

PLANNING COMMISSION MINUTES

October 5, 2005

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
Richard Ventrone	Barry Holland

Not Present: Jean Macgregor-Brown – arrived at 7:39 p.m.

Also present:

Lisa Bryer, AICP – Town Planner
Cynthia Reppe – Recording Clerk
Joseph Giammarco – Attorney, Anderson and Krieger
Brian Allen – engineer - Tower Resources Management

I. Approval of Minutes from September 21st, 2005

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

II. Correspondence

1. FYI – Workshop – Dealing with Density – Drinking Water, Wastewater and Stormwater Solutions. Received
2. FYI- Workshop – Building Strong Teams to Promote Strong Communities. Received
3. FYI – Workshop – Healthy Drinking Waters for Rhode Islanders. Received
4. FYI – Letter to Jack Brittain - Re: Jacks Electric. Received

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

IV. Reports

1. Town Planner's Report

The town closed on the 3 DOT properties on Cedar Lane. The Planner attended the State Water Resources Board and the Town was reimbursed \$32,890. Town Planner is working with Bill Burgin on Schematic for Town Hall with Department Heads. The 1993 Transportation Improvement Project submitted by the Planning Office regarding trails around the island was accepted by the State Transportation Advisory Committee and listed on the State Transportation Improvement Program. Pare Engineering has been hired as the Consultant working on the bikeways and trail ways grants for DOT.

2. Chairpersons report
3. Town Committees

- a. Harbor
Nothing new at this time
 - b. Fort Getty
The committee will be getting feedback from the Land Use Planner at the next meeting on Oct 20th.
 - c. Buildings and Facilities
 - d. Others
4. Sub Committees

Commissioner Girard asked the Planning Commission to take New Business before Old Business.

V. New Business

1. Cingular Wireless Cell Tower – 179 Tashtassuc Road, Plat 6, Lot 24 –
Development Plan Review in RR-200

Commissioner Calabretta recused himself and left the table.

Mr. Joe Giammarco attorney with Anderson and Krieger made a presentation. He introduced himself and Mr. Brian Allen an engineer from Tower Resources Management.

Mr. Giammarco made a presentation to the Planning Commission and explained the proposed site. This will be an un-manned site. There will be 1 trip per month using the existing access. No emergency power is being introduced. A 35 foot power station is there now. Drawings not to scale but photos should be to scale.

Commissioner Hubbard stated it is in the watershed and there is an easement to the CILT on the adjacent lot on the wetland. Mr. Giammarco stated that what they could do is put hay bales there during the construction period. It is also in the Windmill Historic District stated Commissioner Hubbard. Commissioner Ventrone asked why they are putting an antenna there? Cingular and AT&T just merged. There is a gap in the service along highway 138 Mr. Giammarco stated. Commissioner Ventrone confirmed that AT&T had an antenna on the water tower and asked where does Verizon have their antennas other than the water tower. That is proprietary information that he is not privy to. Commissioner Hubbard said that the Planning Commission advised an applicant a few years ago to put antennas on the water tower only.

Commissioner Ventrone asked questions regarding how far apart the towers have to be for good service.

Mr. Brian Allen from Tower Resources Management answered Commissioner Ventrone's question about how high an antenna has to be for improved service to the north end and the gap in service on North Rd. and highway 138 and he stated 140 feet above sea level, just above the tree line at the proposed location. The water tower is 200 ft. high said Commissioner Ventrone.

Commissioner Holland asked if they have looked at any other sites? The basic structure that is already there is what prompted them to choose this site.

Mr. Giammarco said if they lose a call going into the area then that is a problem with the service. Coverage is most important, then connectivity. Commissioner Ventrone asked if they have an antenna at the fire station in North Kingstown, they think there is one there.

The target area is the 138 corridor. Commissioner Kallfelz asked If it could be shrunk down to just above the tree line would it work? As far as height is concerned according to the engineer it has to be that height.

Why is Narragansett Electric not here giving the proposal asked Commissioner Kallfelz?

Commissioner Girard asked if they have explored other sites on the north end since this site is in the water shed area. Mr. Giammarco said it is better to use an existing structure.

Commissioner Kallfelz asked what is your plan B? Mr. Giammarco and Mr. Allen are only representatives and do not know the alternatives. What is the most unobtrusive structure that you would present asked Commissioner Kallfelz. Paint and flush mount the antennas is the most they could do.

Commissioner Holland said at least this site is somewhat of a utility use right now. The National Historic District and being a designated scenic corridor as well as in the Watershed are the down sides of this.

Town Planner Lisa Bryer said the former Town Administrator was working with Narragansett Electric to clean up the site and to not look like an industrial site once they removed the generators. We do not want to perpetuate the industrial look of the site when it is residentially zoned and in our drinking water watershed. When Ms. Bryer looked in the Comprehensive Plan she found that this plan is not consistent with the Comprehensive Plan for the following reasons, it is in the Windmill Hill historic district, it is designated as a notable landscape by the state and the Town and State have expended significant funds and resources to protect the scenic rural character of the 138 corridor.

A motion was made by Commissioner Ventrone to not recommend acceptance of this proposed plan and to not recommend approval to the Zoning Board. This is based on noncompliance with the Comprehensive Plan because the proposed Cellular Tower is located in or adjacent to the Windmill Hill National Historic Register District, it is a notable landscape as designated by the State and is within the Eldred Avenue/John Eldred Highway Scenic Sites and Landscape area and because the Town and the State have expended significant resources to keep 138 as a scenic corridor for these reasons. Commissioner Hubbard seconds the motion.

Commissioner Holland would like to support the proposal because he says they need better coverage on the north end and he would like to see future proposals come in with some comparatives for alternative sites.

Commissioner Kallfelz said Cingular is taking an exclusive all or nothing approach by having no alternatives and not being flexible which puts the town in a difficult spot and this makes it almost impossible to approve. Commissioner Girard's concern is the location of it and he shares the concern that no other sites are being offered. So voted:

Gary Girard – Aye

Betty Hubbard – Aye

Andrew Kallfelz – Aye

Jean Brown – Aye

Richard Ventrone – Aye

Barry Holland – Aye

Motion carries by a vote of 6-0

VI. Old Business

1. High Groundwater Table Overlay District – Discussion of Minimum Impact Standards in Sub District A

Commissioner Girard addressed the Planning Commission regarding a discussion about Sub-District A applications. Within the first few meetings working with the A applications he believes that the Planning Commission early on can decide whether they feel that a property could be developed appropriately with minimum impact or not. It is not fair to drag on for 4-5 months and then in the end the Planning Commission still feels it can't be developed. Commissioner Girard wants to ask at the initial meeting based upon the science presented whether a lot could achieve minimum impact standards without significantly impacting the surrounding area.

Commissioner Kallfelz asked whether he is referring to the plan presented or if it were modified could there still be a possibility of it being approved. The Chair stated the later.

Commissioner Hubbard says she doesn't think this could be determined immediately. She said they are turned down or approved as presented.

Commissioner Girard wants to expedite and streamline our thought process.

Commissioner Ventrone stated there are lots that are not buildable whether we want to say it or not.

The Planner stated that economic feasibility of the applicant and the project should not be a factor in the decision of the Planning Commission.

Commissioner Kallfelz said in situations where the lots are extremely bad, that is when the minimum standard should be applied and the Planning Commission needs to determine what the minimum standard is.

Commissioner Brown said that DEM determines what a buildable lot is and if they have issued a permit for an ISDS then she would assume it is buildable. She said she thinks our ordinance is probably the strictest in the state. When an

applicant is spending thousands of dollars and we still end up saying no in the end is what needs to be changed.

Commissioner Girard reiterated that the Commission should be streamlining the process early on.

Commissioner Ventrone said if the state gives approval for an ISDS the Town still has jurisdiction and can pass any ordinance they want that is stricter.

Commissioner Holland agrees with what Commissioner Kallfelz said about a landowner having the right to build. We as a Planning Commission need to look at what affect it will have on the neighbors and the Planning Commission needs to apply common sense.

Commissioner Ventrone also agrees with Commissioner Kallfelz.

Commissioner Calabretta agrees that we need to establish a point that determines the minimum standards, and he also stated that the right to beneficial use does not necessarily mean the right to build a house.

Commissioner Calabretta mentioned the house on piers idea again and also that having a garage is a source for problems and over filling.

A motion to adjourn the meeting at 9:22 p.m. was made by Commissioner Calabretta and seconded by Commissioner Kallfelz. So unanimously voted.

Attest:

Cynthia Reppe
Recording Clerk

This meeting was recorded on 1 micro-cassette