

Approved As Amended 8-3-05  
PLANNING COMMISSION MINUTES  
July 20, 2005  
**7:30 PM**

**Jamestown Melrose School Multi Purpose Room**

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

Andrew Kallfelz                      Betty Hubbard  
Victor Calabretta                      Jean MacGregor Brown

Not present:

Gary Girard  
Barry Holland

Also present:

Lisa Bryer, AICP – Town Planner  
Cynthia Reppe – Recording Clerk  
Michael Gray – Town Engineer  
Robert Cournoyer – RC Cournoyer Enterprises Inc.  
John Somyk  
Peter Brockmann - Attorney  
Steve Perry – STD Builders  
John Lawless – Engineer – Whale Rock Engineering LLC  
Carol and Ben Buglio

**I. Approval of Minutes from June 1st, 2005**

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

**Approval of Minutes from June 15th, 2005**

A motion was made by Commissioner Calabretta and seconded by Commissioner Hubbard to accept the minutes with the following change: page 3 second paragraph, last sentence should read – The goal would be to replace the windows to appear original.

**II. Correspondence**

1. CRMC – Cease and Desist – Richard & Patricia Condon-60 Westwind Dr., Jamestown – cutting of buffer zone/easement within 200 ft of a coastal feature. Received
2. CRMC – Cease and Desist – Alexander and Barbara Wood-70 Westwind Dr., Jamestown - cutting of buffer zone/easement within 200 ft of a coastal feature. Received
3. CRMC – Cease and Desist – Alan Katz – 52 Westwind Dr., Jamestown - cutting of buffer zone/easement within 200 ft of a coastal feature. Received
4. CRMC – Public Notice – Eastward Vista LLC – Assent to modify existing residential boating facility (issued to Stephan Evangelista) to add 4’x20’ “L” fixed pier at current pier terminus. Received
5. FYI – Copy of Letter of Resignation from Bill Kelly. Received
6. FYI – Letter of Approval for New Water Standpipe to Zoning Board. Received

### III. Citizen's Non Agenda Item

Phil Zarlengo as a resident of the Jamestown Shores wanted to discuss an agenda item. He wanted to know what the legal basis is for having the STD application under Old Business since this appears to be a new application. He would also like to know why it is on the Zoning Agenda too as a different application. Mr. Zarlengo stated his rights are being violated.

### IV. Reports

1. Town Planner's Report – nothing additional at this time.
2. Chairpersons report
3. Town Committees
  - a. Harbor  
Discussion about proposed expansion of mooring field in East Ferry at same time as Fort Getty
  - b. Fort Getty  
Land Use Plan RFP in paper today deadline is August 5th
  - c. Buildings and Facilities
  - d. Others
4. Sub Committees

### V. Old Business

#### 1. **Application of John Somyk - Plat 16, Lot 232, Proposal for new house on Seaside Drive, Zoning Ordinance Section 314 Sub-District A Review, High Groundwater Table and Impervious Layer Overlay District, Recommendation to Zoning Board**

This is a single family dwelling proposed on Seaside Dr. Owner John Somyk presented the application. The proposed house is smaller than the 2 neighboring houses but he is still trying to make it attractive to fit in with the neighborhood. The back of the house shows covered porches which is included in the calculations for impervious coverage. Bob Cournoyer will discuss the drainage issues and changes that were made to the original plan.

Mr. Cournoyer checked with CRMC and there are no permits or applications related to wetlands for the property to the south. In addition, the drainage stays right on the property. There will be Spot grades done. Commissioner Calabretta asked are there wetlands there? Mr. Cournoyer said DEM and CRMC do not have any records indicating there are and we cannot trespass onto other properties to check. Just because they haven't dealt with it doesn't necessarily mean there are none there said Commissioner Calabretta.

The issues the Planning Commission were concerned with previously he remembers were constraints because it is coastal, **less than 150 feet from the wetlands**, 100 feet from well and neighboring wells, they will need waivers, 2 of them. In terms of the High Ground Water ordinance asked Commissioner Kallfelz are there other issues we should be looking at? Commissioner Calabretta stated he has everything he needs.

A motion was made by to recommend denial by Commissioner Calabretta, and Commissioner Kallfelz seconded the motion. Commissioner Calabretta's reason for this is because it is a difficult area of town where high groundwater is an issue, the restrictions are there for a reason.

Bob Cournoyer asked the Planning Commission "are you saying there is no way this person can use his property and you are denying him use of his property." Mr. Somyk is willing to work with the town on making it smaller he wants to work with them. He knows he has to go to Zoning, and he is also working with making the house fit the neighborhood. Commissioner Brown feels he should have the opportunity to work with us and then let him go to zoning and let them make a determination. Commissioner Kallfelz is struggling with the ~~rational~~ **rationale** of denying it because of variances there is no way to change what he has to work with. Commissioner Calabretta said let the zoning board make their decision. Bob Cournoyer said we are using your expertise we are talking about the wetlands, there is no adverse affect to the wetlands. Denying the right to build on your property is another issue. This is a unique site says Commissioner Kallfelz it doesn't have a lot of impact on abutting sites. Commissioner Calabretta does not think that this is minimum impact. Commissioner Brown feels that we have these new septic systems and she feels comfortable that the wells will not be tainted, she would urge the Planning Commission to come up with a mutually beneficial solution, she thinks the ordinance was created because of runoff problems and wells being contaminated and this application is not a classic offender. She thinks we can work with the applicant to approve this and he is willing to work with us. Commissioner Hubbard asked Commissioner Brown if we should continue this so the applicant can work with the size of the house to further reduce impacts? Commissioner Brown says yes. Commissioner Calabretta should we amend the high groundwater ordinance to accept advantex systems? Commissioner Calabretta said we should not recommend the application to zoning that is his opinion. So voted:

Andrew Kallfelz – Nay

Betty Hubbard – Aye

Victor Calabretta – Aye

Jean Brown – Nay

*Motion fails lack of majority*

Mr. Somyk is willing to work to reduce the size of the house, he just wants some guidance from the Planning Commission. Commissioner Brown made a motion to continue this until the next meeting, Commissioner Kallfelz seconded. So voted:

Andrew Kallfelz – Aye

Betty Hubbard – Aye

Victor Calabretta – Nay

Jean Brown – Aye

*Motion carries by vote of 3-1*

**2. Application of STD Builders - Plat 5 Lot 58, Proposal for new house on Ferry Street, Zoning Ordinance Section 314 Sub-District A Review, High Groundwater Table and Impervious Layer Overlay District, Recommendation to Zoning Board**

Lisa Bryer addressed the issue brought up by Mr. Zarlengo during Non Agenda item. She stated that it is irrelevant what is on the Zoning agenda. The Planning Commission has an application before them and they should continue with its review. When the Planning

Commission recommends approval or denial, it will go forward to the Zoning Board. It would be less confusing if they went forward with one plan or another? The Planner will check with the Solicitor.

Attorney Peter Brockmann, representing STD, what we do at zoning is between us and zoning. The Planner asked if STD was aware that if Zoning denies the application before them then they cannot go forward with this application anyway. The applicant is aware of this. Commissioner Calabretta makes a motion to table this until the zoning board acts on what is before them at this time. Commissioner Kallfelz seconds the motion for the sake of discussion. A discussion ensued about why they should table it.

Commissioner Hubbard stated she would have been ready to deny because there are 3 items that are not changed in the new plans submitted. The applicant stated that they had new plans to hand out this evening. Commissioner Brown asks if we should wait for a legal opinion from our solicitor. The Planning Office did not realize that they were before zoning with a different application. Should we table pending the zoning meeting? Commissioner Calabretta withdrew the motion to continue.

Commissioner Hubbard made a motion to deny based on the town engineers report. Commissioner Calabretta seconded the motion. Attorney Peter Brockmann wanted to present the Planning Commission with a new plan but Commissioner Calabretta stated the Planning Commission discussed ways to make this procedure faster and the board was in consensus no more accepting things the night of the meeting. Commissioner Hubbard agrees with that. Mr. Brockmann would like to submit the information tonight and admitted that last minute is frustrating on both sides, Commissioner Kallfelz asked Mr. Brockmann, do you want to make a presentation on the materials that were in their packet? Mr. Brockmann said no.

So voted:

Andrew Kallfelz – Aye  
Victor Calabretta – Aye

Betty Hubbard – Aye  
Jean Brown – Nay

*Motion carries by a vote of 3-1*

## VI. New Business

### **1. Application of Benjamin and Carol Buglio - Plat 15, Lot 236, Proposal for addition to existing house on Mizzen Street, Zoning Ordinance Section 314 Sub- District A Review, High Groundwater Table and Impervious Layer Overlay District, Recommendation to Zoning Board**

John Lawless a registered professional engineer made a presentation representing Ben and Carol Buglio the applicants. They are proposing to add a 1 story addition to their existing house at 13 Mizzen. The existing septic system which is a 3 bedroom system has been approved for the proposed addition and no changes need to be made to it. They are proposing to remove the existing driveway and replace with crushed stone to reduce the impervious cover on site to 14.59 % from 19%. Because post construction impervious cover is less than pre-construction, there will be a reduction to stormwater runoff. This proposal meets the development standards in the ordinance.

Commissioner Kallfelz said it is going to be difficult to deal with this minimum impact issue. It is still a reduction of impervious coverage, Commissioner Kallfelz is very ~~conseientious~~ conscience of the overall site. Do we want any other information? Comments so far are it could be reduced to minimize impact further, but it does provide stormwater control where none exist now. Is there a reason why this addition couldn't be on a crawl space asked Commissioner Calabretta? A motion was made by Commissioner Kallfelz and seconded by Commissioner Hubbard to continue this application with a recommendation to the applicant to revise the plan to reduce impact based on the size of the addition and its impact on surface water flow. Commissioner Brown asked why is size the issue? Mr. Buglio stated before we started, no one said size is the issue. If he thought the size wouldn't have been acceptable he would not have wasted everyone's time, where did this come from? Commissioner Kallfelz said the size comes from minimum impact. Mr. Lawless reiterated we are decreasing the impervious coverage, we can keep on decreasing the size until there is nothing. Mr. Lawless said there is going to be less runoff because we are eliminating the driveway. Commissioner Calabretta said he does not have an issue with the size of it So voted:

Andrew Kallfelz – Aye

Betty Hubbard – Aye

Victor Calabretta – Aye

Jean Brown – Aye

*Motion carries by a vote of 4-0*

**2. Proposed new Ordinances per State of Rhode Island Phase II Stormwater Requirements: 1) Illicit Discharge, 2) Post Construction Stormwater Control and 3) Soil Erosion and Sediment Control**

Town Planner Lisa Bryer asked the Planning Commission to look at this and be ready to discuss this at the next work session. Town Engineer Michael Gray said this must be adopted by the town before December.

A motion to adjourn at 9:20 p.m. was made by Commissioner Brown and seconded by Commissioner Kallfelz. So unanimously voted.

Attest:

Cynthia Reppe

*This meeting was recorded on 1-micro-cassette*