

PLANNING COMMISSION MINUTES

January 4, 2006

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
Richard Ventrone	Barry Holland

Not present:

Jean Macgregor Brown

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Recording Clerk
Peter Brockmann – Attorney
Mr. & Mrs. Lino Corredora
Robert C. Cournoyer – RCC Enterprises Inc.
Mr. And Mrs. Daniel Lilly
Brian Goldman – Attorney
John Caito – Professional Engineer
Mr. and Mrs. John Perrotti
Craig Carrigan – Professional Engineer - Carrigan Engineering

I. Approval of Minutes from December 7th, 2005

A motion was made by Commissioner Calabretta and seconded by Commissioner Ventrone to accept the minutes with the following change: page 5 second paragraph, first sentence – and seconded by Commissioner ~~Calabretta~~ **Brown** to send a positive..... So unanimously voted. Commissioner Kallfelz abstains.

II. Correspondence

1. FYI – Planning Commission Rules of Procedure – the Planning Commission would like this issue put on the next agenda.

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

IV. Reports

1. Town Planner's Report
2. Chairpersons report
Commissioner Girard wished everybody a Happy New Year.
3. Town Committees
 - a. Harbor

- b. Fort Getty
There will be a Fort Getty meeting on Thursday January 5th.
 - c. Buildings and Facilities
 - d. Others
4. Sub Committees

V. Old Business

1. Lino Corredora - Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table-Impervious Overlay District, Plat 14 Lot 80, Proposal for new house on Stern Street, Recommendation to Zoning Board – continued

Attorney Peter Brockmann represents Mr Corredora and introduced Bob Cournoyer and Mr. and Mrs. Corredora and their daughter. Mr. Brockmann explained why this is back to the Planning Commission. The Zoning Board rejected it. There were no findings of fact as to why it failed, the applicant reduced it from a 3 bedroom to a 2 bedroom, it has been approved by DEM for a 2 bedroom ISDS now instead of a 3.

Mr. Brockmann stated that he will go through any part of the plan that needs to be addressed. Commissioner Girard stated that they are at the same disadvantage as the applicant. Commissioner Hubbard stated it looks the same as the original. Mr. Cournoyer explained that they reduced it to a 2 bedroom and made the house smaller. The square footage has been reduced by approx 250 sq ft. The leaching field is smaller since the ISDS is smaller. Commissioner Ventrone asked why is the leaching field smaller? Less disturbance stated Mr. Cournoyer.

Commissioner Calabretta asked if there would be any benefit with the Planning Commission communicating with the Zoning board.

Commissioner Kallfelz stated it's the Planning Commissions job to make a recommendation on what is presented to them. Commissioner Hubbard asked, what is the situation with the foundation. There is no basement, its on a slab. A motion was made by Commissioner Kallfelz and seconded by Commissioner Ventrone to recommend approval of this application to the Zoning Board of Review. So voted:

Gary Girard – Aye	Andrew Kallfelz – Aye
Betty Hubbard – Aye	Victor Calabretta – Aye
Richard Ventrone – Aye	Barry Holland – Aye

Motion passes by a vote of 6-0

2. Daniel and Jean Lilly - Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table-Impervious Overlay District, Section 308, Setback to Freshwater Wetlands, AP 5 Lot 205, Proposal to redevelop house at 132 Beach Avenue Recommendation to Zoning Board - continued

Attorney Brian Goldman representing the Lilly's said they made some changes to the original plan. Commissioner Girard asked about the changes. He stated that it did not appear that the changes discussed by the Planning Commission were addressed. Engineer John Caito showed the 500 ft radius map and said there are wells and septic on each of the lots that have a dwelling on them, but the locations were not shown. Commissioner Girard stated the regulation asked that

they be mapped out to show where they are. Mr. Caito showed 2 contour maps and explained that the existing and proposed conditions will be the same in terms of runoff. Commissioner Ventrone asked if there is 4 ft of fill and that if that is the case it will cause a dam effect. Mr. Caito stated that the plan shows that the dam effect does not exist by showing the contours he showed and is prepared to testify that. The fill was reduced from 64.5 to 63. Surface water flow for the garage has been addressed so now Mr. Caito said they have refined the topography of the lot and they have redirected surface water flow. The grading plan has been refined since the last meeting, he explained how the water is still going to flow the same way. There is a subsurface drainage system in the driveway. There is concern that the structure is going to form a dike but in fact the surface water will flow the same way it does now. Commissioner Calabretta said the water comes on the east end of the property. A discussion ensued between Commissioner Calabretta and Mr. Caito regarding the flow of the water due to the fill and how it will be channeled due to the fill and that the only way it will flow the same way is if the house is not changed and no fill is brought in. Commissioner Calabretta explained the purpose of the ordinance and why they say least disturbance. Commissioner Calabretta says in his opinion this proposal can be accomplished with less disturbance, less fill. He asked Mr. Caito if the fill was necessary for structural reasons or aesthetic. Mr. Caito said aesthetic. Commissioner Ventrone said the whole area is wet on the lot and he doesn't think this lot can sustain a house of this size.

Attorney Brian Goldman says the recommended footprint is not in the ordinance, it is a mythical square foot standard. What is least disturbance. The Commission responded that each lot is looked at individually. Commissioner Girard explained that they are trying to work with this applicant. Minimum fill is not arbitrary stated Commissioner Calabretta, and this proposal is not minimal impact and you can accomplish this without the fill. Mr. Caito respectfully disagrees with Commissioner Calabretta.

Commissioner Hubbard stated the lots surrounding this lot are in a wet area and the Land Trust is looking into purchasing these lots. Mrs. Lilly said 3 contractors looked at the existing foundation but there is so much wrong with it that it would be ridiculous to fix it. Mr. Lilly addressed the board by saying that he has done what he felt was right for the betterment of the town and not using the grandfathering right that he has because he felt this proposal would be better for the town and also more cost effective. Mr. Caito stated they can lower the fill around the house but he feels it is totally inappropriate and aesthetically unattractive. Commissioner Girard asked how come the house has to be so high above the ground? That is to accommodate the crawl space and to be 12" above the water table. Mr. Caito says the advantek system will stick up 4 feet if there is no fill. The Board stated that that is not uncommon and as long as the pipes are covered, there is no harm in that. Attorney Brian Goldman said the applicant will agree to the fill being at the minimum to cover the ISDS properly and asked if the changes to be submitted could be looked at administratively. The Planning Commission said the changes are too significant and they want to see it first with the changes.

Commissioner Kallfelz said the wettest lots will be held by the Commission to the strictest guideline in terms of minimum disturbance and his sense is, based upon what they have approved in the past, the size is going to be a problem. The Planning Commission stated they could live with the 1053 footprint and there was no consensus on whether a garage was acceptable. The builder said that they could do the garage with a flow through footing. Commissioner Girard reiterated what the commission was looking for. The Planning Commission agrees that the fill should be

done away with, and the garage would be OK as long as there was complete flow through and it is only 6% of the property, Commissioner Kallfelz says he feels for the applicant but he thinks a 2100 sq ft footprint is too big. Only 50% of the Planning Commission agreed that if they propose a flow through basement on the garage and get rid of fill for 50% that it will be acceptable. Half of the members present think the square footage of the footprint should be reduced. Let's continue this issue said Commissioner Girard and the applicant can come back with proposed changes.

3. John Perrotti – Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table-Impervious Overlay District Plat 15 Lots 73 &74 - proposal for new dwelling on Ship St.

Attorney Margaret Hogan represents John Perrotti. She explained that they were before the commission 16 months ago and they believe they have addressed the concerns from before. Ms. Hogan said they can discuss the changes. She introduced Mr. Carrigan the engineer on this application to discuss the technical changes. This is a double lot in the Jamestown Shores, it is in sub-district A because of ledge, and the groundwater table is more than a foot below the edge of the footing. Drainage calculations were a concern previously. Based on a review with the current town engineer he has resubmitted based on Mr. Grays recommendations. The total square footage is about 2100 with the bonus room above the garage.

Carolyn Palumbo 188 Beacon – when it rains there is a river that comes down Ship St. if it is filled it is going to be worse than it is now.

Mr. Carrigan addressed her concerns stating it is going to be doing what it is doing now.

Ms. Palumbo said there is standing water there now and it stays there all summer long and it is gross. Mr. Carrigan said they can get things to put in the water to make the mosquito problem better.

Pam Neville 16 Ship St. – wants trees saved to the north of the property the engineer told her the trees that would come down. Some would stay, but some would have to come down.

Commissioner Hubbard wants to know how the foundation is working and wants the walkout explained. She also wants details of the basin.

Mr. Perrotti stated being the way the lot is situated right now this is the best fit for this lot for minimizing the fill. Commissioner Calabretta's opinion is it slows the water and does a lot of detention and the crushed stone recommended by the Town Engineer will help the situation too. Commissioner Ventrone stated in this particular lot the basement is not an issue. The actual volume is not being increased explained Commissioner Kallfelz. Mr. Carrigan disagreed with Commissioner Ventrone when he said the water will be standing there longer. The engineering calculations show that this is not the case.

The Chair asked if the Board would like to continue the meeting after 10:00pm? A motion was made by Commissioner Hubbard and seconded by Commissioner Kallfelz. All in favor.

The Chair addressed the size the of the house and asked the Commissioners opinion.

Commissioner Kallfelz is torn on this one, most of water problems are there own, the size is not as much of an impact. Commissioners Ventrone and Calabretta agree, it's to large. Commissioner

Hubbard stated the engineering is far superior on this lot compared to anything else they have seen. Attorney Margaret Hogan said this is a significant reduction to the original plan, the limiting factor is not the groundwater issue, there is not a standard in the ordinance by which this issue can be judged. Neighboring communities do not even use a 600 sq ft number. Mr. Perrotti thought the board was supposed to look at the impact and not so much look at the size of the house. Attorney Hogan asked what is the Board looking for in square footage? Commissioner Hubbard said if you eliminate the garage it would be about 1000 square feet and more reasonable. This issue will be continued until a future meeting.

VI. New Business – nothing at this time

A motion to adjourn at 10:20 p.m. was made by Commissioner Holland and seconded by Commissioner Hubbard. So unanimously voted.

Attest:

Cynthia L Reppe

This meeting was recorded on 1 micro-cassette