

PLANNING COMMISSION MINUTES

January 16, 2008

**7:30 PM**

**Jamestown Town Hall**

**93 Narragansett Ave.**

**Site Visit 6:30 p.m. - 2 Watson Ave**

**Village Hearth Bakery –Andrea Colognese & Doriana Carella – Plat 8 Lot 774**

The Planning Commission visited Village Hearth Bakery to look at the inside of the building and have the proposed changes described to them.

The meeting then continued at the Town Hall.

The meeting was called to order at 7:30 p.m. and the following members were present:

Gary Girard	Barry Holland
Jean Brown – arrived at 7:34	Richard Ventrone
Michael Swistak	Alexandra Nickol
Nancy Bennett	

Also present:

Lisa Bryer, AICP – Town Planner  
Cinthia Reppe – Planning Assistant  
Peter Rugeiro – Town Solicitor  
Joseph Palumbo – Attorney  
Michael Darveau – Land Surveyor – Darveau and Associates, Inc.  
Andrea Colognese & Doriana Carella – Village Hearth Bakery  
Elaine Peterson  
William Johnstone  
Lisa Geigan  
Michael Dutton

**I. Approval of Minutes January 2, 2008**

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

Delete Michael Swistak from Planning Commissioners in attendance since he did not attend the meeting. So unanimously voted. Commissioners Swistak and Bennett Abstain.

**II. Correspondence**

1. FYI - Letter to Jack Brittain - Re: Windridge Properties Approval. Received

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

#### IV. Reports

1. Town Planner's Report

Since there are three new members Ms. Bryer wanted to point out that she serves as Town Planner and adviser to the Planning Commission. Her Planners Report that is provided at each meeting reviews all applications and lays out the facts of the application in relation to the relevant regulations. The report serves several purposes, one to lay out the facts of the application and the other to make recommendations or give guidance. Whether or not you agree with my opinion is irrelevant as long as we are all respectful of each others opinions. That is my professional opinion, and is there for 1 purpose only, to help the Planning Commission to make a decision. It is for that purpose alone.

2. Chairpersons report

Commissioner Girard introduced the new members of the Planning Commission. A Vice Chair needs to be selected. Commissioner Holland is interested in the Vice Chair position. They will let the Planning office know if they are interested. Town Committees Nancy Bennett volunteered for Harbor, Richard Ventrone and Alexandra Nickol are both interested in Fort Getty. We need a new Tree Committee member also.

3. Town Committees

- a. Harbor
- b. Fort Getty
- c. Buildings and Facilities
- d. Others

4. Sub Committees

#### **Public Hearing**

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

Commissioner Girard introduced Joseph Palumbo attorney for the Dutton's. Commissioner Girard asked the audience to wait until after the presentation to ask questions.

A Procedural matter was raised by Attorney Palumbo. The property is in RR 80 and notice should have been given to abutters within 300 feet and Mr. Palumbo sent out notification to abutters within 200 feet. After hearing of his mistake he checked and found that all abutters were captured within the 300 feet so they can go forward with this hearing.

Each lot has more than 80,000 square feet. The reason it's before the Planning Commission for a minor subdivision hearing is because they are proposing a private road that would be put in by the Dutton's. Mr. Palumbo is going to touch on the key issues and also brought up what he referred to as a sore subject. The developer of the two lots at the end of Prospect Street put Holly St. in the wrong place. At the last meeting they expressed concern as to why the Dutton's should fix a problem they did not create. Mr. & Mrs. Dutton are prepared to fix Holly St. if this subdivision is approved. They will under supervision of the town relocate the road. Town Planner Lisa Bryer mentioned in her report that an association be created to maintain the road. Mr. Palumbo said he does not think it will be a problem as far as maintaining Holly St. and that it is not necessary to create an association. Another issue that was brought up the last planning meeting had to do with a letter from DEM which indicated 2 "areas subject to storm flow" are located on the property and the engineer has located these on

a map and he will make sure that the area dedicated to those ASSF's are calculated, stated Mr. Palumbo. Michael Darveau, Professional Land Surveyor with Darveau and Associates stated he has been involved with this subdivision since the beginning while working with Bob Cournoyer. He made a presentation to the Planning Commission and audience. The wetlands have been flagged by DEM, and the ASSF's are located by their wetland specialist but DEM will note it but not verify it. Mr. Palumbo had conversations with Ms. Swift from DEM. They are about 1 foot wide according to Ms. Swift. Now the question becomes they are short of area since it measures 163 feet long and 18 inches wide. Janice Dutton owns Lot 244 that has over 80,785 sq. ft. As part of this subdivision there would be an administrative lot line change giving up 700 sq ft from lot 244 to be giving it to lot 61 so that the additional 200-300 sq ft. that is needed is provided for. All lots should meet Zoning.

Commissioner Brown asked about the elevation where the leach field is. From Prospect the water will flow towards the wetland.

Mr. Palumbo wants to propose something different than what was included in the Planners report. They do not want to post a bond but propose completing the improvements after recording of the Plat but before the first house is built. The Town Planner indicated in her report that if the improvements are done before recording then a bond would not be needed. What the applicant wants to propose is that Mr. Dutton, once the subdivision is approved immediately fix Holly St. They would then like to indicate on the Plan at recording that since Prospect is going to be improved as a private road by Mr. Dutton and he does not know when they will be developed or sold they want to indicate right on the plan that none of the lots that would front on Prospect Ave. could be sold or developed until Prospect Ave extension was constructed and inspected in its entirety. This would leave the land the way it is right now until such time that the lots would either be developed or sold. Mr. Palumbo thinks this is a reasonable solution. Improve Prospect Ave in its entirety instead of having to post a bond. Putting this on a recorded plat (mylar) a building permit could not be pulled. Please consider it.

Commissioner Girard asked the Public if they have any questions.

Elaine Peterson - 2 Prospect Ave. Is Prospect going to go all the way through to North Main Rd. Mr. Palumbo stated the owners of the lot that abuts the area are saying that they own it through Adverse Possession because of use and maintenance of that area. Mrs. Peterson also asked where is Holly St. now and what is going to change? It would be put in the right place she was answered. How many lots total? From 1 lot to 2 lots.

William Johnstone 40 Summit Ave. – The traffic will go North on Summit, Holly goes all the way down to North Main Rd. He went up to the podium and showed that the residents of Summit have to go 1000 feet to get out to North Main Rd. Holly St. would be a wider exit, if developed, than Summit Ave. There will be more traffic on Summit from this plan and he is highly recommending that they go down Holly St. to North Main instead for safety issues. He also indicated that Mr. Dutton owns the intersection of Prospect and Holly Streets and this blocks off access to the south end of Prospect.

Mr. Palumbo explained that the streets that were taken by Adverse possession did not include this area.

Larry Parks, former Town Solicitor was consulted today on this issue of adverse possession and did not agree. If you look at the Court documents it is clear. In addition, Mr. Parks noted there is a class 1 survey done by Bob Cournoyer that was provided to dispute this claim. Mr. Parks does not agree with Mr. Johnstone's opinion.

Town Planner read from the subdivision regulations regarding completion of improvements and posting of bonds.

Lisa Geigan -28 Summit Ave.- abuts west of the circle They bought the house 1 ½ years ago there are lots of problems with the boundaries in that whole area.

Peter Rugeiro said the Planning Commission can recommend if this is going to be a public or private road.

Mr. Palumbo said they will defer to whatever the board wants.

Mr. Dutton wanted to address the Geigan's to let them know there are granite boundaries already there. She asked if he puts Holly St. in does that become the Dutton's private road? He would just be fixing Holly St. to go to Summit Ave. It would not be his private road but would be maintained by all who use it.

Mr. Palumbo stated if the board wants it public or private Dutton is prepared to maintain it. The Geigan's just wants them to make sure that the boundaries are correct.

Public Hearing portion is over at 8:35 p.m. and now the Planning Commission will have a discussion.

Commissioner Brown asked Mr. Dutton if he has been maintaining the road? He said yes both Holly St. and Prospect Ave. He has been doing this for the last 10-15 years.

Commissioner Ventrone said they are going to redo Holly St. the way it should have been done in the first place and the Planning Commission needs to decide if it will be public or private. It is within the Planning Commissions right to ask for that. There are specific standards for a Public street said Commissioner Ventrone.

Commissioner Bennett wanted clarification of where Holly St. is going to go and she was shown on the map; approximately 200 feet will be relocated.

Commissioner Holland said this is a generous offer from the Dutton's to put it in the right place. His concern is it needs to be in writing and in perpetuity. Who is going to maintain it 100 years from now?

Commissioner Swistak asked Mr. Palumbo about him eluding to the postponement of the bond. What is his motivation? Once approved it will be a condition set forth on the plan in

Land evidence records that would restrict any of the lots on Prospect being developed until the road is done. A bond for an extended period of time would be onerous said Mr. Palumbo. Commissioner Swistak asked Lisa Bryer if Steve Goslee Public Works Director and Mike Gray Town Engineer have signed off on relocating Holly Street. They should coordinate with them and they should provide specifications.

When the first building permit comes in to the building official the condition of the road may not come up. Mr. Palumbo said whenever someone buys a lot an attorney will do a title search and it would come up at that point.

The Planner stated that the regulations were clear in this regard, but it was suggested that it could be done as a waiver to the regulations if the applicant requests it in writing and the Planning Commission agrees to grant the waivers. A minor subdivision cannot be done with waivers so it would have to be reassigned to a major subdivision; a more in depth process.

Commissioner Swistak asked if it could be done to where it would be a smaller bond instead of changing a minor to a major. The regulations spell out the method of computing the bond.

Commissioner Bennett asked is the road going to service 4 properties? Did they consider this as a cluster development? Mr. Dutton answered that a cluster is made for a raw piece of land, his land is already developed, and this is just 4 lots. It would not work. Michael Darveau said he was asked to look at that and in this case it would not gain much and that most developers jump at a chance for a cluster because it is less roads and less money.

Mr. Ruggiero said it needs to be decided whether this will be a major or minor subdivision for a time stamp. It depends on whether they want to consider the bond issues.

Mr. Palumbo said they no longer wish to seek approval to not construct or bond the road and will fix Holly St. and put Prospect Ave in as soon as weather permits after briefly consulting with the Dutton's.

The Planning Commission and the Solicitor noted that the proposal needs to come from the applicant as far as the road specifications and then have the staff look at this.

Commissioner Ventrone before anything is done it needs to be in writing.

Mr. Ruggiero said if they reopen the hearing and continue to a date certain then they do not need to re advertise.

Commissioner Girard reopened the public hearing at 9:10 p.m.

A motion to continue until February 20<sup>th</sup> was made by Commissioner Swistak and seconded by Commissioner Girard. So unanimously voted.

Commissioner Ventrone wants a wetlands verification for the entire property. DEM will not verify anything Mr. Palumbo told Commissioner Ventrone. Is there a letter from NRS saying these are the only wetlands on the site. The applicant will have someone from NRS at the next meeting with that in writing.

Mr. Rugeiro said the lot line needs to be altered to reflect the administrative change which will only take effect if this subdivision is approved. The 700 sq ft from lot 244 to be given to lot 61 so that the additional 200-300 sq ft. that is needed is provided for.

That lot needs to be figured into it. The area calculation of an ASSF needs to be shown on the next plan for the Planning Commission to see for the next meeting.

The Planning Commission made the point that all information needed must be submitted to the Planning Office with 13 copies well in advance of the meeting and that if the necessary information is not submitted than it will be continued on February 20<sup>th</sup>.

If the lots were smaller than 80,000 sq ft they would need a dimensional variance.

This Public Hearing will be continued to the February 20<sup>th</sup> 2008 Planning Meeting.

## V. Old Business

### 1. **Village Hearth Bakery –Andrea Colognese & Doriana Carella – 2 Watson Ave. – Development Plan Review - recommendation to the Zoning Board - continued**

Mr. Colognese is looking for a recommendation to the Zoning Board, he has provided the elevations for the plan and a landscape plan that the Planning Commission asked for at the last meeting. They have been working with Lisa Bryer, Town Planner to provide a safe plan for parking. They will need a variance from zoning for parking. The way the parking is now it is not safe for kids walking by since there is no sidewalk in front of the site and cars back up onto the road. In terms of procedure when they first came in with their plan with the spaces on site they were encouraged to put all 8 spaces on site but the Planner recommended they only have 2 spaces on site and that the sidewalk be re-built by the Town in front of the site with the Safe Routes to School grant.

Commissioner Nickol has real concerns about the elevations. Both side elevations should have a sense of unity. Commissioner Ventrone said they are looking at proportions, siding, landscaping, scale, the last time they talked about making it happen as quickly as possible.

Ms. Carella said the architect had to draw them how it exist, she knows that everyone has opinions on the way it should look. Commissioner Ventrone wants it to fit with the scale and size of the existing left side of the building. Commissioner Ventrone wants to see the windows more uniform and that the new building follows the old building.

Commissioner Nickol asked about the Town architect consultant Ron DiMauro. Ms. Carella stated that she does not want an outside opinion. Her Father is a licensed Architect and has been working with them on this. Commissioner Bennett likes the door idea, she sees cottage style and European and it is all mixed and thinks it is fine.

Ms. Carella said she will have her brother who is an architect come up with more elevations.

Commissioner Girard said that usually a catalog or pictures of the lights are provided along with showing which plants and where they will be placed on the plans.

Commissioner Holland said this is something that has bothered him for years now on the Planning Commission, everyone has their own tastes and opinions and the applicant is going away with 3 different ideas. He has a problem with this commission imposing proportions and their designs.

Commissioner Swistak said when the Jamestown vision workshops were going on one thing most residents like about Jamestown is that everything does not look the same.

Commissioner Brown made a motion to extend the meeting by 10 minutes Commissioner Bennett seconded the motion. So unanimously voted.

The Planning Commission would like to see the following information when the applicant comes back:

Lighting- pictures or catalog

Landscape details – actual drawings showing types of plants and where they will be placed

Deck details – and plantings @ the base of the deck

Scale and Sense of unity between existing Bakery building and renovated portion

Different exterior colors you are contemplating

Commissioner Nickol said that it was not her intent to make everything look the same in Jamestown.

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

A motion to adjourn was made by Commissioner Ventrone and seconded by Commissioner Bennett at 10:09 p.m. So unanimously voted.

Attest:



Cynthia L Reppe  
Planning Assistant

This meeting was recorded