

PLANNING COMMISSION MINUTES

May 16th, 2007

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 Barry Holland
Richard Ventrone

Not present:

Michael White
Jean Brown

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Recording Clerk
Peter Ruggiero – Town Solicitor
Jim Donnelly – Attorney
Jack & Mary Brittain – Windridge Properties
Alan & Nancy Randall

I. Approval of Minutes May 2nd, 2007

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

II. Correspondence

1. FYI – Administrative Subdivision Templeton-Cotill, Prior-Rhodin Plat 9 Lots 98 & 99. Received
2. CRMC – John P. Somyk 3 Umbrella Way, Manville, RI 02838; residential assent to construct and maintain a residential boating facility to consist of a 4'x176' fixed timber pier and a small boat lift. The fixed pier extends to 134 feet beyond MLW requiring an 84 ft length variance from the 50 ft standard. Plat 16 Lot 232, 401 Seaside Dr. Jamestown, RI 02835. Received
3. CRMC – Beth E Smith 86 Orient Ave. Jamestown RI; residential assent to construct and maintain a residential boating facility to consist of a 4'x168' long fixed pier with a 4'x20' terminal "L" section and a boat lift. The dock extends to 90 ft beyond MLW requiring a 40 ft variance. Plat 1 Lot 320. 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
The committee met and discussed adding a few additional tent sites near the gatehouse.
 - c. Buildings and Facilities
 - d. Others
4. Sub Committees

V. Old Business

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

Attorney Jim Donnelly presented plans. He stated they filed a petition to the Zoning Board last week for shared parking as well as a variance for the 8 spaces needed. According to the plan that Mr. Donnelly presented there are 17 extra parking spaces on the abutting property owned by Hammet Court Properties. Mr. Donnelly stated that they received the plan for the site just an hour ago from the engineer. Mr. Donnelly explained the plan to the Planning Commission. There are 48 spaces that were identified on this adjacent property and they just need 8 spaces for shared parking. It was noted by the Planning Commission that the plan that was presented by Mr. Donnelly didn't show parking spaces on Jacks Electric property, how they will access the abutting property or spaces on the abutting property. In addition, no parking agreement has been provided for review. Mr. Donnelly suggested that the Planning Commission make the decision as to which spaces are utilized. What does the Planning Commission think? Commissioner Hubbard said the proposal should be made by the applicant and it is up to the applicant to show what they are planning.

John D'Auria - 19 Howland Ave – what are the implications of the approval of this plan and plans for the future. Will this approval be accessible for general downtown parking, and also will there be additional lighting added to the parking areas? Mr. Donnelly responded no.

Commissioner Girard asked if an easement will be put in place for the parking spaces and Mr. Donnelly indicated that no it will be a shared parking agreement. Commissioner Calabretta said this is shared parking now and will there be an official acknowledgment that Ed Holland's lot has 8 spaces less? Attorney Donnelly said that the Zoning Board will make that decision. Town Attorney Peter Ruggeiro stated that a decision letter will be recorded and will come up in a title search.

Mr. Bolles - 33 Clinton Ave – He has been able to historically ride or walk through Hammet Court from Clinton Avenue and would like that to continue. He asked if 18 wheelers will come in through Clinton Ave?

Jean Scott – Attorney representing Frank and Magdalena Andres wants to know how the board can determine any of this with it being submitted at this late time at the meeting. They have not provided all the documents that the planning commission asked for at the last meeting. She thinks the Planning Commission needs more time to review this with the late submission. There is no plan that shows the extra bump out (retaining wall) on the north side of the building and also the 3rd floor. The only reason he cannot meet the parking is because he added a 3rd floor and converted mechanical space to office. She thinks the Planning Commission should not make a decision tonight since the applicant did not provide the information ahead of time. Hammett Court

property needs to sign off on giving away parking and they need to determine how much parking is needed for Hammett Court. There is a lot of information to be submitted and because of this it should either be continued or sent off with a negative endorsement in her opinion.

Alma Davenport – 99 Clinton – a development plan was approved but altered by the owner during development. This is a self created hardship.

Commissioner Girard said the Planning Commission approved a development plan that the Planning Commission reviewed. The applicant is now coming in for a variance since he altered the original plan.

Commissioner Hubbard asked before how the circulation is addressed with the adjacent lot. There is no requirement for this said the applicant. He showed how they will do this to Commissioner Hubbard. Commissioner Hubbard does not consider this a plan. She questioned the dumpster and the width. She wanted to see a plan that was understandable. It is disappointing that this is the best plan they could come up with since they have had adequate time.

A motion was made by Commissioner Ventrone and it was seconded by Commissioner Girard to deny the modifications of the development plan of Windridge Properties, which was previously approved by the Planning Commission, as set forth in the plans, documents and evidence presented by the applicant at the April 4, 2007 and May 16, 2007 Planning Commission meetings based on the following findings of fact

1. The modifications proposed by the applicant represent significant alterations from the previously approved development plan.
2. Changes in the building exterior and windows approved compared to those installed are noticeable and alter the character of the building as previously approved.
3. Interior changes to the building from those approved by the Commission are significant and alter the character and use of the building as previously approved.
4. The applicant has not satisfactorily demonstrated that the additional parking required to accommodate the building as modified is available in perpetuity and will provide for all off-street parking requirements to allow for the applicant's use of off-site, off-street parking on an adjoining property.
5. The alterations to the approved building plans alter the general character of the surrounding area and are inconsistent with the Jamestown Comprehensive Plan and will not comply with the Zoning Ordinance requirements to allow for off-site, off-street parking.

I further move that the Planning Commission forward a negative recommendation to the Zoning Board of Review to deny the special use permit required for shared parking to allow for the proposed modifications to the previously approved development plan of the applicant since the proposed use and plans are inconsistent with the Jamestown Comprehensive Plan, Land Use and Economic Development Elements.

Commissioner Calabretta agrees with Commissioner Hubbard that we do not have a site plan to look at, if the parking is going to be shared then it has to be designated on a site plan and if he were to see it on a site plan and then it would be tied into the record. He is not prepared to vote now until he sees if the parking is satisfied; this is not a site plan.

Peter Ruggiero stated this is a practical issue on what is being approved and this is a motion to deny for the failure of providing the information.

Commissioner Holland agrees with Commissioner Calabretta and cannot support the motion that was read and thinks it grossly exaggerates the situation. Commissioner Holland said he is grossly disappointed in the way that this was handled by Windridge properties to begin with. The building as it now exists is approvable in his opinion if appropriate parking is provided.

Commissioner Ventrone stated that if this is approved on parking only then as he sees it, if it goes forward he thinks that no body should ever even bother going before the planning commission. Why even have a Planning Commission? Everyone should just build what they want.

Commissioner Hubbard said that Commissioner Calabretta stated her point. This is a start and far from what was expected for the evening, she wants to give the applicant one more opportunity to come back again with the information that they asked for.

Commissioner Girard said it is not just the parking but all of the issues that we should be reviewing. Commissioner Girard is not ready to accept this, what is the sense of having ordinances in effect if we are not going to enforce them he stated.

Commissioner Calabretta is offended by this submission; it is incomplete and should have been submitted with all the information we requested prior to the meeting so that we could review it before we get to the meeting.

Commissioner Ventrone stated that the things they asked for at the last meeting is far from what was presented to them at this meeting.

Commissioner Holland understands in principal what is being discussed but many of the deviations possibly improve the original plan. In his opinion, as long as the improvements do not violate the comprehensive plan or regulations other than the 3rd floor and the parking issue which is within the law, this is not a violation of the law. He is looking at whether the deviations still come within the code. It is approximately the same size as the original plan. He doesn't think that the changes are that much different than the original plan.

Commissioner Girard has not heard one thing offered from the applicant to correct their deficiencies. They have stated that they will not make any changes to their plans. Commissioner Ventrone says there were significant changes; the letter stating significant changes to the approved plan was ignored for 5 months as construction continued before they responded to the letter. Commissioner Ventrone does not think these significant changes are minor. The commission asked them to do one thing and they did another. The commission wanted the building to be done a certain way when they went through a detailed approval and it was finally approved and the applicant agreed, then the applicant built something different.

Can we entertain a comment from the applicant during a motion? Peter Rugeiro advised that if he wants to state a change to be made then ok if he wants to debate then no.

Commissioner Holland said yes there are significant changes but the changes are still legal whether or not the Planning Commission says its ok is different. There has to be some teeth in the

regulation but as long as it doesn't violate the rules for an amended plan than that is the issue. Commissioner Holland would prefer to not vote to deny this motion and give the applicant one more chance to present the information.

Commissioner Ventrone said if the Commission approves this motion right now there is no reason that the applicant cannot come back with the changes. What we are saying if we approve this motion is to come back to the Planning Commission with changes. Commissioner Ventrone said he would still not approve even with the parking, there are other violations. The Town Planners memo according to Commissioner Hubbard asked for 4 things that have not been addressed by the applicant. Commissioner Girard sees no reason why if the motion should carry that the applicant cannot come back.

Commissioner Calabretta asked if there will be a recommendation to deny to zoning and yes it is in the motion. He wants them to have a chance to come back to the planning commission.

Commissioner Girard asked the solicitor if they can go to zoning if this is denied by the Planning Commission and he said no because they have no approved plan at that point to go forward with.

Commissioner Holland asked if this motion to deny is not approved what are the implications for the next step. The Solicitor answered that the clock is ticking for Development Plan approval of the amendments; they are currently under a notice of violation that must be resolved or the Town has to take action. Commissioner Girard asked the solicitor if the motion to deny does not carry now what do they do. Ask applicant if they want to provide the information requested or make a motion to approve. They must vote on the motion.

So voted:

Gary Girard – Aye

Victor Calabretta – Nay

Betty Hubbard – Aye

Barry Holland – Nay

Richard Ventrone – Aye

Motion carries 3-2

2. Allan & Nancy Randall – 61 Narragansett Ave. Plat 9 Lot 179 – Major Land Development Project – Applicants request to combine Master Plan and Preliminary Phases of review

Commissioner Girard informed the Planning Commission that Town Planner Lisa Bryer cannot make a decision without the planning commission on this issue. Commissioner Girard would like to make a motion to deny combining the phases of review for this application, it was seconded by Commissioner Hubbard.

The Commission does not want to cut short the public's input into a project of this magnitude. This is a big project and we are going to be holding public hearings. The Randall's asked How will the timeline proceed. They have been through pre application, next is master plan, followed by preliminary and final phases of review. There is a public informational meeting at Master Plan and a public hearing at the Preliminary stage of review and approval. This can move along fairly quickly as long as everything is in order and the applicant submits information on a timely basis.

So unanimously voted.

VI. New Business – nothing at this time

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A motion to adjourn by Commissioner Calabretta and seconded by Commissioner Ventrone was made at 8:45 p.m. So unanimously voted.

Attest:

Cynthia Reppe

This meeting was recorded on 1 micro-cassette