting on April 1, 2004 and there were 20-25 people in attendance to discuss the Strategic Housing Plan.

V. Public Hearing

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

Commissioner Girard opened the public hearing at 7:38 p.m.

Attorney John Murphy representing the Manning family gave a brief history of the property. He introduced Andrew Johnston, engineer from NE&C and George Gifford, Landscape Architect from Gifford Design Group who both gave presentations to the audience regarding the plan. The following are comments made by the audience:

Perry Scott – Top O the Mark – his concern is the wells in the area and he would like his well measured before any of this is done. If his well is affected adversely he will look to the town, Mr. Manning and those involved with making this decision for resolve.

John - 25 Steamboat – he is concerned about the water supply and the wells being drained. Commissioner Brown asked if his well has ever been to that point and he replied that 1 time it hit the bottom.

Marie Jagschitz – 11 Severence Lane – she is concerned about her well water becoming contaminated with so many proposed septic systems.

John Murphy – stated that this proposed subdivision meets the Zoning and Planning regulations and there is no detrimental impact on the neighboring houses.

Ralph Jagschitz – 11 Severence Lane – he wants to know why he is required to have 5 acres and he is abutting the Manning property where 9 houses are proposed on 9 acres, and his concern is pollution of his well. The Chair responded that the watershed zoning (RR-200) is at the property line of the Manning property.

Andrew Johnstone – stated that everything will drain to the cemetery side, not down the hill towards Mr. Jagchitz's property.

Richard Pastore – Town Engineering Consultant – stated that a hydrogeologic study should be done on this property.

John Murphy – stated that they will be happy to perform drawdown tests from the 3 wells across the street from this property that was subdivided by Mr. Manning last year, and there would be no deleterious effects on the abutting wells to this subdivision.

Planning Commission Minutes

April 7, 2004

Page 3

Rick Topp – 15 Steamboat – concerned about the well situation but in addition to that he would also like to know if there will be a stipulation that will prevent a property owner from clearing the open space behind his lot. The Board responded that the open space will be regulated by a conservation easement and the open space will be clearly monumented.

John Murphy – stated that the open space will be will be owned collectively by the homeowners association.

Lisa Bryer – Town Planner – stated the Planning Commission would require Conservation Easements that are enforceable.

David Gorelik – wants to know who in the town checks on these types of violations.

Commissioner Holland – stated the Zoning Officer can enforce these issues.

John Murphy – stated the abutter needs to report these issues and then the zoning officer can enforce it.

Perry Scott – Top O the Mark – he does not want the Manning team to measure his well, he wants the town to do it.

Richard Pastore – stated that the hydrogeologic study will include more than just wells.

Commissioner Girard – asked Mr. Pastore what they will do for the study.

Lisa Bryer – Town Planner – she will pull out the old file that has the scope of work that the Planning Commission asked for before when the applicant submitted plans for a subdivision a few years ago.

Valerie Malloy – 70 Columbia Ave – she is concerned about the well users not being under mandatory water conservation measures during the summer when water bans are in effect in the Urban area.

Bruce Long – State Representative – stated that the Town Council has the authority to regulate and authorize the water bans.

Lisa Bryer – Town Planner – stated that Professor Gordon from URI is proposing to do a water use study, specifically rainwater catchment with grant funds.

Michael DiGidio – 50 Cedar Lane – asked if there would be any blasting (including hydrofracturing for wells) during construction. Andrew Johnston assured him there would not be.

There was a question about whether or not proper notification was given to the Cedar Cemetery. Attorney John Murphy stated he would look into it. A notice was sent to the Town Hall for the Cemetery notification.

Commissioner Kallfelz asked what the results of the hydrogeologic study were. The study was never done. Commissioner Calabretta made a motion that was seconded by Commissioner Hubbard to continue the public hearing until the meeting on April 21, 2004. So voted:

Gary Girard - Aye	Andrew Kallfelz - Aye
Betty Hubbard - Aye	Victor Calabretta - Aye
Jean MacGregor Brown - Aye	Barry Holland - Aye
William Kelly - Aye	

Motion passes by a vote of 7-0

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

Attorney Peter Brockman representing Lorana and Anthony Demedeiros stated that the applicants have reduced the size of the footprint of the house from 1100 square feet to 880 sq. ft.

Commissioner Girard commended the applicant for being so prompt and coming back to the Planning Commission with this issue. David Gorelik an abutter to the proposed development stated that when it rains he gets flooded and he had to install French drains and went through a lot of engineering to curtail the flooding problem. He wants protection that the development of this property will not flood his home. Town Planner Lisa Bryer stated that maybe a berm or swale can be put in to redirect the overland flow to Bark Ave. A discussion ensued with several comments being made by the planning commissioners regarding the square footage of the footprint and how the planning commission discussed a footprint of 600 sq. ft. as minimum disturbance to the lot when this ordinance went into effect. Commissioner Girard individually asked the commissioners what they thought of the resubmitted plan. Commissioners Holland, Kelly and Brown thought the reduction of the footprint was an effort on the applicant's part and that restrictions could be placed on the approval. Commissioners Hubbard, Kallfelz and Calabretta felt that the plan does not meet the minimum disturbance to the site, mainly due to the 4.5 feet of fill as well as the footprint and the overall square footage. A motion was made by Commissioner Brown and seconded by Commissioner Kelly to approve the plan with drainage and swale recommendations that are agreeable to the applicant and town engineering consultant. A discussion ensued and Commissioner Brown withdrew the motion. Commissioner Kallfelz made a motion to have the applicant comeback with a drainage solution that minimizes impact to the neighboring properties and to comeback at their earliest convenience. This motion was seconded by Commissioner Kelly. A discussion regarding Commissioner Kallfelz's motion continued and a vote was taken. So voted:

Gary Girard - Aye	Andrew Kallfelz - Aye
Betty Hubbard - Aye	Victor Calabretta - Aye
Jean MacGregor Brown - Aye	Barry Holland - Aye
William Kelly - Aye	

Motion passes by a vote of 7-0

A motion was made by Commissioner Kallfelz and seconded by Commissioner Hubbard to continue the meeting past the 10:00 p.m. ending time. So unanimously voted.

VII. New Business

1. Community Development Block Grant - 2004 Application – Consistency with Comprehensive Community Plan

A motion was made by Commissioner Hubbard and seconded by Commissioner Girard to hereby certify that the proposed FY2004 Community Development Block Grant activities are in compliance with local development policy as set forth in the 2002 Jamestown Comprehensive Community Plan and with the Jamestown Subdivision and Land Development Regulations and Jamestown Zoning Ordinance. So voted:

Gary Girard - Aye	Andrew Kallfelz - Aye
Betty Hubbard - Aye	Victor Calabretta - Aye
Jean MacGregor Brown - Aye	Barry Holland - Aye
William Kelly – Aye	

Motion passes by a vote of 7-0

A motion was made by Commissioner Kallfelz and seconded by Commissioner Calabretta to adjourn the meeting at 10:15 p.m. So unanimously voted.

Attest:

Cynthia Reppe

This meeting was recorded on 1 micro cassette