

PLANNING COMMISSION MINUTES

March 1st, 2006

**7:30 PM**

**Jamestown Library  
Museum Room**

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

Victor Calabretta                      Richard Ventrone  
Betty Hubbard                          Michael White

Not present:

Gary Girard  
Barry Holland  
Jean Macgregor-Brown

Also present:

Lisa Bryer, AICP – Town Planner  
Cinthia Reppe – Recording Clerk  
Joseph Palumbo – Attorney  
Mr. and Mrs. Michael Dutton  
John Murphy – Attorney  
Joseph Manning  
Matt Viana – Engineer - Northeast Engineers Inc.  
George Gifford – Landscape Architect - Gifford Design Group

**I. Approval of Minutes from February 15<sup>th</sup>, 2006 – continued until next meeting**

**II. Correspondence**

1. FYI – Planning Commissioners Journal
2. FYI – Letter from Robert Cournoyer Re-Dutton Subdivision
3. FYI – Letter from Joseph Palumbo Re – Dutton

Mr. Palumbo addressed the board regarding the cluster requirement. His understanding of the last meeting was that the board wanted them to do the best they could as far as looking at the cluster requirement. Mr. Cournoyer's letter stated that this land is not feasible for a cluster and stated in his letter why. The road width being one of the major problems. Mr. Cournoyer submitted a plan showing a different layout with 27% of the land being in conservation easement. He does not remember it as being a cluster requirement that the board asked for. The subdivision regulations require 50% open space and only 50% of that can be wetlands stated Commissioner Hubbard.

Commissioner Ventrone stated they specifically asked for a cluster plan and that has not been submitted yet. If you have the land and you need to cut back a lot to provide the required open

space than you need to do that, Mr. Ventrone stated. Commissioner Hubbard looked over the old plans and cannot make sense of all the numbers. They need to see a visual not just numbers in a report. Commissioner Hubbard explained some of the regulations to the Duttons and why they need to see it visually too.

Mr. Palumbo said they cannot and will not submit a real cluster plan and that they want to be put on the next agenda with the plan that was submitted from Mr. Cournoyer in January. The Duttons want the plan submitted as is and a hearing on that. Commissioner Calabretta stated they rely on the planner and the engineer to see if this is adequate before it is submitted and he hates to override the town planners decision. Commissioner Hubbard stated she was part of the board when the cluster ordinance was written and she needs the proof that this cannot be done visually. Commissioner Ventrone said as a courtesy to the applicant it was put off since they have nothing tangible to look at. Commissioner Calabretta wants to leave this decision to Lisa Bryer to make a decision on whether or not it should be heard. They are requesting to be put on the agenda for the next meeting. The Planner indicated that if the applicant is comfortable proceeding without the requested cluster plan then this will be on for the March 15<sup>th</sup> meeting. Commissioner Ventrone said he does not want to mislead the applicant, he wants to see something concrete; he wants to see a cluster plan.

### **III. Citizen's Non Agenda Item- nothing at this time**

### **IV. Reports**

1. Town Planner's Report

The Town Hall Plan was approved by the Zoning Board last night. On the next agenda the liaisons to the town committees will be discussed.

2. Chairpersons report

3. Town Committees

a. Harbor

b. Fort Getty

c. Buildings and Facilities

d. Others

4. Sub Committees

### **V. Old Business**

1. Manning (Cedar Lane Farm) Major 9 Lot Subdivision with waivers - Cedar Lane – Preliminary Plan Review – continued

The Planning Commissions charge is to make sure that everything is here so that the Public Hearing can be set.

Mr. Murphy submitted a conservation easement that Mr. Parks reviewed and suggested a shorter version and the commission has that in front of them.

Matt Viana from Northeast Engineers is present to answer any questions. George Gifford is here from Gifford Design Group to answer any questions about the landscaping plan.

Town Planner Lisa Bryer went through Mike Gray's (Town Engineer) memo regarding some issues that were discussed at the last meeting. The clearing limits were not required by the Planning Commission but are still included on the plan. The applicant is aware of this.

Mr. Viano is going to address #3 and Dr. Aldinger is addressing #4 of Mr. Gray's memo:

3. The engineer should determine what impact the berm on the Cemetery Property has with regard to stormwater flow. If there is stormwater ponding will it have an impact on the abutting properties or the septic system on Lot #5.
  
4. At the regular meeting in February there was a great deal of discussion relative to the clearing limits proposed for each of the lots. I am not sure how this was left with the Board. I believe that the limits cannot be enforced. In addition the limits as shown are for a specific building footprint. The footprint will be designed by the individual homeowners therefore I believe the limits are unrealistic. The conclusion summarized by Dr. Aldinger at the last meeting indicate that with the clearing limitations nitrogen loading would be 4.96 mg/l and without clearing limitations the loading would be 6.05 mg/l.

Mr. Viano said the berm along the cemetery line that was in question. The current runoff will continue the way it is now after the development is completed although the runoff will be concentrated and spill from the swales along the road edge that end at the cul-de-sac. Commissioner Hubbard recalls the abutters previously had concern about this subdivision and the runoff but it was regarding the wells going dry.

Dr. Aldinger addressed the clearing restrictions. The realistic numbers are from the actual 9 lots. Commissioner Hubbard asked about the 6500 sq feet. She also asked about invasive species and she suggested that a list of invasive species from DEM be put into the development agreement and landscaping restrictions as part of their restrictions. She also asked about the well and the gravel roadway that was discussed at the last meeting that she does not see on the plans. Mr. Viano indicated the road details were on sheet 10 and the testing well location is shown on the plan.

Commissioner Calabretta said the plans say Joseph Manning and everything else says Manning Trust and he wants to know from Mr. Parks if that is acceptable or should it be changed to be consistent throughout. Commissioner Calabretta also said on page 4 note 9 all existing ISDS within 100 ft are shown but he questioned whether they were all shown on the plans. The engineer will check this out just to be sure. Commissioner Ventrone said this is a very well done application and the only thing he is disappointed in is the sprinklers. He feels if the sprinklers are allowed to go in it will create excessive water use. Commissioner Hubbard agreed. Commissioner Calabretta stated they can make a motion but it will not be formally voted on until after the hearing.

A motion was made by Commissioner Ventrone and seconded by Commissioner Hubbard to amend # 1 of Upland Farms Landscaping Plan Appendix A.

George Gifford stated automatic sprinklers will greatly reduce the water usage than if they do not have them. Commissioner Ventrone says the Island has a water shortage and we would be sending the wrong message if we allow automatic sprinklers.

So voted:

Victor Calabretta – Nay  
Richard Ventrone – Aye

Betty Hubbard – Aye  
Michael White - Nay

Motion does not carry.

Mr. Murphy is going to prepare rules that say only cistern water can be used for watering with automatic sprinklers.

Commissioner Hubbard likes the longer version of the Declaration of Restrictions. Mr. Murphy said they can amend Mr. Parks' document and add things to his from the original that Mr. Murphy submitted. We need to get a consensus of the board first, said Lisa Bryer. Commissioner Hubbard asked Mr. Murphy about some things on the legal documents Mr. Murphy is going to update these forms and will stick with Mr. Parks' form and then add what is in our ordinance to his. Commissioner Calabretta passed on to Lisa Bryer some of the issues he had and that will be forwarded to Mr. Parks.

Mr. Murphy will go over this and make it consistent. Mr. Murphy will have clear error free documents at the next meeting and he will work with Mr. Parks on this for the next meeting. A motion was made by Commissioner Hubbard and seconded by Commissioner White to set the hearing for the first meeting in April.

So voted:

Victor Calabretta – Aye  
Richard Ventrone – Aye

Betty Hubbard – Aye  
Michael White – Aye

*Motion carries by a vote of 4-0*

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

A motion to adjourn was made by Commissioner Ventrone and seconded by Commissioner Calabretta at 8:55 p.m. So unanimously voted.

Attest:

Cynthia L. Reppe