

PLANNING COMMISSION MINUTES

April 4, 2007

**7:30 PM**

**Jamestown Library**

The meeting was called to order at 7:34 p.m. and the following members were present:

Gary Girard	Victor Calabretta
Betty Hubbard	Jean Brown
Richard Ventrone	Michael White

Not present:

Barry Holland

Also present:

Lisa Bryer, AICP – Town Planner

Cynthia Reppe – Recording Clerk

Christopher Orton – Town Solicitor

Frank Henderson – Builder

Bob Cournoyer – RC Cournoyer Enterprises

Gail Sheahan

Kenneth Brewer

Cynthia Levesque

Paul Levesque

Debbie Swistak

Steven Furtado

Jack & Mary Brittain

James Donnelly - Attorney

Magdalena Andres

Frank Andres

Jean Scott - Attorney

**I. Approval of Minutes March 21, 2007**

A motion was made by Commissioner Hubbard and seconded by Commissioner Girard to accept the minutes with the following changes:

Page 4, first sentence add after what he thinks **the Comprehensive plan says** the building

Page 4, second paragraph, second sentence Commissioner Hubbard would like in the description ~~that~~ **to state** the need to provide visual display of ~~what~~-buildout under the current Zoning Ordinance.

**II. Correspondence**

1. FYI – Mike Evans Preliminary Minor Subdivision - received

**III. Citizen's Non Agenda Item**

Cynthia Levesque 37 Coronado – stated Narragansett Ave is a state road and she is concerned with a proposal at the last meeting regarding a residence/business and parking on Narragansett

Ave. She is concerned about parking and things the applicant needs state DOT permission first before the Town can approve it.

#### IV. Reports

1. Town Planner's Report

2. Chairpersons report

Commissioner Girard welcomed Christopher Orton from Peter Rugeirro's office who will be representing the Planning Commission as the solicitor for tonights meeting.

3. Town Committees

a. Harbor

b. Fort Getty

The committee will be meeting on April 5<sup>th</sup>.

c. Buildings and Facilities

The committee will be meeting on April 11<sup>th</sup>.

d. Others

4. Sub Committees

#### V. Old Business

1. Reamer Subdivision – Plat 12 - Lot 29, Hull Cove Farm Rd. – Release of Bond

The road has been inspected and a suggestion to release the bond was made. A motion was made by Commissioner Calabretta and seconded by Commissioner Hubbard to release the bond. So unanimously voted.

2. Development Plan Review – Frank Henderson – 27 Luther St.. Plat 8, Lot 322, New Mixed Use Building – continued

Bob Cournoyer gave a presentation to the planning commission regarding the changes that were made to the plan since the last meeting. The size of the building was reduced by 25% from the last plan. Mr. Cournoyer let the Commission and audience know that the applicant could put a single family home with a much bigger structure without a variance on that lot because the parking requirements would be much less.

Mr. Cournoyer reviewed the use of the building and the parking requirements. Commissioner Hubbard asked what variances are they asking for? She was answered that there is lot size, setback from North rd, entry staircase that juts into area, Commissioner Hubbard said the parking spaces are listed as 10x20 but they are 9x18. There is not a handicap space shown. The site plan and building plan showing the roof ridge needs to be explained stated Commissioner Calabretta.

Frank Henderson the applicant showed the Planning Commission the layout and walked them through the drawings. Commissioner Hubbard questioned the ramp and stated it needs to be moved, and she also asked about what will be planted.

Paul Leveque 37 Coronado – asked if they have applied for a State DOT PAP and they have not since they are accessing Luther St. instead of North Rd.

Roger Lavallee asked about screening of the parking lot and also the well. Mr. Henderson put the well in and Commissioner Girard informed him to go to the Water and Sewer meeting and ask them about this since his question was how does the Water and Sewer Commission determine how much they use. Mr. Lavalee stated that he thinks the Planning Commission is advisory to the zoning board on this issue.

The Planning Commission discussed what they want changed and added to the DPR approval as follows:

- Ramp moved to face the parking lot to the east
- Plantings on the north east corner that should not obstruct site distance for cars
- The applicant should determine whether a State DOT Physical Alteration Permit is necessary for anything proposed.
- Variance required should be verified with Building Official and include but are not limited to lot size, setback to North rd., setback to Luther Street and rear yard setback which include the steps on north & south side for stairs.

A recommendation for development plan approval can be done together with a recommendation for the variance said Solicitor Orton.

Commissioner Calabretta made a motion that was seconded by Commissioner White to send a positive recommendation to Zoning with the following conditions:

- Ramp moved to face the parking lot to the east
- Plantings should be put on the north east corner that should not obstruct site distance for cars
- The applicant should determine whether a State DOT Physical Alteration Permit is necessary for anything proposed.
- Variances required should be verified with Building Official and include but are not limited to lot size, setback to North rd., setback to Luther Street and rear yard setback which include the steps on north & south side for stairs.

Lisa Bryer will send this to zoning after it is reviewed so that all the conditions of approval are included. So voted:

Gary Girard – Aye	Victor Calabretta – Aye
Betty Hubbard – Aye	Jean Brown – Aye
Richard Ventrone – Aye	Michael White – Aye

*Motion carries 6-0*

3. Sheahans Way, LLC – Amendment to Development Plan Review Approval – new adult day care structure with apartment on upper floor and rebuild existing dwelling for office at 49 North Main Rd., Plat 8, Lot 442

Ms. Gail Sheahan explained to the Planning Commission why they are back before the Planning Commission. A wetlands issue was raised when they went to zoning and the wetlands go right through the recreation area for the clients that was also a retention area for drainage so they needed to change the drainage and re design

They have an application in with DEM. The site plan was altered as little as possible but they had to alter the parking plan.

The drainage has been reviewed by Town Engineer Mike Gray. They have a PAP from the state and they cannot move forward until they have the DEM wetlands approval.

The Planning Commissioners discussed whether they have to wait for DEM approval to make a recommendation and Town Planner Lisa Bryer said they did not but they run the risk that if Dem requires changes to the plan the applicant may have to come back them again.

A motion to forward the plan to the Zoning Board for approval conditioned upon DEM approval was made by Commissioner Calabretta and seconded by Commissioner Brown. So voted:

Gary Girard – Aye	Victor Calabretta – Aye
Betty Hubbard – Aye	Jean Brown – Aye
Richard Ventrone – Aye	Michael White – Aye

*Motion carries 6-0*

4. Windridge Properties LLC - Jacks Electric – Plat 9 Lot 201, 14 Clinton Ave.  
– Request for amendment to Approved Development Plan

Town solicitor Christopher Orton addressed several issues for the Planning Commission. One of the questions is does the Planning Commission maintain jurisdiction over this DPR since they were the original permitting authority? The Planning Commission is advisory to the Zoning Board in this instance.

This morning, the applicant has withdrawn the appeal applications from zoning, so tonight the Planning Commission needs to consider and discuss the modifications that have been made to the original plan and make a recommendation to the Zoning Board on parking he since he is now short 8 spaces. The applicant now plans to seek a special use permit for shared parking with Mr. Ed Hollands property directly to the west of this property. Attorney Jim Donnelly handed out a letter that was submitted to Peter Ruggerio and Chris Orton today.

Commissioner Girard reviewed what the planning commission should do tonight. They can either deny or approve the plan in total or approve it with conditions. Attorney Donnelly apologized to the Planning Commission for his behavior at the last meeting. The applicant is here tonight to respond to and discuss the memo dated Feb 15, 2007 which details the changes to the approved plan. They will address each issue.

Crawl space – Not in approved plan. Attorney Donnelly explained it did not change the building, and he indicated that this advice came from town building inspector Fred Brown.

The applicant did not request a crawl space in the original approved plan because of the unfavorable water table in the area. This was added when they dug and found that they were able to have a dry crawl space. Attorney Donnelly indicated that the building inspector approved of it. Lisa Bryer was told about this from Mr. Brown and since it did not change the exterior façade or elevation, it was decided not to have the change reviewed by the Planning Commission.

He has no problem with the way the interior is designed on the inside Mike White stated since the overall square footage is essentially the same. Mr. Brittain said that when he designed this building he designed for the future.

Second floor – no offices in original plan and when they did a visual inspection there are two office suites on the second floor. If it is office space does it require more parking than if it is storage space Commissioner Girard asked. It is the same calculation for those two uses but mechanical area is exempt and that was supposed to be 660 square feet which is now electrical inventory storage. Jack Brittain the applicant confirmed it is the same in the zoning ordinance for either office or storage and that there is no mechanical area on the second floor as built.

Commissioner Hubbard said when an applicant gets approval the Planning Commission expects them to stick with the approved plan. The accumulated effect of all the changes is what bothers her. This building was constructed over 2 years according to Commissioner Girard and he is curious and asked Jack did it ever occur to you to go to Fred Brown for the changes? Jack Brittain indicated that he did go to Fred for a few of the changes.

Commissioner Ventrone asked why Mr. Brittain did not respond to Lisa Bryers letter dated July 25, 2006. He said he thought he would just deal with this in the end. He indicated that he felt he redesigned everything to make all the neighbors happy and 95% of the residents on Clinton Ave like the building. He did not think it was a big issue. He apologized for not coming to the Planning Commission.

Commissioner Ventrone said when you look at the whole building it is far from what was originally approved.

Attorney Donnelly said the only way you know it is different is if you are walking inside the building, not from the outside. Commissioner Ventrone said the pitch the roof is different and Jack disagreed.

Commissioner Girard said this was a new building on a vacant lot and the size of the building was predicated on the parking and the use of the building. You proposed the maximum use of the building. Had you originally come to us with a 3 story building it would not have been approved because you would not have had the requisite parking. Attorney Donnelly says it is a storage facility. Mr. Brittain explained why the 3<sup>rd</sup> floor is being used for storage because the required roof pitch is 6x12 pitch and that created extra space. He originally proposed a flatter roof.

Commissioner Ventrone asked when you presented it was it presented with or without an attic. Mr. Brittain said it did have an attic with a pull out staircase.

Commissioner White asked what was originally approved. Town Planner Lisa Bryer stated the approved plan did not have a 3<sup>rd</sup> floor or attic. Mr. Brittain stated he has no intention of finishing off the attic and he has no problem with saying it will never be finished.

Building Exterior – height is 1 foot 9 inches taller than what was approved.

East Elevation – he thought it would look nicer to have a window instead of a sign. Window boxes will be installed in the spring, Greg Ferguson was contracted to install the trellis and window boxes in the spring.

North elevation – windows, moved compressors from this side to the south side

South elevation – windows fitting in with the neighborhood

West elevation –The Garage doors - The approved plan shows four-10 foot by 12 foot high garage doors with windows. The building was constructed with two 16 foot by 12 foot high garage doors with windows. In essence, the plan originally had 40 feet of doors and now 32 feet of doors. Four doors was better and safer to get four vehicles in and out. It seems more difficult to get two commercial vehicles out of a 16 foot door instead of two 10 foot wide doors. He thought it was cutting down the commercial look of the building.

Parking – There will be an easement from Hammett Court, Ed Hollands property to access the two spaces in the rear of the property. A very important issue at this point will be if they can come to a deal with Ed Holland on the parking and if Zoning will find it acceptable.

Commissioner Hubbard said a site plan should be presented along with the shared parking plan. Lisa Bryer agrees, the site plan should show all the spaces on both sites, as well as the easement that will be recorded with the Town Clerk. The Administrative Subdivision between these two properties prior to Jack purchasing the property was stipulated upon the parking spaces being painted on site. This needs to be done.

A motion to extend and continue meeting at 10:00 p.m. was made by Commissioner Ventrone and seconded by Commissioner Calabretta with a unanimous vote.

Jean Scott – Attorney from Andrew Teitz’s office on behalf of Frank and Magdalena Andres sited the code and when a use on a property is discontinued so does the parking so if Holland sells his business, Jack Brittain again does not have the proper parking. Chris Orton agrees with what was said, but an easement goes with the property he stated. The applicant originally presented a 3 story building and then came back with a 2 story building and it is now 3 story multi use that was not originally planned or approved. The Planning Commission is supposed to look at the Comprehensive Community Plan too. If the intention is to never use the attic why are there windows, skylights etc. If the applicant agrees to never use it then all the windows and skylights should be taken out since they were not on the approved plan. The garage doors are different. The mechanicals have been changed from the 2<sup>nd</sup> floor to the crawl space and attic making a large portion of the second floor useable since it was originally designed for mechanicals. According to the applicant he said Mr. Brown said this was OK, that was OK etc. and Mr. Brown was not here to agree or disagree with that. The fact is the plan was approved by the Planning Commission and he (the applicant) on his own made the changes without the approvals that were necessary. It originally was approved for a single business use.

Magdalena Andres – 13 Clinton direct neighbor across street – She understands that this is an awkward position for the Planning Commission, but if the Planning Commission does not do what is right and uphold the approved plan then the applicant is finding that it is easier to ask for forgiveness than to get the proper approvals.

Paul Levesque – made a comment about the doors and that because they are smaller than originally planned the applicant has potentially more office space in the future.

Roger Lavallee – 20 Luther St. – a lot of construction in Jamestown is larger than what we would like to see and it is the same with residential homes too. We as a community should be recognizing this and deciding if that is really what we want. He is optimizing his space for storage etc. An agreement could be reached before to state that it is a single use business.

Bill Munger – 20 Narragansett Ave – his position is that Brittain's have raised the bar on Clinton Ave. and he supports the improvements that were done

Deborah Swistak – owner of Jamestown Designs – A lot of people use their (Jamestown Designs) lot for parking and this is always the way it has been done in Jamestown and shared parking has always been done that way here.

Paul Levesque – deliberating what was done and if it was done wrong should not come after the fact.

Jean Scott Attorney– there is a bump out, a raised berm, on the north side of the building and it will effect the turn radius of trucks trying to enter the property because it narrows the driveway surface. If the plan were presented this way originally it would probably have not been approved.

Frank Andres – 13 Clinton Ave – stated the Planning Commissioners are in a difficult situation. He asked about conversation that happened during the site visit and stated the amount of floor space has been changed.

Can this be continued until a future meeting? Yes was the response.

The Planning Commission would like to see a parking plan, a signed site plan of this building and a copy of a recordable easement.

They can give an advisory opinion to the zoning board at that time. The Planning Commission is an advisory commission on this issue.

Commissioner Ventrone wants to know what they are going to change since they are out of compliance. You have ignored everything that was supposed to be done. Commissioner Girard asked that Fred Brown be invited to the next meeting.

A Site plan showing parking places, agreed by the property owner of Hammett Court and according to Mr. Donnelly he will be happy to attend a meeting.

Bump out that Ms. Scott pointed out, the area that is raised next to the driveway.

Status of 3<sup>rd</sup> floor - a remedy would be pull down stairs.

Commissioner Calabretta building looks nice no problem with building for him, they are dealing with development on Narragansett Ave. where parking is an issue. This is a pure parking issue for Commissioner Calabretta.

Commissioner Brown as long as parking is met than she is OK with the plan.

Planning Commission Minutes

April 4, 2007

Page 8

Commissioner White parking is the only issue for him. He feels the building does fit the Comprehensive Plan.

This will be continued to a future meeting.

**VI. New Business – nothing at this time**

A motion to adjourn By Commissioner Ventrone and seconded by Commissioner Brown was made at 10:50 p.m. So unanimously voted.

Attest:

Cynthia Reppe  
Recording Clerk