

Approved As Amended 8-5-09
PLANNING COMMISSION MINUTES
July 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:

Michael Swistak	Gary Girard
Richard Ventrone	Jean Brown
Duncan Pendlebury	Nancy Bennett

Not present:
Barry Holland

Also present:
Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
Nikki Andrews, PE – Environmental Planning and Surveying
Dr. Rick Greenwood - Historic Preservation Society

I. Approval of Minutes July 1, 2009

The minutes for July 1 will be postponed until the next meeting since the issue was raised that only 2 of the 4 commissioners in attendance at that meeting were present.

II. Correspondence – nothing at this time

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

IV. Reports

1. Town Planner's Report
2. Chairpersons report
3. Town Committees
 - a. Harbor – Commissioner Bennett reported on the Harbor meeting:
After viewing preliminary engineering drawings by RT Groups, the Harbor Commission reiterated its decision to restrict the current application to CRMC concerning the Ft. Getty boat ramp to what might be considered maintenance of the boat ramp itself. Any discussion of a pier or grounding float will be postponed until CRMC rules on the maintenance of the boat ramp portion of the project.

The Town Council requested that the Harbor Commission look at the Harbor office – the positions of Harbor clerk, Harbor Master and Assistant Harbor Master – in light of whether any of their tasks might be outsourced. The Commission agreed to an extra meeting on August 5, 2009, the first Wednesday of August, to consider

what the job descriptions for those positions are, what tasks are actually being performed by the people in those positions, what work is being outsourced currently, and how other communities handle their mooring permits and other Harbor and waterfront tasks.

- b. Fort Getty
- c. Buildings and Facilities - is finalizing the Town Buildings inventory
- d. Tree Preservation and Protection

The Committee received the America the Beautiful Grant for \$3500.00. This will be used for landscaping the Highway Garage.

- e. Affordable Housing Committee - They have not met since our last meeting
- f. Wind Energy – Will review the feasibility study at their next meeting .
- g. North Rd. Bike Path Committee - The meeting on July 1 was cancelled due to weather

4. Sub Committees

- a. Water Resources Protection Committee - They met on June 11 and they were not supportive of selling the Jamestown Shores lots without developing specific criteria to consider the sales on a case by case basis.

V. Old Business

1. Clinton Corners – Plat 9, Lot 193 – Minor Subdivision Final Review

Commissioner Swistak recused and left table.

Vice chair Girard chaired this portion of the meeting. Nikki Andrews, applicant and design engineer on the project discussed the diseased tree on lot 2. She has a letter from the arborist that she presented to the Town Planner so that it may be included in the file. They will be removing the tree prior to construction. Commissioner Ventrone asked if she has any elevations for the new building. She said they are looking at period homes, shingle style and no she does not have any different elevations then the ones that were shown at the last meeting since they have not chosen the final design yet. Commissioner Girard made a motion which was seconded by Commissioner Ventrone:

To Grant Final approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Preliminary Plan Review, “Clinton Corner” Minor Subdivision, For Property Located at: 76 Clinton Avenue, In the Town of Jamestown, RI, Plat 9 Lot 193;** Owned by Joyce Christensen; Plan prepared by Environmental Planning and Surveying, Inc., 52 Dugway Bridge Road, West Kingston, Rhode Island 02892 Phone 401-7893628; dated revised for Final Submission Plan on 6-16-09 based on the following Findings of Fact and subject to the following Conditions of Approval:

A. Findings of Fact

The Board makes the following findings:

- 1. The subdivision is consistent with the requirements of the Jamestown Comprehensive Plan;
- 2. Each lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance;
- 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 since all lots will be serviced by public sewer;

4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions for approval. The applicants willingness to preserve a significant portion of the trees on site is a tremendous benefit to the environment as well as the neighborhood. In addition, the applicant has agreed to field locate the water and sewer lines to protect the tree roots of the large specimen trees on site;
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. All subdivision lots have adequate and permanent physical access to a public street, namely, Clinton Avenue and High Street;
7. The subdivision provides for safe circulation of pedestrian and vehicular traffic, for adequate surface water runoff, for suitable building sites and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community. The voluntary preservation of the existing stone walls on site with the exception of the creation of a new curb cut is a benefit to the cultural features of the site and in the Town of Jamestown;
8. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion;
9. All lots in the subdivision have access to sufficient potable water for the intended use. All lots in the subdivision have access to and approval for public water.

B. Conditions of Approval

1. The approval is for a total of 3 lots;
2. That payment of a fee in-lieu-of land dedication shall be required for this subdivision in the amount required by Article IIID of the Jamestown Subdivision Regulations. This fee shall be determined by either a current appraisal by the applicant or based on current sale of lots that are similar based on the methodology in the Subdivision Regulations. This fee shall be paid prior to recording of the final plan.
3. Granite monuments shall be placed at all corner points at the new property lines prior to recording of the plat;
4. The signature of the Planning Chair shall appear on the Final Record Plan;
5. This approval shall be recorded with the Town Clerk contemporaneously with the Final Plat in lieu of the preliminary approval; and,
6. This approval shall expire ninety (90) days from the date of approval by the Planning Commission unless recorded with the Town Clerk within that time prior.

So voted:

Gary Girard – Aye

Jean Brown – Aye

Nancy Bennett - Aye

Richard Ventrone - Aye

Duncan Pendlebury - Aye

Motion carries 5-0

2. Shoreby Hill Historic Zoning Proposal

Dr. Rick Greenwood from the Historic Preservation and Heritage Commission (RI HPHC) gave a presentation. RIHPHC is a state agency and have nothing to do with town zoning other than technical advice. Basic points:

This is a local zoning matter and would be part of our Zoning Ordinance. A historic district has its own commission which consists of people that are knowledgeable of Historic preservation and also will include residents. Residents that want this are concerned about the character of their town or neighborhood. Change can happen in small steps or great steps and historic zoning is controlling what is appropriate. It does not go into interiors or controlling what color exterior paint is or landscaping. It's up to the town to adopt its own standards. The residents of the Historic District will be eligible for government grants as well as tax credits. Historic District Zoning impacts "character changing" events in historic areas.

Elenor Burgiss - 29 Longfellow Rd. – Not in favor of a local historic district - how many historic districts are in the state right now?

Dr. Greenwood – 16 and they pretty much run themselves. Each town comes up with their own way of doing things. Providence is expanding their historic district.

Mary Pat Ryan – 15 Pricilla – In favor of a local historic district - any implication of being placed on the National Historic district?

Dr. Greenwood - it is a documentation process; its significance would be cataloged and evaluated. If a state or federal project were to occur in the area of the historic district it would require review by the state and then the national park service. The homeowner would be entitled to state historic homeowner tax credits and loans. These are some of the incentives. If DOT or HUD wants to spend federal dollars in your neighborhood it would require review and compliance. One caviot is in the coastal zone there is a degree of review that goes along with that now. They provide technical advice to CRMC. He thinks that lower Shoreby is not within 200 feet of the coast.

Bill Ritter – 30 Whittier Rd. – Not in favor of a local historic district - if less than 75% want it don't try it.

Dr. Greenwood - They want the communities to want it but there is no threshold percentage of approval. In Connecticut it has to be 75% that want it before it will be passed.

Jeff McDonough – In favor of a local historic district - any impact on property values?

Dr. Greenwood - Yes and No. There are studies that say they will increase, real estate people say some want it and some don't. The assumption that it is more valuable but there is no real proof; it could be that most homeowners in historic districts maintain the houses better.

Ken Newman – In favor of a local historic district - of the 16 that exist which would be the most similar to Jamestown?

Dr. Greenwood - Wickford he thinks, the downtown is mixed use. They used this as a tool to keep it the way they wanted it; preserve the character.

Kim McDonough – In favor of a local historic district - how restrictive will it be?

Dr. Greenwood – As restrictive as you want it to be. It depends on the regulations which the Town develops. An addition to the front of house would be an issue. Tour buses would be coming already if they were going to come. More common is local neighborhood groups of house tours.

Joan Swift – 40 Emerson Rd. In favor of a local historic district - how does historic district overlay impact homes that are not historic in the zone?

Dr. Greenwood - When inventory is done it will be clear which homes are historic and are not, and the goal is that they do not introduce elements that would be intrusive to the historic district. Based on the degree to which they introduce inappropriate change.

Mary Pat Ryan – Who does the drafting of the guidelines? Will it be the commissioners of the Historic Commission?

Dr. Greenwood - Some communities hire design consultants to work with them on standards. Input from community. Architects with expertise have an easy guide to rehab available on line.

Norma Walsh – a lot with a grandfathers clause that says it is buildable will that still be buildable?

Dr. Greenwood - That is up to your underlying zoning.

Commissioner Bennett – what variety do you see in the makeup of a historic commission?

Dr. Greenwood - Under their ordinance it is its own commission. They prefer experts, architects, historians, and also the general section of the community needs to be represented, business owner and home owner.

Commissioner Pendlebury – is there an appropriate size for the committee?

Dr. Greenwood - 5-7 he answered to make sure there is a quorum and also they could have alternates. Generally speaking you have one commission and different guidelines for each district.

Commissioner Brown – any estimate on the financial impact on the taxpayers to develop this commission?

Dr. Greenwood – the drafting of the ordinance, consultants to provide models, there will be applications coming in for certificate of appropriateness.

Commissioner Swistak thanked Dr. Greenwood for coming to the meeting.

Town Planner Lisa Bryer said the town is applying for a grant to hire a consultant to study Shoreby Hill for nomination to the National Historic district which is different than local historic zoning. In her opinion it legitimizes the historic quality of an area through detailed research and inventory.

The Town Council has asked for a recommendation from the Planning Commission. The procedure would be the same as zoning. The Planning Commission would draft the ordinance and the Town Council would hold the public hearings.

Commissioner Swistak asked, how long does it take for national designation? A year perhaps. The grant money may be available in October and then by next March it could go to public hearing and submission at the end of next summer.

Don Wineberg – Beavertail Rd. – In favor of a local historic district

Bill Ritter – 30 Whittier Rd – is this only for lower Shoreby Hill? Yes that is correct.

Mary Meagher – Melrose Ave – In favor of a local historic district - she urges the Planning Commission to support this, as a designer she thinks it is important to do this for enhancement and she has worked in historic districts. It is a helpful tool.

Jim Upton 13 Standish Rd – strongly supports historic district status. We all love the character and scale of Shoreby and it helps the business district too in his opinion.

Joe Reale – President of Shoreby Hill - supports the designation, it is being mindful of what Shoreby is and he lives on Pricilla Rd.

Commissioner Swistak said the commission needs to come to consensus of whether or not to support this with a local zoning ordinance for lower Shoreby Hill. Do we adopt a model ordinance to create a completely separate ordinance or go to other end of spectrum through adoption of design guidelines like a TRC that includes the planner, building official and representative from the Planning Commission.

Commissioner Girard said ~~he feels before they move on they make the recommendation and the Town Council will give the Planning Commission further direction. Either for or against first and then they will send it back to the Planning Commission.~~ **that they (the Planning Commission) will make a recommendation either for or against to the Town Council and the Town Council will give them further direction.**

Commissioner Brown – how many in the audience are from lower Shoreby and in favor of this? Only 2 are against it. The majority are for it.

Town Planner Lisa Bryer said in terms of a recommendation it could be more detailed than just for or against. You could also give the Town Council guidance on how to proceed, such as just reworking our existing zoning and adding some design guidelines or creating a historic overlay district with special guidelines or the creation of a separate historic district with its own commission.

Commissioner Bennett – yes she is in favor of a historic district for lower Shoreby Hill but also lets get more information.

Commissioner Ventrone – Yes in favor of historic district.

Commissioner Pendlebury – how does the ownership structure work in terms of Shoreby Hill green?

Joe Reale – lower Shoreby has been around for 110 years and they have bylaws, they own certain areas, roads, the traffic triangles they do not as a group own the top field but 5 homeowners do. Development rights are deeded to The Land Trust. The lower green is commonly owned by Shoreby residents.

Jody Lexow - Hawthorne Rd. - does not necessarily oppose this but initially the neighbors would have a big say in the future of their neighborhood she wants the residents to be involved and participate in this proposal. If this was recommended and approved and strongly felt by members from lower Shoreby would they be part of the committee to establish the guidelines so they have a say.

Commissioner Ventrone made a motion to recommend to the town council approval of the lower Shoreby Hill historic district. Commissioner Girard seconded the motion. So unanimously voted.

So voted:

Gary Girard – Aye

Richard Ventrone - Aye

Jean Brown – Aye

Duncan Pendlebury - Aye

Nancy Bennett – Aye

Michael Swistak – Aye

Motion carries 6-0

3. Zoning Update Discussion

Commissioner Brown left the meeting at 9:15 p.m.

Town Planner Lisa Bryer said the focus tonight will be on TRC. At the last meeting there was a question about the TRC and how it operates. A section entitled TRC was developed for your review. The TRC has always consisted of the Town Planner, Public Works Director, Town Engineer and Zoning Official. 1 member of the Planning Commission will be a member on a rotating basis. She reviewed the proposal and the Planning Commission discussed it.

Commissioner Swistak asked if this will be a burden on town staff? Chairing meetings posting agendas and doing the minutes is extra work on the Planning Office and all members are currently involved in application review, but on a more informal basis. In the long run it will expedite the process.

Commissioner Ventrone would like to see enforcement under the Town Planner in his opinion. Commissioner Ventrone recognizes that the building official is over worked and should not be responsible for enforcement. This has to be a recommendation to the Town Council and the Town Administrator is responsible for personnel.

Commissioner Girard said the purpose of this was to streamline the process.

Commissioner Bennett said we need to establish thresholds for what comes to the Planning Commission. She feels everything needs to come to the Planning Commission as a public process.

The Planner stated that if you're in compliance with the standards laid out in zoning for the special development district then there is nothing you are going to need to discuss. Commissioner Swistak asked, is the TRC the final decision? It could be but not necessarily; the Planning Commission can decide if they want last crack at it. Most every board has an appeal process. The abutters can appeal a decision now and will be able to with the TRC process too.

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The status of the Zoning Ordinance revisions was discussed. Town Planner Lisa Bryer informed the Planning Commission that we do not have comments from the solicitor and we may lose the majority of the Town Council and Planning Commission members by December.

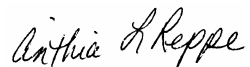
A motion was made by Commissioner Swistak and seconded by Commissioner Girard to request the Town Planner Lisa Bryer to contact the Solicitor in writing to ask for a target date of when his review will be completed so they can review his comments and send the draft to the Town Council for public hearings and adoption.

So unanimously voted.

VI. **New Business** - nothing at this time

A motion to adjourn was made by Commissioner Ventrone and seconded by Commissioner Girard at 9:45 p.m. So unanimously voted.

Attest:



Cinthia Reppe
Planning Assistant

This meeting was digitally recorded