

Approved As Amended 11-18-09  
PLANNING COMMISSION MINUTES  
November 4, 2009  
**7:30 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

The meeting was called to order at 7:33 p.m. and the following members were present:

Nancy Bennett      Gary Girard  
Duncan Pendlebury   Michael Smith  
Michael Swistak      Richard Ventrone

Not present:  
Barry Holland

Also present:  
Lisa Bryer, AICP – Town Planner  
Cinthia Reppe – Planning Assistant  
Wyatt Brochu – Town Solicitor

**I. Approval of Minutes September 24, 2009**

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

**II. Correspondence**

1. FYI – Memo to Town Council from Planning Commission – Motion to recommend approval of Zoning Ordinance Amendment. Received

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

**IV. Reports**

1. Town Planner's Report – Bike Path committee meeting was cancelled for today.
2. Chairpersons report
3. Town Committees
  - a. Harbor
  - b. Fort Getty – They will meet on November 5
  - c. Buildings and Facilities
  - d. Tree Preservation and Protection  
Commissioner Bennett reported the Salt shed project and police station project are completed and encouraged the planning commission to take a look. We need a volunteer for the next meeting Tues Nov 17, Commissioner Bennett will attend.
  - e. Affordable Housing Committee
  - f. Wind Energy
  - g. North Rd. Bike Path Committee

4. Sub Committees

V. Old Business – nothing at this time

VI. New Business

**1. Planning Commission Bylaw Amendment related to Technical Review Committee**

Commissioner Bennett asked what kind of information will come with the notification? Will the minutes be on the website? Lisa Bryer answered, if it is an administrative decision of the TRC then you will get the approval letter but not whole packet after it has been approved. Bennett asked, did the consent agenda go away? Yes, Ms. Bryer said that was removed during the public hearing process.

The Planning Commission had a brief discussion regarding quorums in relation to subdivisions. For subdivision approval 4 of the seven members will have to vote in favor for approval.

Commissioner Girard made a motion which was seconded by Commissioner Ventrone to accept the rules with the changes on page 5 which include:

Page 5 - #4 Meetings shall be held monthly and shall ~~precede coincide with~~ the monthly.....

Page 5 - #5 Agendas of the TRC shall be prepared by the ~~Town Planner Director of Planning~~....

Page 5 - #6 representative ~~shall be notified~~ shall be notified by the Planning Department.....

Page 5 - #7 ~~Minutes~~ Minutes shall be prepared by the.....

So unanimously voted.

**2. Zoning Ordinance Amendment related to Duplex's**

Town Planner Lisa Bryer stated that we removed the varying lot sizes for different uses within the Special Development District in the village. She does not believe that it was the intention to have the lot sizes the same for duplexes. She reviewed what the original lot sizes were and stated there is no definition of duplex in the ordinance. She talked with Town Solicitor Wyatt Brochu about developing one to match state law terms. Many other communities define it as a dwelling with 2 households living separately from each other.

Commissioner Smith asked why we care whether it is connected by an inner staircase.

Commissioner Pendlebury said a duplex is side by side. Commissioner Bennett asked what are the lot requirements outside of CD and CL why are we just dealing with duplexes and not multi family, **there is no mention of multi family in R8.** Multi family structures are also handled separately in Article 10. A discussion ensued regarding the definitions of single family, duplex and multi family. Mr. Brochu stated household and family are defined terms but household is a broader term. It was suggested that we use the term dwelling, two household to define and cross reference duplex.

Commissioner Swistak stated in R20 we want to discourage streets and streets of duplexes and in R8 to a lesser degree we are just trying to make sure the lot sizes are accommodating. The Zoning Ordinance cannot regulate condominiums. Commissioner Pendlebury's original question, is a duplex up and down or side by side? Is the issue the density or how it appears in the neighborhood? If the lot is larger based on side by side is that what we are looking to do? Or would we rather they stack them which is more consistent with the current appearance of single family. Commissioner Smith asked are we amending table 10-1 or 3-2? Ms. Bryer suggested leaving the different lot size for duplex in 3-2. Pendlebury is not clear why an up and down duplex

that appears as a single family home would be objectionable. A member responded as long as you have 15,000 sq ft then it's ok. If we allow the lot size to be the same, the Planner stated then this could be circumventing the affordable housing strategy we just adopted. It would be like taking the wind out of the affordable housing strategy.

Commissioner Bennett asked if we are adding a minimum lot size dimension for multi family. It was suggested that we look at the previous lot size requirement or make up new one. Wyatt Brochu said multi family is not on the agenda so it should not be discussed tonight. The office needs to take comments and develop a proposal for an upcoming agenda.

Commissioner Swistak how do we really feel about making larger lot sizes 2 family in R8 and R-20? Smith questioned are we encouraging it in CL and CD? I thought the special development district is to encourage affordable housing in this district that meets the states definition. The Planner responded yes that is true. Mr. Brochu said affordable housing is defined by the state and maybe a duplex or multi family might be priced less than a single family but it does not become "Affordable Housing" until it meets all the state requirements.

**Commissioner Swistak asked,** "does anyone have an issue with not having a separate lot size for **duplexes** in CD?" Do we want to allow all of it in the CD, does anyone have issue? CL should be the same as CD? The board agreed with both. **Swistak asked,** in R8 and R 20 should we set separate lot size requirements for duplex housing for these districts.

Commissioner Smith we just adopted form based zoning, there are standards in the residential districts that should take care of the appearance issues and stated if the lot is 8000 its ok. Why should you restrict me from this and take away my property rights, answer, why? Because it has been on the books for only 2 weeks and was not intended to be changed.

The chair opened the floor to the member of the audience. Bob Bailey - Trying to clarify one question in CL and CD; when you have a mixed use with commercial on the first floor and two units on the second floor is it a duplex? The Planner stated no, it would be a mixed use with two apartments on the second floor. Swistak responded when doing a mixed use it goes back to what is permitted in that district also.

Commissioner Bennett questioned whether we should include R-8 in Table 10-1 so that it becomes per bedroom and minimum lot size.

Town Planner Lisa Bryer will take Mr. Brochu's comments and restructure the duplex definition and take a look at table 10-1 and minor changes to 3-2. Repeat 8,000 and 5, 000 and talk about duplex and multi family. Commissioner Pendlebury thinks it is confusing right now. Commissioner Bennett is not confused about what the intent was, to encourage affordable housing on smaller lots. It was not the intent to encourage people with single family lot size lots to create duplexes. Commissioner Smith said make it easy to understand. At the next meeting show us old and new proposal. Commissioner Swistak reminded the Board that you always have the variance route if you do not fit in the box.

A motion to adjourn at 8:50 p.m. was made by Commissioner Ventrone and seconded by Commissioner Girard. So unanimously voted.

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Attest:



Cynthia L Reppe  
Planning Assistant

*This meeting was digitally recorded*