

Approved As Written 4-20-05
PLANNING COMMISSION MINUTES
March 16, 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 |
| William Kelly | Jean Macgregor-Brown |
| Barry Holland | |

Also present:

Lisa Bryer, AICP – Town Planner
Cynthia Reppe – Recording Clerk
John Murphy – Attorney
Tara Vargesh – Engineer – NEE & C
Dr. Paul Aldinger –P.E., hydrogeologist – Paul B. Aldinger and Associates Inc.
Herbert Johnston – hydrologist
George Gifford – Landscape Architect
Joe Manning

I. Approval of Minutes from March 2, 2005

A motion was made by Commissioner Calabretta and seconded by Commissioner Holland with the following amendments:

Page 2, 2nd paragraph from the bottom – and he wanted clarification that the ~~proposal~~ **proposed zoning ordinance amendment** going forward to the Town Council says this will not be allowed.

Page 3, 4th sentence in the last paragraph change - There are ~~to~~ **too** many disclaimers.

All in Favor. Commissioners Kallfelz, Girard and Kelley abstain.

II. Correspondence

1. Memo to A. Lauriston Parks from Fred Brown Re: Robert Crooks, Plat 14 Lot 92 – Section 314 High Groundwater Table

Commissioner Girard informed the Commission that in addition to this memo they were given a response from the Town Solicitor Larry Parks. Town Planner Lisa Bryer discussed the memos with the Commission. There is a loophole in the ordinance regarding the Crooks proposal. This is an enormous addition in Sub district A that will not be captured by the ordinance because of the loophole. Their attorney recognized the loophole. Mr. Parks says they do not have to go before planning because of the way the ordinance currently reads. This was not the intent of our ordinance when it was adopted. Mr. Brown will issue a building permit based upon the opinion of the Solicitor. Any citizen in town can appeal the issuance of the building permit. Commissioner Girard said this ISDS was put in after the ordinance was adopted. Commissioner Girard stated he wishes the town council would have approved the

amendments to the ordinance last June when it was presented to them. What would the procedure be if a citizen appealed this decision? Commissioner Calabretta is having a hard time understanding why it is not considered a whole new system since they are increasing the bedroom count and the whole system is new to replace the old outdated system. They should not have been able to install a new system in sub-district A without approval. We do not want to discourage people from upgrading or replacing outdated systems. Commissioner Kallfelz questions how can it be determined if this is considered new. Commissioner Calabretta said we need to find out what system he had before? If a 1 bedroom to a 3 bedroom than the applicant should be in violation. Can Fred Brown hold off on a building permit until we look into some of these matters. Commissioner Brown asked if we are encouraging people to upgrade their systems and they do that first then come before us then what, is this another loophole? If you are just replacing a system it is not a violation. In June the Planning Commission asked for this loophole to be closed and the Town Council did not act on it. Can we ask Mr. Brown and Mr. Parks how number 6 of Mr. Browns memo is interpreted. Town Planner Lisa Bryer will look into it.

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

IV. Reports

1. Town Planner's Report

After receiving comments from Rhode Island Housing the Planner met with them on Monday. It seems that they want some clarification on strategies and subsidies and that is pretty much it. It will take a little bit of time to address these changes which involve clarification of issues, it may or may not come back to the Planning Commission. It probably won't need a rehearing by either the Planning Commission or the Town Council because they will probably be determined to be insignificant changes by the Solicitor, but that is his call. These need to be addressed within 60 days.

2. Chairpersons report

3. Town Committees

a. Harbor

b. Fort Getty

No conclusion on the \$30,000 budget request

c. Buildings and Facilities

Meeting on March 30th and make a recommendation to council or Town Administrator for a new town hall.

d. Others

4. Sub Committees

V. Old Business

1. Manning Major 9 Lot Subdivision with waivers - Cedar Lane- Master Plan Approval

Dr. Urish is out of town and did not have a chance to review the latest plans from the Manning subdivision since they were handed in to the Planning Office on Monday which was too late to be put in the packet. Commissioner Kallfelz asked, is one just an update of datum? Dr. Aldinger stated that it is an update of contours, an update of incorrect base map that had incorrect data and showed an earlier version so this is an update with the

PLANNING COMMISSION MINUTES

March 16, 2005

Page 3

correct information. Commissioner Hubbard confirmed again that Dr. Urish has not had a chance to look at this. Contour plan still shows 6 houses and this was a mistake and the new ones were handed out tonight. John Murphy stated although Dr. Urish did not review this because of the late delivery, he was aware of this.

Commissioner Girard said lets look at the draft motion.

A discussion ensued between the Planning Commissioners and the applicant's representatives regarding the proposed draft motion. One of the comments made concerned reducing the number of lots by 1 because of the still high nitrate levels predicted from the development.

Attorney John Murphy stated this is consistent with what the Planning Commission has been trying to do to this development from the beginning, give up a lot or 2 or 3. If they can't meet the standards at the preliminary stage they will deal with it at the time. Town Planner Lisa Bryer made minor comments that she received from Dr. Urish.

Commissioner Calabretta made a motion that was seconded by Commissioner Brown to grant Master Plan approval to include the revisions made tonight as follows:

"to Grant Master Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Manning Subdivision; A.P. 5 Lot 414, Cedar Lane (Cemetery Access Road), Jamestown, Rhode Island; Property Owner Mr. Joe Manning, 71 Starr Drive, Narragansett, RI 02882; prepared by Northeast Engineers & Consultants, Inc., 42 Valley Road, Middletown, Rhode Island, 02842, 401-849-0810; dated revised 11 Feb. 04** 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 and/or shall satisfactorily address the issues where there may be inconsistencies. The Comprehensive Plan states that "if houses were developed on a minimum of one-acre lots, groundwater supply in Jamestown would be more than adequate..." The subject subdivision is located in an R-40 district requiring 40,000 square feet for each dwelling unit. The proposed subdivision is located directly adjacent to the densely developed Jamestown Shores area. The Comprehensive Plan states that based upon the "density in the Jamestown Shores of 2 to 4 homes per acre, that the (water) usage is more than the total available groundwater supply and does not include a buffer. Development density of this magnitude will result in overdrafts to the groundwater supply, especially during droughts or times of heavy seasonal water usage." Based upon this information and testimony at the Master Plan Informational Meeting held April 7, 2004 indicating that the abutters to this subdivision have already experienced water quality and quantity problems, the Planning Commission required the developer to have prepared a hydrogeologic study for the site. The Scope of that study was agreed upon by the subdivider's Engineer, Northeast

PLANNING COMMISSION MINUTES

March 16, 2005

Page 4

- Engineers, their hydrologist Paul B. Aldinger and Associates, the Town's reviewing consultant Dr. Daniel Urish and the Jamestown Planning Commission;
2. Each lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance;
 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 as long as the proposed system is located a minimum of 150 feet from the edge of any wetland. No wetlands have been identified on site or within 200 feet of the site;
 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, North Road. Lot frontage on a public street without physical access shall not be considered compliant with this requirement. Cedar Lane is currently maintained by the Town of Jamestown and the State Department of Transportation has dedicated Cedar Lane to the Town. The Town of Jamestown has not officially accepted Cedar Lane because of drainage issues related to its construction;
 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, historical, or cultural features that contribute to the attractiveness of the community. Surface water runoff will be more specifically addressed during the Preliminary phase of review and approval;
 8. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion;
 9. The use of open space in the proposed Residential Cluster Development is an appropriate use and is consistent with the requirements of Article IV.A.4.. Use of the open space for drainage attenuation will require waivers from the Subdivision Regulations; and,
 10. All lots in the subdivision have access to sufficient potable water for the intended use. Paul B. Aldinger and Associates in their Geohydrologic Investigation Report for the Manning Subdivision dated January 2005 indicated that "The estimated yield of the three wells drilled on-site for this study at 3 to 10 gpm are more than adequate to meet a daily demand of 600 gal/d, and it is likely that six additional wells having equal or greater yields are obtainable at the locations chosen.". Of the nine off site wells that were monitored based upon their relative locations to the subdivision site, the report indicated that "Interference resulting from pumping of adjacent wells appears to be small. Proposed locations of nine proposed wells in the Manning subdivision are 80 to 240 ft. apart and interference effects among these wells is also expected to be minimal." With respect to groundwater quality, Dr. Paul B. Aldinger indicated in an addendum letter dated February 18, 2005 that "nitrate levels will be lower than the allowable level in State

and Federal drinking water standards of 10 mg/L and the desired level of 5 mg/L." The potential nitrate loading is estimated to be 4.4 to 5 mg/L, a level that Dr. Aldinger believes to be "relatively conservative" and he states that "we believe nitrate levels will be somewhat lower than predicted."

B. Waivers from the Subdivision and Land Development Regulations

The Planning Board agrees with the following waiver as long as the drainage analysis conducted at the preliminary phase of review is acceptable and the surface treatment proposed is acceptable from a public health and safety perspective:

1. The subdivider shall not be required to construct the street as required in Article XIII and shall be permitted to construct a non-paved street to access the nine lots;

C. Findings of Fact for Granting Waivers

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

1. The subdivider desires to maintain the rural character of the area while maximizing groundwater infiltration and aiding in stormwater control on and off site and access the nine building lots by an eighteen foot wide gravel/paver system roadway. The details of this method are still under consideration by the Planning Commission and another surface treatment may be required upon further investigation at the Preliminary stage of review and approval.
2. Given that further review is necessary the Planning Commission has determined that the request for "Waivers" to the Subdivision Regulations is reasonable and within the general purposes and intents of the Subdivision Regulations; and,
3. That providing waivers to the Subdivision Regulations may be 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. 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;
2. Granite monuments shall be placed at all corner points of the nine lots. The rear of lots shall be delineated in a manner to be determined at the Preliminary stage of review to ensure that the homeowners do not encroach on the open space;
3. The subdivider shall obtain and provide to the Town Planning Office quarterly measurements of groundwater and nitrate (as nitrogen) levels in wells A, B, and C for at least one full year, starting now, to establish non-pumping annual record for future reference;
4. Provide a down gradient well (of the same general construction and depth as 414A) as a non-pumping well for a continuing Town of Jamestown reference well for both water levels and water quality. This will both enhance the Town's future general knowledge of island groundwater conditions, and enable future checks on

PLANNING COMMISSION MINUTES

March 16, 2005

Page 6

- the validity of the groundwater quantity and quality investigative procedures used in this study;
5. Design the site to promote maximum infiltration to groundwater recharge.
 6. Recommend that homeowners be conservative in their use of well water by providing water conservation literature to new homeowners. If automatic sprinklers for lawns are to be used, they must be equipped with water conservation technology;
 7. In the design of the individual wells, set pumps so that drawdown can go no lower than mean sea level to avoid potential salt water intrusion. Given the results of the well tests and the likelihood of similar production results for the other wells to be constructed on the site, this should impose no problem under normal use circumstances;
 8. Require advanced denitrification ISDS systems for the development.
 9. During preliminary and final design of this subdivision, the applicant shall investigate and incorporate methods to further reduce nitrate levels to less than 5 mg/l as is consistent with finding of fact #10 above; and,
 10. This approval shall expire one year from the date of approval by the Planning Commission.

So voted:

Gary Girard – Aye

Betty Hubbard – Aye

Jean Macgregor-Brown- Aye

Barry Holland – Aye

Andrew Kallfelz – Aye

Victor Calabretta – Aye

William Kelly – Aye

Motion carries by a vote of 7-0

2. Harbor Management Correspondence- Re: Expansion West Ferry Mooring Field
Commissioner Kallfelz stated to keep to the facts the Planning Commissions letter should include all of these. There are some places in the towns Comprehensive Community Plan that states we should maximize use of it and Commisisoner Kallfelz has a list he will e-mail them to Lisa and then compile it and present at the next meeting and vote on it. Commissioner Kallfelz stated, lets just be careful. Commissioner Calabretta stated in the last few days he heard a comment that RI doesn't have a tax on boats and that is why there is a lot of pressure to expand the marinas since neighboring states have a tax and we don't. Commissioner Hubbard stated lets use optimize instead of maximize when talking about the harbor. Commissioner Kelly stated it would be 80 additional moorings there are 70 some odd on the wait list at West Ferry, and it could accommodate over 100. The Planning Commissioners need to get their comments to Lisa Bryer by Friday.

VI. New Business- nothing at this time

A motion to adjourn the meeting at 9:25 p.m. was made by Commissioner Kallfelz
Commissioner Calabretta seconded. So unanimously voted.

PLANNING COMMISSION MINUTES

March 16, 2005

Page 7

Attest:

Cynthia Reppe

This meeting was recorded on 1-micro-cassette