

Approved As Amended 5-6-09
PLANNING COMMISSION MINUTES
April 15, 2009
7:30 PM
Jamestown Town Hall
93 Narragansett Ave.

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

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

Not present:
Barry Holland

Also present:
Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
John Andrews – Professional Land Surveyor – Douglas Design Group

I. Approval of Minutes April 1, 2009

A motion was made by Commissioner Brown seconded by Commissioner Ventrone to accept the minutes with the following changes suggested by Commissioner Swistak:

Page 3 - 4th paragraph 7th line, May 1 opening – Oct 18, ~~closing which dovetails with the boat storage and lease.~~

Page 3 – Last paragraph, last line, no later than October 18 ~~which coincides with the lease of Town Land.~~

II. Correspondence – nothing at this time

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

IV. Reports

1. Town Planner's Report

More time is needed for the Planning Commission and public's comments on the proposed Zoning draft please have them in the Planning Office before the next meeting. The Comprehensive Plan survey comments are needed by May 20th.

2. Chairpersons report

We are approaching vacation season, normally a meeting in July is taken off do we want the 1st or 2nd meeting, lets discuss this at the next meeting

3. Town Committees

a. Harbor

Commissioner Bennett reported the Boat ramp improvements at Fort Getty's preliminary discussion it's more promising than originally thought. The Committee is closer to completion of the Harbor Ordinance.

- b. Fort Getty – the lease with FAST will be discussed at the next Town Council meeting Monday night.
 - c. Buildings and Facilities – not met since last meeting
 - d. Tree Preservation and Protection – The committee has had 3 evaluations done on the tree in front of the Town Hall, the rot is more extensive than originally thought. They need approval for the removal and replacement which will take place on Arbor Day.
 - e. Affordable Housing Committee – they met on April 6 to review the FY09 CDBG application which was endorsed by the Town Council on April 6, 2009 as well.
 - f. Wind Energy – They met on March 31 and endorsed a grant to RIEDC for \$1,000,000.00 and suggested the Town Council authorize an additional \$3,000 of funding to study the economic feasibility of three additional turbine scenarios. We still await the final feasibility study. The Town Council approved the submission of the RIEDC Grant and the additional funding on April 6th.
 - g. North Rd. Bike Path Committee – they met on April 1 and finalized the proposed path alignment.
4. Sub Committees

V. Old Business

Commissioners Girard and Brown recused themselves and left the table and **Commissioner Brown left the** room.

VI. New Business

1. Jean A. & Stephen L. Brown - 35 Howland Ave. - Plat 9, Lot 187 – Minor 2 lot Subdivision with Street Creation

Vice Chair Michael Swistak reminded the Planning Commission of what their charge is with regards to this application.

John Andrews a professional land surveyor - 1766 Mast St. Reston, Ma.- Douglas Design Group – For the last 20 years he has been certified in RI as an expert witness in court – previously he has worked for Gilmet in Rumford RI. He has worked on several projects in Jamestown but this is first time he has been before the Planning Commission. A motion was made by Commissioner Ventrone and seconded by Commissioner Nickol to accept Mr. Andrews as an expert witness. Mr. Andrews is representing Jean A. & Stephen Brown of 35 Howland Ave., Jamestown RI. The lot is in the R-8 zone serviced by public water and sewer. This proposal is for a minor 2 lot subdivision with a 25 ft wide private road. The property is fairly flat with a slight change in grade from the back to front. There are some beautiful bushes and trees on property that have won awards. The 2 lots will be equal in size and a structure around 1600 sq ft. will be built.

A discussion ensued regarding the differences between a driveway as opposed to a road, public and private.

Commissioner Nickol asked why does the proposed road go so deep, could it not be a driveway? This was done to satisfy zoning frontage for the new lot. It is restricted to service the one rear lot. It is not uncommon for applicants to request private roads. Commissioner Ventrone stated,

Councilor Sutton at a meeting 4 months ago and said he opposed any private roads and all new roads should be public roads in Jamestown. Are we going to make exceptions on private roads? He is seeing a water and sewer line under the road which concerns Commissioner Ventrone.

The board was reminded this is only for 1 house not for several. The requirement for this 1 house would be that the property owner maintains the road. The maintenance agreement will be recorded with the legal documents that for 99 years it will remain private and they will not ask the Town to accept the road until it meets town standards. Waivers are for a 25 foot right of way and not a 30-40 ft r.o.w.

Commissioner Bennett asked Town Planner Lisa Bryer if Mike Gray has seen this application. Yes he has and he had no comments on it.

A discussion ensued regarding previously approved private roads in Jamestown. Spanker, Walcott and Luther were approved in the last few years. The Planning Commission would not be inconsistent with what the town has done previously. Commissioner Bennett asked, "What does it mean if it is a private road?" It means the property owner is responsible for the maintenance of the road.

Commissioner Bennett wants to know which the award winning trees are. Trees identified by the Eagle Scout are a holly bush in the back of property and the large cherry tree in the front yard. The very large tree in the front that is not shown on the plan will more than likely have to be removed. They have all worked together to try and keep as many trees and bushes as possible. The tree on the other side that is much bigger on the north side of property is a large Cedar which is a native species.

Commissioner Ventrone wants to discuss the private road again. He feels uncomfortable discussing this because it is a fellow Planning Commissioners application. The reason it is being called a private road is because of frontage when it is really just a driveway. **If we call a driveway a road just to make the frontage for another structure I don't believe we are following the intention of the Zoning Ordinance.** Commissioner Ventrone says we are looking for a loophole to do this. Maybe the thing to do is get rid of the law that says we need an 80 ft frontage. Commissioner Bennett said if this was not a private road and considered a driveway then would they have to go to zoning? If they do not have frontage then they would have to go to Zoning. If there is enough land and it is shown as a road then it is permitted by the Subdivision Regulations. This application is short on the right of way width by 5 – 15 feet and therefore it requires a waiver. Ventrone asked do we want to change the laws. It is a loophole he stated.

Mr. Andrews said there are benefits of this being a private road instead of a public road. The standards for a public road would be an impervious surface. That would require drainage systems and other engineering standards to be met. The aspect of making it more like a driveway it is a benefit not a liability to the town. It would require an extra 1200 sq ft to expand it to public road width, There is enough land to be able to do this within this subdivision Lisa Bryer said. Commissioner Ventrone said we are losing site sight of when the town was developed it was not the intention for the town to look this way. Town Planner Lisa Bryer stated it is not a loophole it is permitted and the Planning Commission needs to make the determination regarding the applicability of the waivers. When the buildout was done all such potential lots were figured into

the potential density and assumed to be lots for development. Density target in this district is 8000 sq ft. which is consistent with what we are looking at.

Commissioners Nickol stated there is a nexus to affordable housing here and it could be torn down and a duplex could be built.

Commissioner Swistak said part of our job is to look at this application with regards to access and make sure it is appropriate. Is the road adequate for emergency vehicles? Let's not get hung up on whether it is a road or driveway. We will have something in writing before the hearing from fire. It is a similar road to an application we have reviewed recently; Lawless.

The meeting on May 6th will be the public hearing and it cannot be approved or denied before that. Commissioner Bennett disagrees with Commissioner Ventrone with regards to the road being private, she feels it is a better fit with the character of the neighborhood. She would like to see a deed restriction for the last part of the road so that it could not be extended to the lot in back. Mr. Andrews stated that is why they ended it before the end of the property. Commissioner Ventrone's final vote on this will depend on what the neighbors say. Commissioner Swistak thinks this is not a loophole but more of a tool and as planners to take a good project and make it work to not negatively impact the neighborhood is what we are doing.

A discussion ensued with regards to placement of the private road to the north property line instead of south. If the road were placed on the north side of the property the garage would not have to be razed. When facing the structure and looking at abutting lots far more space to the north than south; the board asked if any consideration given to placement to the north? They would prefer to work it in that way and they could save the garage and still be able to access it. The problem is they would need more of a waiver for the right of way width or a variance from the side yard. Is a 12 ft row acceptable? We will find this out for next meeting. If it would be better to the north side then present it that way too at the hearing. Commissioner Bennett wants to know what the town engineer's opinion of the drainage is for the lot.

Town Planner Lisa Bryer reminded the commission that they will approve a plan but if you want to leave the option open it needs to be shown on the final plan.

Commissioner Swistak asked if the abutters are being notified. Since there will be a new home, he imagines the neighbors will be interested in screening so lets see that on the plan, also another question, is the clamshell driveway viable or is gravel. It is both gravel and clamshell.

This matter will continue until the next meeting on May 6, 2009 when the public hearing is scheduled.

A motion to adjourn was made by Commissioner Girard and seconded by Commissioner Nickol. So unanimously voted.

Attest:


Cynthia L Reppe

This meeting was digitally recorded