

Approved As Amended 9-16-09
PLANNING COMMISSION MINUTES
September 2, 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 Barry Holland
Duncan Pendlebury Michael Smith
Richard Ventrone Michael Swistak

Not present:
Nancy Bennett

Also present:
Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
Wyatt Brochu – Town Solicitor
Alan Andrade –RIAC Vice President of Operations and Maintenance

I. Approval of Minutes August 19, 2009

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

II. Correspondence

1. FYI – Administrative Subdivision Approval – A. Lonardo, 137 Hamilton Ave Plat 9 Lots 685 & 696.Received

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
 - b. Fort Getty – meeting Thursday the 10th at 9:00 am
 - c. Buildings and Facilities
 - d. Tree Preservation and Protection
 - e. Affordable Housing Committee
 - f. Wind Energy
 - g. North Rd. Bike Path Committee – met today they are finalizing the proposed alignment of the bike path they will go to the Town Council in October
4. Sub Committees

V. Old Business

1. Heliports – Rhode Island Airport Corporation – Presentation regarding RIAC’s role as aeronautical regulator

Commissioner Swistak gave a brief synopsis of the Planning Commission’s past discussions relating to Heliport’s and the Planning Commissions desire to prohibit Heliports in Jamestown. The Planning Commission voted on at the February 4, 2009 meeting in favor of prohibiting heliports.

Alan Andrade from RIAC will be giving an introduction of RIAC’s role as regulators for the state. Their role is Safety, health and quality of life too, in addition to enhancing the aviation in the country. There are 35 landing fields in the state of RI. The majority are hardly used airfields that still have to be inspected and regulated.

A land owner must have a safety plan, which is as simple as having a fire extinguisher in some cases. The applicant must coordinate with the police and fire departments within the town. It must be daytime to take off and land, sunrise to sunset only and visually clear. They limit the number of landings, 10 per month. RIAC prefers approaches over the water. The FAA is much more lenient. RIAC is much more restrictive. Most of the private landing strips are very limited throughout the state and any complaints are handled immediately.

Commissioner Smith - Does RIAC have the jurisdiction to regulate in the state and town?

Andrade - Regardless of what RIAC says the town ordinance supercedes their decision. They like to work together with town.

Commissioner Ventrone - is it necessary or critical to land into the wind?

Andrade - If there are restrictions they can land with the wind which can be a bit tricky. He explained some landings related to helicopters.

Commissioner Pendlebury – Does a helistop have fuel facilities and have any towns in the state effectively prohibited landing with zoning?

Andrade – No fueling and to his knowledge there have not been any helistops prevented through zoning.

Commissioner Holland –what if someone wants to use it on a daily basis? Can they ask for more than just the 10 landings per month?

Andrade - They have to file and ask the FAA who allows more than the state, as of right now they do not have anyone that has applied for more.

Smith – does that mean they cannot refuel there or we just don’t have any in the state?

Andrade - They would have to bring in a safety plan and everything must be signed by permitting agencies.

Commissioner Swistak - Are abutters consulted?

Andrade – It is the applicant’s responsibility to contact all involved.

Swistak - If someone submits an application is it public record?

Wyatt Brochu – Town Solicitor - is there any kind of hearing or notification to the public prior to approval?

Andrade - No as of now it is a closed hearing.

Wyatt Brochu – What kind of local approval do you require? Do they have to get a zoning certificate?

Andrade – not sure, he has to check into this. It is the applicant's responsibility.

Swistak – how have helicopters landed in Jamestown if it has not been permitted.

Andrade - They have to get permission even for a 1 time landing in the state of RI. Insurance companies have to be contacted by the property owners.

At this time in Jamestown there are 2 approved helistops and 2 requested. He believes the Police and Fire departments have been notified.

Holland - how long have the 2 been approved?

Andrade - he does not know but he believes over a year.

Mr. Brochu wants to know if they contacted Jamestown zoning as far as evidence and being in compliance with zoning. Is the agreement or approval conditioned upon zoning? Andrade - They leave that to the property owner.

Mr. Brochu asked if Jamestown prohibits the use then what happens to the existing approvals? If a non compliance letter is issued then what does RIAC do?

Andrade - There seems to be a disconnect right now in the way things are handled he is speculating, It is the land owners responsibility to notify. Mr. Brochu would like a copy of all approvals sent to his office.

Ventrone – nothing in the zoning ordinance that specifically prohibits it right now.

Brochu said it is not identified as a use so the ordinance says any use not identified is not allowed right now. Mr. Brown is of the opinion that it does not fit into any of the identified uses right now. His review of the ordinance says it is not an allowed use.

Commissioner Girard wants to know why are there 2 permitted right now then.

Smith – has there been any landings in Jamestown? Is this an on going thing? Are they being used?

Andrade - says they are used on a very limited basis and does not know the locations.

Pendlebury – he knows of 1 landing.

Ventrone – are they legal? In Zoning ordinance it is not listed as a permitted use so accordingly the building official states they are not allowed.

Brochu - If nothing has landed then there is no violation.

Girard - asked RIAC if you are not required to get approval from the town right now, why couldn't you change your regulations? How can we work this out to bring it together with town approval first then state approval; a simple language change.

Leon Goldstein - Beavertail Rd.– is RIAC a private corporation? They are part of the Economic Development Corporation and they are a quasi state agency.

Brochu has requested that RIAC send the current approvals that are in place to his office. What are the conditions, restrictions etc. What are the operations approved for?

Girard - thinks RIAC should notify the town.

Smith – before we table this, are there any zones in Jamestown where this would not be an issue?
Brochu – it’s important for the board to identify what they are trying to accomplish? Is it the generic issue of helistops?

Commissioner Swistak updated Commissioner Smith on where we stand on this issue as a Planning Commission and a draft ordinance has been prepared. It could be a problem bigger than the Planning Commission and maybe even zoning.

Commissioner Holland – it came to light that the Town Solicitor said it is already prohibited.

Leon Goldstein – he thinks we are giving RIAC too much authority to decide this, it is up to the town to do this and he thinks it goes without saying that our town’s rules and regulations supercede what RIAC does.

Ventrone - when this came up it was pretty evident that the people did not want any heliports or helistops in Jamestown. If **heliports are illegal** ~~they cannot do it as it stands right now~~ then why even make a policy to propose an amendment to council or something further in the ordinance. Do we regulate this issue? Brochu says our current use table already does.

A discussion ensued regarding sending a letter to RIAC from the town that states this is a violation in our zoning ordinance. If fire and police get these things they need to inform the town.

Lisa Bryer suggested the town should send correspondence to RIAC that says it is not allowed

Commissioner Swistak thinks the Planning Commission needs to send a note to the Town Administrator and the Town Council saying this is a huge problem that needs to be addressed immediately, they recommend no heliports or stops.

Commissioner Girard made the motion and Commissioner Ventrone seconded the motion. So unanimously voted.

Town Planner Lisa Bryer said we should listen to the solicitor’s advice as to how it should be done.

Commissioner Holland **stated** the current use is prohibited. If you don’t want to know the answer to the question than don’t ask. Are we so concerned about this issue that we want words in the ordinance to make it a stronger negative. Mr. Brochu says it’s a policy decision.

2. Zoning Update Discussion - Continued

Commissioner Swistak said at the last meeting we discussed maximum lot width. The proposed numbers could create a large number of preexisting non conforming lots. Creating non conforming lots does not seem to be good planning practice. One option would be to increase the maximum to the largest number we have. Could we possibly leave the maximum what it is now but with the understanding that we have lots already now bigger than the maximum and grandfather it with a footnote?

Commissioner Smith strongly disagrees with this concept because it will not allow lots to be combined to make a larger lot in most cases without requiring a zoning variance. In CL he thinks the lots should not have a limit as to frontage. He thinks it should be a much larger number like for instance 210 or more feet which would not allow a Wal-Mart or Big Box store. You have never had to go before a board before to combine lots previously he said.

Commissioner Ventrone stated we hired experts that came up with what the people of Jamestown wanted through the Charette process. **I believe we should do what the citizens of Jamestown requested.** ~~He wants to see it just the way it is.~~

Commissioner Smith what about the people that have been paying the taxes all these years? This is not good planning in his opinion. Smith brought up parking and you cannot meet the parking requirements if we do these maximum frontages. There were several people not there at the charrette that are very interested in the way the town's future is perceived. No maximum lot width is what Smith wants.

Goal was to make it easier for the process and adding footnotes to exempt existing lots does not make it easier. Should we change the table to reflect the largest lot in each district?

Commissioner Smith thinks that it should be by right and you should not have to go to the Planning Commission for several meetings for approval.

Town Planner Lisa Bryer reminded the Commission that lot width is just one of the standards.

Commissioner Smith said there is a difference in combining lots and placing a house on them. Right now he can buy his neighbors lot without having to go to planning, but if we change the ordinance he cannot. The Post Office cannot expand onto his lot without going to Planning or Zoning if this goes through. He was told that if you are moving a lot line on the assessors map you have to go to the planner today.

If you want to change things now you have to come to the Planning Commission. Commissioner Swistak asked how many are in favor of increasing the lot widths to what the max is right now. No one raised their hands

Pendlebury - He felt the Charrette session he was at was a spirited conversation of what people wanted to see to maintain the character of the town. We need to have big ears and little mouths and listen to what the people have to say and honor it. Some things will change and not everyone will be happy with it, the majority did come and did voice their opinion. He fully supports the maximum lot dimensions in CL and CD. It is important to remember and he deals with issues such as this all the time in different towns and cities. It is not uncommon. People have an opportunity to say we do or do not want it. It is the job of the professionals and the property owners to work together to make it work. This is part of the process, it may make it more difficult but it is part of the process.

Holland -He supports the maximum.

Lisa Bryer suggested that existing lots that exceed the lot width as of the date of the ordinance approval may be considered by the Planning Commission during the process of development

review. In other words, it would not be prohibited and would not require a zoning variance it would be handled at the Planning Commission instead of on the consent agenda and come into play during the development of the property.

It was suggested by the Chair that the Planning Commission go with what is currently written and take the planners recommendation as a compromise.

The Planner stated that the way it is currently drafted it is a dimensional variance. She suggested putting an asterisk next to dimension that states existing lots that exist as of this date (adopted) that exceed the maximum are not non-conforming.

Commissioner Ventrone made the motion Commissioner Girard seconded motion to accept the maximum lot width the way it is now drafted.

So voted:

Gary Girard - Aye	Barry Holland - Aye
Duncan Pendlebury - Aye	Michael Smith – Aye Nay
Richard Ventrone - Aye	Michael Swistak – Nay Aye

Motion carries 5-1

A motion was made by Commissioner Ventrone and seconded by Commissioner Girard to add a footnote in the ordinance so that existing lots outside of the maximum lot width are not “non-conforming”.


So voted:

Gary Girard - Aye	Barry Holland - Aye
Duncan Pendlebury - Aye	Michael Smith - Abstain
Richard Ventrone - Aye	Michael Swistak – Aye

Motion carries 5-1 Abstention

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

Attest:


Cynthia Reppe
Planning Assistant

This meeting was digitally recorded