

PLANNING COMMISSION MINUTES

December 7, 2005

7:30 PM

Jamestown Library

The meeting was called to order at 7:33 p.m. and the following members were present:

Gary Girard

Victor Calabretta

Betty Hubbard

Jean Macgregor-Brown

Richard Ventrone

Barry Holland

Not present: Andrew Kallfelz

Also present:

Lisa Bryer, AICP – Town Planner

Cynthia Reppe – Recording Clerk

Michael Gray – Town Engineer

Mr. and Mrs. Michael Dutton

Joseph Palumbo – Attorney

Robert Cournoyer – RCC Enterprises, Inc.

Mr. and Mrs. Daniel Lilly

Brian Goldman – Attorney

John Caito – P.E.

Peter Brockmann – Attorney

Steven Perry – AMS Development Corp

Lino Corredora

I. Approval of Minutes from November 2nd, 2005

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

II. Correspondence

1. FYI – Letter from Emmet and Hazel Turley Re: Variance Application 0515-0788. Received
2. FYI – Letter from Debra D'Agostino Re: Plat 5 Lot 94 Steamboat St. Received
3. FYI – Letter from Steamboat St. Abutters Re: Plat 5 Lot 94. Received
4. FYI – Letter Re: Trattoria Simpatico Seasonal Awning Received.
5. FYI – Letter to Zoning Board Re: Slick DPR Final Approval. Received
6. FYI – Letter Re: ISDS variance James and Patricia Donnelly Plat 15, Lots 177,178 and 179. Received
7. CRMC – Assent – Brian Galvin 901 Narragansett Parkway, Warwick, RI; to construct and maintain a residential boating facility to consist of a 4'x133.4 ft fixed pier, a ramp and float located at 509 Seaside Dr. Received

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

IV. Reports

1. Town Planner's Report
2. Chairpersons report

Let the Planning Clerk know if you will not be attending the next meeting.

3. Town Committees
 - a. Harbor
 - b. Fort Getty

The consultant has presented a Land Use plan with lots of comments being made by the committee members; this is a work in progress.

- c. Buildings and Facilities
 - d. Others
4. Sub Committees

V. Old Business

1. **Dutton – 5 lot major subdivision with street creation and waivers requested - Prospect Ave. Plat 1 Lots 61, 243,244 and 246 – Master Plan Review**

Attorney Joseph Palumbo representing Mr. and Mrs. Dutton for this subdivision also introduced Bob Cournoyer. They want to create a five lot subdivision with a private street and are requesting waivers from the subdivision regulations. They are requesting to combine preliminary and final approval. At present they are requesting the subdivision road be private where access be from Summit Avenue and not North Road/Prospect where Attorney Palumbo indicated that a portion of is still in dispute. They have asked for a waiver from the cluster requirement.

Mr. Cournoyer made a presentation to the board. The lots are more than 80,000 square feet.

Commissioner Hubbard asked why we have not been presented with a cluster to compare with what they are proposing since cluster is mandated? How do we compare if it is a better use of the land? Palumbo said proposed lot number 1 is fully developed, there are 2 single family dwellings occupying the property now. In addition, the apartment that exists now may remain above the garage until the Duttons build a single family dwelling on one of the lots. Commissioner Ventrone questioned the use of the apartment and it being abandoned if this subdivision goes through. Town Planner spoke to Attorney Larry Parks about this issue since it was brought up at the last meeting. The Superior Court determined that those lots were never merged, although the transfer of ownership brings the issue of the zoning approval in light since it states that the garage apartment shall cease if ownership is transferred. The barn at this time straddles two lots. Attorney Palumbo stated that they should be granted relief on the cluster issue since there are existing structures at this time on one of the lots. The Board agreed that would not prevent clustering of the remaining 4 lots.

Mr. Dutton said even with the wetlands he doesn't think there is enough land to do it. Commissioner Ventrone would like to see a Cluster with an entrance from North Main Rd. They now drive through Lot 42 to access all the residences but it is not shown on the plans submitted. This should be shown when resubmitted. Commissioner Hubbard agreed.

Mr. Palumbo said they are putting 4 houses on 8 acres and it should not be clustered. There is a problem with access to the property at this time using North Road and Prospect. Commissioner Ventrone thinks this is an ideal situation for cluster development.

Lisa Bryer stated the Town has been unsuccessful in getting the Quatrocchi's to accurately locate Holly St. but in the mean time, the Town is unable to allow additional use of the road according to the Solicitor. Mr. Palumbo asked are you wanting us to come before you with an additional plan for a cluster? The Board indicated that is required.

Commissioner Brown asked the applicant if he maintains the road and she also asked if there is enough room to turn around for emergency vehicles with the proposed plan. Mr. Dutton stated yes. Commissioners Calabretta and Brown like the plan submitted.

Mr. Cournoyer was asked about the radius map and the fact that Prospect Street does not appear straight. It was agreed that that is where the plats are at different scales and they don't match up. Mr. Palumbo said the access on Holly street where it is now is on town owned land, it's not an issue.

Commissioner Holland stated the mandate is that cluster is required and that you have to say why you want a waiver. His impression is that they just want it and have shown no exact reason for why it is better use of the land. Commissioner Calabretta asked if the way it is designed could they have easements adjacent to the wetlands that would create open space. Bob Cournoyer stated that DEM system suitability would be hard to accomplish if done in a cluster development. The Town Planner stated that it would effectively accomplish the same thing. The Board agreed that showing a cluster concept is still required for comparison.

Commissioner Ventrone asked if what they are asking for, a private road meets town requirements. Yes. Assuming the Duttons are willing to do what Commissioner Calabretta suggested what is the boards feeling on access to the property asked Commissioner Girard.

Commissioner Holland doesn't see the road as a big deal. Commissioner Holland has no problem with keeping the current plan and dedicating the east portion of the lot as open area with legal agreement. It meets the intent of the cluster development.

They will take Commissioner Calabrettas suggestion but they cannot come in from North Rd.

Take a look at Cluster and Commissioner Calabretta's suggestion and also show the sheds and the existing driveways and delineate the preserved area and what is presented. Restrictions can be done with a conservation easement. This will be continued until an upcoming meeting once additional plans are submitted for Master Plan review.

VI. New Business

- 1. Daniel and Jean Lilly - Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table-Impervious Overlay District, Section 308, Setback to Freshwater Wetlands, AP 5 Lot 205, Proposal to redevelop house at 132 Beach Avenue Recommendation to Zoning Board**

Attorney Brian Goldman represents the Lilly's and John Caito is here as the Engineer as well. Mr. Lilly said they have an existing basement on the property right now. They would fix it but have

been advised that it is unrepairable. They would like to maintain a basement since they have not had a problem with the existing one except that it is crumbling. They are using a sump pump right now and there will be no change to the groundwater.

Commissioner Ventrone says it is a very wet area and thinks a basement would be very problematic. Mr. Lilly stated that it has not been a problem.

Attorney Goldman said the footprint is about 1000 sq ft. not 2100 sq. ft.

John Caito is a registered PE in the state of RI. Mr. Caito can address an alternative to the basement. He handed out an alternative plan and Mr. Caito presented it to the Planning Commission.

Commissioner Calabretta noted that the alternative plan has a tremendous amount of fill and said when you use fill it dams up and redirects surface water and becomes a flooding problem on adjacent properties. Commissioner Calabretta suggested they fix the basement they have now and stay with the same footprint. Mr. Caito says in his professional opinion it is not going to create a problem since the property is sloped and it will continue to run to the back of the property. Commissioner Calabretta and Mr. Caito discussed what the fill would do to the property. Mr. Caito says to look at this globally, there is a failed septic system and a crumbling foundation. They can build a house on piers, a slab or use the existing foundation Commissioner Calabretta stated. Minimum disturbance and not denying beneficial use, they still can do this. There are ways to minimize disturbance says Commissioner Calabretta.

Commissioner Girard doesn't mind the 1053 footprint without the garage and the board agrees. Can the garage be built on piers, the builder suggested something similar to that. The consensus of the board is that they are in favor of the garage as long as the water flows through. Commissioner Holland wanted to let them know that the crawl space is not acceptable either because of the fill. They will come back with some changes to the plan.

2. AMS Development Corp. - Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table-Impervious Overlay District, AP 5 Lot 280, Proposal for new house on Spindrift Street, Recommendation to Zoning Board

Commissioner Calabretta recused himself.

Attorney Peter Brockmann introduced Eric Prive an engineer from DiPrete Engineering. The applicant has signed a contract to purchase this property. The proposed dwelling has a footprint of 896 sq. ft. and a total of 1336 sq. ft. living space. They want a crawl space of 3-4 ft with no fill. The engineer agreed with our town engineer that the plans need revision to show the actual elevation as 55 not 58 as shown. Mr. Prive made a presentation to the board and Attorney Brockman asked questions of him. There are no known wetlands within 200 ft. of the property. Granite blocks will help with the gravel going into the street 4-5 courses of granite blocks to be used.

The ISDS is how many feet from well? Mr. Prive stated that there was not a variance for this application so it is within the 100 feet requirement. Commissioner Holland asked if it is OK for

the applicants well to be in close proximity to the neighbors well? There are no regulations regarding distance between wells. Town Engineer Michael Gray stated there is a pipe at grade and since there is no fill please look at this. The engineer wants him to look at this and stated that he would think that they would like to have some cover over the pipe. Originally it looked like 58 and now it shows 54.5. What would Mr. Gray feel comfortable with the engineer asked? Mr. Gray said you are the designer and typically you want cover over it. You should just be made aware that it does not appear correct the way it is drawn..

A motion was made by Commissioner Holland and seconded by Commissioner Calabretta to send a positive recommendation to the Zoning Board that the revised plan should correct the inaccurate topography and to show the driveway to have 5 courses of cobble or such and the cover over the pipe. This can be reviewed by the Planner prior to submittal to the Zoning Board. So voted:

Gary Girard – Aye Betty Hubbard – Aye
Richard Ventrone – Aye Jean Brown – Aye
Barry Holland – Aye

Motion carries by a vote of 5-0

3. Lino Corredora - Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table-Impervious Overlay District, Plat 14 Lot 80, Proposal for new house on Stern Street, Recommendation to Zoning Board – Continued until meeting on December 14th.

A motion to adjourn was made by Commissioner Hubbard and seconded by Commissioner Holland at 10:35 p.m. So unanimously voted.

Attest:

Cynthia Reppe

This meeting was recorded on 1 micro-cassette