

PLANNING COMMISSION MINUTES

January 21, 2009

**7:30 PM**

**Jamestown Town Hall**

**93 Narragansett Ave.**

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

Gary Girard                      Michael Swistak  
Jean Brown                        Barry Holland  
Richard Ventrone                Alexandra Nickol  
Nancy Bennett

Also present:

Lisa Bryer, AICP – Town Planner  
Cinthia Reppe – Planning Assistant  
Michael Gray – Town Engineer  
Wyatt Brochu – Town Solicitor  
John Lawless – Whale Rock Engineering  
Jeff Aptt – Moap Properties  
Bert Spencer  
Bassam Nader – Engineer – American East Engineers

**I. Approval of Minutes January 7, 2009**

A motion was made by Commissioner Swistak and seconded by Commissioner Ventrone approve the minutes with the following additions:

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- I. Residential, 10. Mixed Use – 5-1 members voted to change it from S to Y in CL ,CD and CW east, leave as S in CW west
- III. Agricultural, 6. Aquaculture – 4 members voted to change from an S to an N and 3 members voted to keep it an S in CD
- V. Transportation and Utilities 1. Off-street parking (accessory) 2. Off-street parking (commercial) change Y to N in CD
- VI. Commercial, Retail, Heavy Equipment, A. 1. Lumber and building materials all members agreed to change from a Y to an S in CD
- VI. Commercial, Retail D. Motor Vehicles, 5. General auto repair changed N to S in CD
- VI. Commercial, Retail F. Commercial outdoor recreation, 9. Ship and boat storage, and repair changed Y to S in CD
- VI. Commercial, Retail, G. 3. Furniture, floor covering and furnishings – this was described as a typing error during codification of the ordinance and it should be an N not a Y. No change just back to N in CW
- VI. Commercial, Retail, G. 9. Gift, souvenir and tobacco shops – 6 members agreed to change to N S 1 member wanted to keep as S N in CW west

So unanimously voted.

## II. Correspondence

1. FYI – Administrative Subdivision – Dupee, Carnevale, Rodrigues. Received

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

## IV. Reports

1. Town Planner's Report – Fort Getty joint workshop with Town Council has been changed to Wednesday Jan 28<sup>th</sup> at 6:30 p.m. at the request of the Town Council.
2. Chairpersons report
3. Town Committees
  - a. Harbor
  - b. Ft. Getty Committee – They met on January 15 in preparation for the January 22 joint workshop to discuss the proposed sailing center. The Committee will present a site plan, a schematic building design and a list of issues for Town Council consideration.
  - c. Affordable Housing Committee – They have not met since our last meeting.
  - d. Water Resources Protection Committee – Have not met since our last meeting.
  - e. North Road Bike Path Committee – They met on January 7 as was verbally reported at the last meeting.
  - f. Tree Preservation and Protection – progress report was given for the tree inventory being done right now. This information will be given to Justin Jobin in the GIS department.
  - g. Wind Energy – They met on January 14<sup>th</sup> to discuss the feasibility study as well as the status report to the Town Council scheduled for January 20<sup>th</sup>.
4. Sub Committees

## V. Old Business

1. Comprehensive Permit Application – 2 lot Subdivision – John Lawless Jr. – 14 Pemberton Ave. Jamestown, RI; Plat 8 Lot 473 - Public Hearing continued
  - A. Letter requesting withdraw of application

Commissioner Girard opened the continuation of the hearing and informed the audience that Mr. Lawless submitted a letter requesting a withdraw of his application. A motion to close the public hearing was made by Commissioner Girard and seconded by Commissioner Ventrone. So unanimously voted. A motion to accept withdraw of Mr. Lawless' Comprehensive Permit Application was made by Commissioner Girard, seconded by Commissioner Ventrone. So unanimously voted.

2. Manning Major Subdivision, Upland Farm - Cedar Lane – Final release of Bond - \$12,303.00

This issue will be continued until requested items are submitted.

## VI. New Business

1. Spencer – Plat 14 Lot 347 – Boom St. - Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table-Impervious Overlay District – Recommendation to the Zoning Board

Albert Spencer Jr. introduced himself as the owner of the property and Bassam Nader from American East Engineers a professional engineer licensed in the state of RI made the presentation.

A discussion ensued regarding the cross section of the foundation. Mike Gray was not provided any details to verify the infiltration rate that the engineer has stated on the porous concrete driveway. He will provide copies of the specs and maintenance requirements for the porous concrete driveway. They originally submitted for a 3 bedroom ISDS but reduced it to a 2 bedroom ISDS when DEM made that suggestion.

Commissioner Ventrone discussed how in his opinion this house looks like it was designed as a 3 bedroom not a 2 bedroom and it could very easily be converted back to a 3 bedroom.

**Commissioner Bennett agreed with Ventrone that this looks like a 3 bedroom house. This is a concern especially since DEM wanted to be clear that it should only be a 2 bedroom house by approving a 2 bedroom design.** Commissioner Holland said you cannot assume that an applicant is going to break the law when he is given a 2 bedroom approval, they show it as a two bedroom house and this would be an issue of enforcement. Commissioner Brown said if there is not a closet it is not considered a bedroom by definition. She thinks it is acceptable the way it is regarding bedrooms. Swistak agrees with Brown.

Commissioner Ventrone wants him to come back with a 2 bedroom design and the square footage is too big in his opinion. Commissioner Holland wants Solicitor Brochu's opinion. Mr. Brochu said it is important to remember that you are ultimately here to provide a recommendation to the zoning board and as you develop these issues and concerns for findings of fact, they need to be documented and put into the recommendation to the zoning board. He suggested to focus less on trying to solve the problem and focus on what the findings are and how that translates to a recommendation to the Zoning Board. Utilize this hearing as guidance for the zoning board and focus less on trying to make a final resolution.

Commissioner Girard asked if they can reduce the fill? A discussion ensued, Mr. Nader said the slope at the front of the house will flow onto Boom St. so that it will not impact Mr. Spencers house. Mr. Aptt said the porous concrete driveway will handle a majority of the storm water; 60% will infiltrate back into the ground. Commissioner Holland disagrees with the engineer on where the runoff will flow and sees it as a losing situation for the neighbors with regards to runoff. Town Engineer Mike Gray understands what the engineer is trying to accomplish. He stated that this will impact the neighbors, he suggests bringing the contours in so that it will flow into the back yard and handle some of runoff to distribute to the back of the house **of** the applicants property. Mr. Nader can design different things and he feels extending the rain garden can handle more runoff and not impact the neighbor. ~~There~~ chair pointed out that there are opposing opinions from both engineers. The Board agreed that applicant should work with the Town Engineer and then come back with a mutually agreed on resolution.

Commissioner Nickol said the elevation of the structure is confusing and the applicant explained that the first level will be stick built and the two story modular will go on top of that. She also asked if the house be narrower and deeper or rotated? That may solve impacting your neighbors. Mr. Appt said they would lose a garage because they could not gain access given the narrowness of the lot.

Commissioner Bennett said the nitrate levels were high but within the state normal levels, sodium levels and pH levels were also high. She would like them retested.

Commissioner Nickol said it is within their purview to look at the architectural on the house and the windows and house are out of character with the neighborhood. Commissioner Holland said a 30' x 26' footprint is within the 11% maximum lot coverage.

The following list of 8 items will be given to the applicant so they may be addressed for the next meeting:

- Specs and Maintenance Plan for the proposed porous asphalt/concrete driveway
- Review of drainage contours on south side of the property and resolve the conflict with Town Engineer's comments. Review drainage on north side of property to handle more runoff
- Reduce fill and/or revise grading along the edge of property to have less or no impact on neighboring properties
- Revise and insert cross section of foundation with groundwater elevation
- Maintenance plan for the Rain Garden
- Address the 2 bedroom vs 3 bedroom issue on your plan
- Well water retested for ph, sodium and nitrate
- Review and consider the front elevation for architectural style and windows in terms of character of neighborhood

A motion to adjourn at 9:12 p.m. was made by Commissioner Swistak and seconded by Commissioner Nickol. So unanimously voted.

Attest:



Cinthia Reppe

This meeting was digitally recorded