

PLANNING COMMISSION MINUTES

May 21st, 2008

7:00 PM

Jamestown Town Hall

93 Narragansett Ave.

The meeting was called to order at 7:05 p.m. and the following members were present:

Barry Holland	Richard Ventrone
Jean Brown – arrived 7:06	Michael Swistak
Alexandra Nickol	Nancy Bennett

Not present: Gary Girard

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
Peter Ruggeiro – Town Solicitor
Michael Gray – Town Engineer
Joseph Palumbo – Attorney
Sandy Sorlein – Consultant

I. Approval of Minutes May 7th, 2008

The minutes will be continued until the next meeting.

II. Correspondence

1. CRMC – Residential Boating Assent – Plakyil Joseph, 20 Frederick T. Miller Way, East Greenwich, RI 02818: to construct a residential boating facility to consist of a 4’x138.8’ fixed timber pier with a 4’x20’ terminal L section and a boat lift system extending 50’ beyond MLW; located at 1227 North Main Rd. Jamestown RI Plat 3 Lot 479. Noted
2. FYI – Administrative Subdivision Plat 4, Lots 10,50 & 145; David E. Roosa, Jill Oliveira Roosa. Received
3. FYI – Field Trip Opportunity Reminder – RIDEM. Received

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

IV. Reports

1. Town Planner’s Report
2. Chairpersons report
 - a. Appoint Nominating Committee for Election of Officers
Commissioner Girard has formed a nominating committee to include, Commissioners Richard Ventrone, Alexandra Nickol and Jean Brown.
3. Town Committees
 - a. Harbor
Commissioner Bennett reported on the last Harbor meeting.

Harbor Commissioner Rick Anderson asked the Planning Commission to look at the impact of the woodpile pier.

Commissioner Bennett asked if this topic can be put on a future agenda. Town Planner Lisa Bryer conferred with Town Solicitor Peter Ruggiero and stated that, procedurally, if the Harbor Commission would like the Planning Commission to look into an issue, especially one that the Town Council is actively working on, they should ask the Town Council to direct the Planning Commission to do so. Commissioner Bennett can suggest that the Harbor Commission put this in a letter to the Town Council.

Town Solicitor Peter Ruggiero, has been heavily involved in this with the Town Council.

- b. Fort Getty
 - c. Buildings and Facilities
 - d. Others
4. Sub Committees

The tree committee met for a presentation from Mike Gray Town Engineer to see the plans for trees for the new highway barn and would like their input before site plan review.

Commissioner Swistak recused and left the table. Town Planner Lisa Bryer recused and left the room.

V. Old Business

1. **Dutton - 2 lot Minor Subdivision with Street Creation, Extension of Prospect Avenue off Summit Avenue and Holly Street – Plat 1, Lots 61&244- continued from 5-7-08 – motion for denial**

A motion was made by Commissioner Ventrone and seconded by Commissioner Holland to deny the Preliminary Plan for the Dutton Subdivision, so called, in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans **entitled Minor Subdivision Property Line Plan for VP Enterprises, LLC., Plat 1, Lot(s) 61 (&244), Prospect Avenue, Jamestown, Rhode Island, sheets 1-4;** Property Owner – Lot 61 – VP Enterprises, LLC, 1350 North Main Road, Jamestown, RI 02835, Lot 244 – Janice Rying-Dutton, 1350 North Main Road, Jamestown, RI 02835; prepared by Darveau & Associates, Inc., 1725 Mendon Road, Suite 202, Cumberland, RI 02864 (401-475-5700; dated Feb. 15, 2008 based on the following findings of Fact:

A. **Findings of Fact**

The Commission makes the following findings:

1. The subdivision is not consistent with the requirements of the Jamestown Comprehensive Plan and/or does not satisfactorily address the issues where there may be inconsistencies because the proposed subdivision lacks adequate and permanent access to a public street;
2. Each lot in the subdivision does not conform to the standards and provisions of the Jamestown Zoning Ordinance because no lots have frontage on a public street;
3. No building lot is designed and located in such a manner as to require relief from Article 3, Section 308 of the Zoning Ordinance as long as the proposed OWTS is not located within 150 feet from the edge of any wetland;
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans;

5. The subdivision as proposed will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and buildings standards would be impracticable;
6. The subdivision does not provide for safe circulation of pedestrian and vehicular traffic because the proposed subdivision lacks adequate and permanent access to a public street. However, the subdivision does provide for suitable building sites and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community. The Plan, as referenced appears to handle surface water adequately, however, careful construction and monitoring of surface water will be needed to insure that no impacts from surface water runoff are experienced on the adjacent lot to the south of the southern most drainage easement;
7. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in the subdivision are intended to minimize flooding and soil erosion. See finding of fact #6.;
8. All lots in the subdivision must show that they have access to sufficient potable water for the intended use by drilling wells prior to recording of lots with the Office of the Town Clerk.
9. The subdivision lots do not have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliant with this requirement. The nearest public street is North Main Road. There is no physical access to North Main Road because: a) Prospect Avenue is not developed or proposed to be developed to access North Main Road; b) Holly Street, between Summit Avenue and Prospect Avenue, is not located within the public road right of way, but is located on an adjacent parcel of land owned by the Town and the applicant has no deed or grant of easement evidencing any right to use the private driveway, and; 3) no other access has been provided to North Main Road through the subdivision property or adjacent property owned by the sub divider that is in conformance with the Town requirements as based upon the following facts:
 - a. The Town's solicitor stated in a letter to the applicant dated December 14, 2005 that if Holly Street is to be used for access to any of the lots in the proposed subdivision, Holly Street must be correctly located and must be removed from Lot 47 on Assessor's Plat 2.
 - b. Michael Dutton, the applicant, his surveyor and the Town Engineer met at the site on February 8, 2008 to review the construction of Prospect Avenue and the relocation of Holly Street as summarized in a letter dated February 20, 2007 (correct date February 20, 2008).
 - c. The applicant's attorney has stated in a letter dated April 9th to the Town Engineer in response to the February 20th letter that they will move the existing Holly Street to the proper location but will do no more or less than that.
 - d. The Town Engineer prepared a memorandum to the Planning Commission dated April 28, 2008 regarding the application. He stated that he did not agree that the gravel from the existing Holly Street be removed and used for the construction of the new road since it is presently serving the access to existing homes. In addition the road must meet typical engineering standards of road construction as stated at the site meeting with the

applicant. For these reasons the Town Engineer does not support the application as proposed.

- e. The Planning Commission received testimony from the applicant and his attorney that the applicant will not construct the road as required by the Town. The applicant only offered to move the existing material as stated in his attorney's letter dated April 9th. The applicant refused to provide any material for the construction of the new road but would provide only labor. In addition the applicant refused to construct any drainage improvements for the newly constructed Holly Street.
- f. The Planning Commission received testimony from the Town Engineer that removing the existing road prior to the construction of the new road is unacceptable since the existing road provides access to existing homes for the owners and emergency vehicles. The new road must be constructed before the existing road is removed. In addition, it would be irresponsible for drainage not to be included with the construction of the new road. The new gravel road must include drainage improvements.

Commissioner Bennett asked what is OSWWTS? Mr. Gray responded it is on site waste water treatment system.

Mr. Gray read a letter from Attorney Joseph Palumbo Jr. dated April 9, 2008 in its entirety. The letter stated his client's position on Holly St. and the fact that Mr. Dutton will not be paying for materials to reconstruct the road for use by his subdivision.

Town Solicitor Peter Ruggiero stated a point of procedure; The Planning Commission should act on the waiver request that the applicant sent to the Planning Office on Wednesday morning May 21, 2008 allowing for creation of a private street since there is no access to a public street. They did in fact ask for a waiver and the Planning Commission should deny that request in order to be consistent with the motion for denial.

A motion to deny the request of a waiver to create a private street was made by Commissioner Ventrone and seconded by Commissioner Holland, and voted on separately. So voted:

Barry Holland - Aye

Richard Ventrone - Aye

Jean Brown - Aye

Alexandra Nickol - Aye

Nancy Bennett - Aye

Motion carries by a vote of 5-0

Commissioner Brown asked if this application is denied how long do they have to wait before they can come back. Town Solicitor Peter Ruggiero said if it is the same application never, if it is a different application, then it could be a year.

Commissioner Bennett asked if they came back with the willingness to create a road then the Planning Commission would make a determination. Commissioner Bennett asked for a few minutes to read the letter from Mr. Palumbo that she received tonight. Commissioner Brown asked, "if the applicant wants to withdraw can they at this point." Yes she was answered.

The main motion to deny was voted on as follows:

Barry Holland - Aye

Richard Ventrone - Aye

Jean Brown - Aye

Alexandra Nickol - Aye

Nancy Bennett – Aye

Motion carries by a vote of 5-0

Town Planner Lisa Bryer entered the meeting room and Commissioner Swistak re-joined the Planning Commission at the table.

2. Jamestown Zoning Ordinance Update – Jamestown Village Special Development District presented with Sandy Sorlien and Donald Powers

Commissioner Brown left at 7:45 p.m.

Town Planner Lisa Bryer made a presentation and summarized the process since the Charette. For now we are focusing on the village area, and we may make some changes at a later date to some of the other areas of the island.

She would like to get the Planning Commission familiar with the format and what the new changes mean. At the end of the night specific comments can be made. First part is definitions, new ones that are not defined in the existing ordinance.

The second part is the regulation that we are proposing take the place of the current Article 11, Development Plan Review. What do you want to call this? Ms. Bryer said that she has been calling it the Village Special Development District, and consultant Sandy Sorlein was calling it the Jamestown Village Protection Code or we could call it Jamestown Smart Code. Please think about the name.

Commissioner Holland asked what we will lose by doing away with the Development Plan Review. There is a lot left up to subjectivity right now. Commissioner Holland asked are we eliminating a total review process? Ms. Bryer indicated that nothing should be lost but review procedures and standards will change and become more prescriptive and less subjective.

Sandy Sorlein was here for the Charette and she has been a summer resident since 1954. She has worked on Form based codes and a model that was customized for Jamestown, she met with Fred Brown and listened to his concerns and there has been a lot of feedback. So much of the public process has gone into the code already.

Commissioner Brown arrived at 8:00 p.m.

They are looking at what can and can't be done administratively and what needs a committee's input. The goal is to simplify the process. This way the applicants can come in and know what the Planning Commission is looking for.

Changing the names from CL or CD to T4, and renaming the zones was discussed. The large map is called the regulating plan but it is really the zoning map. The Special Development District (SDD) encompasses the R-8, R-20 districts and CL and CD too. Another big change is the 4 corners area which is targeted for more intensive form, (use).

Commissioner Nickol asked about the proposed plan for X-tra Mart, Bank of America, and that whole area, what if 1 participant cannot afford to do this. Each lot was looked at individually as well as collectively and one project should be able to be implemented without depending on the others.

Sandy Sorlein discussed the affordable housing issue with the Planning Commission as it pertains to the Smart Code.

Town Planner Lisa Bryer encouraged the Planning Commission members to continue going through the code and running different scenarios. Commissioner Bennett would like to spend more time looking at this and then getting together with Lisa to discuss it.

A discussion regarding meetings and workshops was discussed and 1 meeting a month will be devoted for discussion of the revised Zoning.

3. Clinton Ave. to Green Lane – Block Study by Donald Powers Architects

Don Powers gave Lisa Bryer some talking points to make. They have provided an existing plan, a proposed master plan and proposed perspectives. The development scenario was based on current zoning. Don Powers has met with all of the occupants of the building which included most lot owners; Bryer listed all the different occupants. A discussion about what the benefit would be to the owners was discussed and Commissioner Nickol said she thought this would not be financially beneficial to X-tra mart. What is their incentive? She did a Residual land value analysis, and it does not come close to performance. Economics will dictate what a developer wants to do. Ms. Bryer noted that Don Powers also looked at this also from a somewhat economic or a developers standpoint or perspective.

Commissioner Brown left the meeting at 9:30 p.m.

Commissioner Bennett suggested a civic building. The town would have to be party to it for development if it was considered a civic building.

Commissioner Ventrone said we need a service garage in town and we should encourage Central Garage to remain in that location. The parking this plan allows is fantastic.

Environmental Packaging, the building on the corner of Clinton and Narragansett Ave.'s, will be coming before the commission in June.

The Planning Commission will be discussing the Zoning Ordinance update monthly and if additional meetings are needed they will be discussed.

VI. New Business – nothing at this time

A motion to adjourn was made at 9:35 p.m. by Commissioner Ventrone and seconded by Commissioner Nickol. So unanimously voted.

Attest:

Cynthia L. Reppe
Planning Assistant

This meeting was recorded digitally