

PLANNING COMMISSION MINUTES

November 7, 2007

7:30 PM

Jamestown Town Hall

93 Narragansett Ave.

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

Gary Girard	Victor Calabretta
Betty Hubbard	Barry Holland
Michael White	Richard Ventrone

Not present:

Jean Brown

Also present:

Lisa Bryer, AICP – Town Planner
Cynthia Reppe – Recording Clerk
Michael Gray - Town Engineer
Christopher Orton - Town Solicitor
John Murphy - Attorney
John Lawless, Engineer
Bill Burgin, Architect
Alan & Nancy Randall
Joseph Palumbo, Attorney
Michael Dutton
Robert Cournoyer, RCC Enterprises Inc.
Jack Brittain

I. Approval of Minutes October 3, 2007

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

II. Correspondence

1. FYI – Letter to Jack Brittain Re: Application Items requested by Planning Commission. Received
2. FYI - Memo to Zoning Board from Conservation Commission Re: Application of Martha Harris. Received

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

IV. Reports

1. Town Planner's Report
2. Chairpersons report
3. Town Committees

- a. Harbor
 - b. Fort Getty
 - c. Buildings and Facilities
- Tentatively a meeting is scheduled for November 27, 2007
- d. Others
4. Sub Committees

Preliminary Public Hearing

Allan & Nancy Randall – 61 Narragansett Ave. Plat 9 Lot 179
Major Land Development Project

Planning Chair, Gary Girard opened the hearing. Attorney John Murphy gave a brief synopsis to the Planning Commission of the Randall Project for the benefit of the public at the hearing and the Planning Commission. Mr. Murphy introduced Bill Burgin, the Architect for the project, that presented the plans to the public. The Randall's and the Town Planner Lisa Bryer have agreed on a lighting plan and to planting some trees.

Commissioner Girard asked the audience if they had any questions or comments.

Bill Munger – owner Conanicut Marina said he is excited about the project and feels it is going to give some purpose to that end of Narragansett Ave. He supports it.

Commissioner Hubbard asked about trees and who would pay for them since they are on Town Property. The applicants will work with the town tree committee and is willing to pay for them. Commissioner White said there is a new Tree Warden and Jim Rugh the chair of the Tree Committee has coordinated with Town Planner Lisa Bryer already.

Anne Livingston - Howland Ave is supportive of the project and likes that the residence is moving onto Howland Ave., she asked if the Zoning can be changed to Residential instead of Commercial on Howland Ave. so that they would not be able to be changed back if the property was sold. Town Planner Lisa Bryer said that any Zoning Amendment can be petitioned by a resident and that we will be working on the zoning ordinance in the near future but no district changes are anticipated based on the current Comp Plan.

Attorney John Murphy introduced John Lawless the engineer for this project in case there are questions.

Commissioner Girard closed the hearing.

The Planning Commission discussed the changes on the plan dated 11/6/07 which included changing the light fixtures and lighting locations and adding the 3 street trees.

A motion was made by Commissioner Girard and seconded by Commissioner White to Grant Preliminary Plan and Development Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-41 and Zoning Ordinance, RIGL 45-24-49 and the plans entitled "**61 Narragansett Avenue, Jamestown, RI owned by Allan and Nancy Randall, 65 Narragansett Avenue, Jamestown, RI; Plat 9 Lot 179, Narragansett Avenue, Jamestown, Rhode Island; Including Narragansett Avenue and Howland Avenue Renderings and North, South, East and West Elevations prepared by Burgin Lambert Architects, 150 Bellevue**

Avenue, Newport, RI 02840 (401-847-3339; dated revised 11-6-07 and 2-14-07 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 Land Development Project is consistent with the requirements of the Jamestown Comprehensive Plan and/or shall satisfactorily address the issues where there may be inconsistencies;
2. The Land Development Project conforms to the standards and provisions of the Jamestown Zoning Ordinance and will be subject to a Special Use Permit for Mixed Use and Development Plan Review because it is within the CD District;
3. Since the parcel in question is located within the Urban Service District (as defined in the Water & Sewer Regulations), has public sewer available on site, and, further, since a connection to the public sewer system has been approved by the Board of Water & Sewer Commissioners, there is no need for relief under Section 82-308 of the Zoning Ordinance;
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 Land Development Project 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. The Land Development Project has adequate and permanent physical access to a public street, namely, Narragansett Avenue and Howland Avenue;
7. The Land Development Project provides for safe circulation of pedestrian and vehicular traffic, for suitable building sites and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community;
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 Land Development Project has access to sufficient potable water for the intended use and has approval from the Board of Water and Sewer Commissioners for the proposed use as granted on May 24, 2007;
10. New specifications for exterior lighting and a new lighting plan was submitted for the November 7, 2007 Planning Commission meeting; and,
11. The Planning Commission has reviewed this application for the standards as specified in the Zoning Ordinance, Article 11 Development Plan Review and is satisfied that this application meets the intent and/or standards of that Article.

B. Conditions of Approval

1. The approval includes moving an existing house from Narragansett Avenue to Howland Avenue and the construction of a new, not to exceed 4,320 square feet office/retail structure;
2. That payment of a fee in-lieu-of land dedication shall not be required for this subdivision because no new residential lots or units are being created for development;
3. Prior to final approval, the applicant must provide a Physical Alteration Permit from the Department of Transportation;
4. This application requires approval from the Zoning Board of Review for "Mixed Use" prior to Final Approval; and,
5. This approval shall expire one year from the date of approval by the Planning Commission.

So voted:

Gary Girard - Aye

Betty Hubbard - Aye

Michael White - Aye

Victor Calabretta - Aye

Barry Holland - Aye

Richard Ventrone – Aye

Motion carries by a vote of 6-0

V. Old Business

1. Manning – Upland Farm – Set Bond

Attorney John Murphy representing the Manning Family went over the procedure for the bond. His client is working towards final approval and is ready to deposit the money in the account. Mr. Murphy stated that the town is in agreement with this.

The Manning's have requested that a bond be set for this subdivision so they can obtain final approval and record the subdivision. The construction costs have been estimated for road construction, storm water drainage facilities, and underground utility facilities to be \$108,395.00.

Commissioner Girard made a motion to set the bond in the amount of \$108,395.00 with the conditions as stated in Town Planner Lisa Bryers report as follows:

That the funding be deposited in an escrow account with the Town of Jamestown and that release of fund requests be permitted in four 25 percent increments as provided for in the Subdivision Regulations as follows:

A written request for release or reduction of any improvement guarantees shall be made to the administrative officer, who shall refer such request to the technical review committee. After inspection of all required improvements, the committee shall recommend (a) that the planning commission authorize the finance director to return all improvement guarantees to the subdivider; (b) that the amount of the guarantee being held by the town be reduced to cover the estimated cost of remaining improvements; or (c) that no releases or reductions be made. The planning commission shall act on all such releases or reductions of improvement guarantees.

The final 25% shall be released subsequent to the final inspection of all completed improvements. In addition, the Town Engineer has suggested that the Engineer retained by Mr. Manning certify that the work is complete for each disbursement of funding.

Commissioner Calabretta seconded the motion. So unanimously voted.

2. **Dutton - 2 lot Minor Subdivision with Street Creation, Extension of Prospect Avenue off Summit Avenue and Holly Street – Plat 1, Lot 61 – continued**

This item was tabled and continued from the last meeting at the request of the applicant stated Commissioner Girard.

Attorney Joseph Palumbo made a presentation the Planning Commission on behalf of the Dutton's. They submitted wetland information as included in the packet.

Mr. Palumbo wants to address the questions in Town Planner Lisa Bryer's report. Commissioner Ventrone is confused by the wetland report and questioned Robert Cournoyer about whether all wetlands on site have been verified. Mr. Cournoyer said the person from DEM said she was not sure if it was verified. Mr. Palumbo stated the wetlands area was verified with the area flagged by the biologist.

Commissioner Calabretta said the letter from DEM said "possible presence has been revealed of other wetlands not verified by the applicant". The applicant will get the biologist to go out there and get DEM out there to verify all on site wetlands together.

Mr. Palumbo is proposing to address the Holly St. issues; there is correspondence from Former Town Solicitor Larry Parks from 2005. Holly St was put in the wrong place according to these memos. Mr. Palumbo said the Town Planner is suggesting that it should now be the problem of the applicant. Mr. Dutton recalls when this road was installed he had communications with the town at the time; he said his property was surveyed by Cournoyer and at that time the road was put in the wrong place. He addressed Maryanne Crawford about it 12 years ago and the town did nothing about it. Apparently the town has tried to get Quattrocci, the original developer to do it and they were unsuccessful. To suggest that Mr. Dutton fix it is not acceptable.

Town Planner Lisa Bryer read Article 3 number 6 from the subdivision regulations which states that the Planning Commission must make as one of their findings approving the subdivision that the subdivided lots have permanent and adequate access to a public street. She went on to say that without access on either a public or private street (Holly Street) they cannot make that finding.

There are some very strong arguments from the residents on Prospect St. Mr. Dutton obtained the southern portion of Prospect St. by adverse possession. It now belongs to Mr. Dutton. He does not live there but does own the lot.

The Planning Commission cannot create a lot where there is no valid access said Commissioner Ventrone. When asked how the other lots have been developed the Town Planner said they went to the Zoning Board and received approval from them.

A discussion ensued regarding street access and the Planning Commission cannot approve a subdivision that does not have access. The applicant says technically they do have access. They have to get to a public street which is either Summit or North Roads.

Town Solicitor Chris Orton said they have to deal with this issue or find other access in order to grant the subdivision. The town currently maintains Summit to Holly. The applicant can go before Zoning to resolve the access issue if he did not want to create another lot. Town Planner Lisa Bryer explained the process. The attorney says they need finality so they can look at their recourse from here. Because it deals with street extension it has to go before a public hearing. If they want to move forward they have to set a date for a public hearing, but a decision cannot be made until the DEM issue is resolved stated Town Planner Lisa Bryer.

The Planning Commission according to Commissioner Ventrone has to obey what the ordinance is today even though there were mistakes made in the past. Unless there is resolution to the access

issue, even after the public hearing the Planning Commission will not be able to approve it. A public hearing will be scheduled for Dec. 5th, 2007.

- 3. Windridge Properties LLC - Jacks Electric – Plat 9 Lot 201, 14 Clinton Ave.**
 - a. Request for Modification to Approved Development Plan**
 - b. Special Use Permit for Shared Parking, - Recommendation to Zoning Board**

Jack Brittain asked the board to please continue this issue because his attorney has a medical condition that prevents him from attending the meeting tonight. Mr. Brittain asked to be put on the next available agenda.

VI. New Business

- 1. Walter Wetmore, 10 Umiak Avenue, Plat 3 Lot 103 – Zoning Ordinance Section 314, High Groundwater Table and Impervious Layer Overlay District, Sub-District A - Replace existing house and ISDS**

This application is being continued to a future date at the request of the applicant.

A motion was made by Commissioner Holland that was seconded by Commissioner Ventrone to adjourn the meeting at 8:50 p.m. So unanimously voted.

Attest:

Cynthia L. Reppe
Recording Clerk

This meeting was recorded on 1 micro-cassette