

Approved As Amended 1-6-10
PLANNING COMMISSION MINUTES
December 16, 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:

Nancy Bennett	Gary Girard
Barry Holland	Duncan Pendlebury
Michael Smith	Michael Swistak

Not present:
Richard Ventrone

Also present:
Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
Wyatt Brochu – Town Solicitor
John Murphy – Attorney
John Lawless – Engineer Whale Rock Engineering
Julia Gerald - Architect
Mark & Jeanne Girard

I. Approval of Minutes December 2, 2009

A motion was made by Commissioner Girard and seconded by Commissioner Pendlebury to accept the minutes as amended:

Page 2 -1st paragraph, 3rd sentence – The fee **total of** \$662,771.00 which is Fair Market Value per acre **based on the Subdivision Regulation methodology.**

Page 2 – 1st paragraph, 7, 8 & 9th sentences - Mr. Andrews' appraisal is **\$325,000** per acre. Ken Gray said the assessment is **\$423,022** for the land. The house on the property is assessed at **\$223,800**. The sales price for the property was **\$575,000**. Mr Andrews is suggesting a value of **\$374,000**.

II. Correspondence

1. FYI – Resolution from the Town Council – Temporary Moratorium

III. Citizen's Non Agenda Item

IV. Reports

1. Town Planner's Report
2. Chairpersons report
3. Town Committees

- a. Harbor – The abutters had a long list of issues but the only thing on the list that was a planning issue was parking and that is up to the police department. If it needs to come to planning we will be instructed from the Town Council.
 - b. Fort Getty – meeting again tomorrow morning
 - c. Buildings and Facilities – working on finalizing the report for presentation for presentation to the Town Council
 - d. Tree Preservation and Protection
 - e. Affordable Housing Committee
 - f. Wind Energy
 - g. North Rd. Bike Path Committee
4. Sub Committees

V. Old Business

1. Zoning Ordinance Amendment related to Duplex/Multi Family Dwelling

This agenda item will be taken after New Business.

VI. New Business

1. Mark and Jeanne Girard-7 Bark Ave. –Plat 16 Lot 26– Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table – Impervious Overlay District – Recommendation to the Zoning Board

Commissioner Girard recused himself and left the table.

Attorney John Murphy made a presentation to the Planning Commission on behalf of Mark and Jeanne Girard. The property has been in the family since the 1950's and they would like to retire in Jamestown on this property.

He introduced Julia Gerald, architect and John Lawless, engineer are part of the team. He noted that this house is well within the parameter of the houses in the neighborhood. John Lawless, a registered professional engineer in the state of Rhode Island was introduced.

A motion was made by Commissioner Holland and seconded by Commissioner Bennett to accept Mr. Lawless as an expert witness, a professional engineer. So unanimously voted.

Mr. Lawless described the existing conditions and proposed conditions. Currently there is a single family 3 bedroom house which was constructed back in the 40's. The property is 17,220 sq ft. He explained the slope and dimensions. The current footprint is 6.25% lot coverage. It is served by a conventional septic system installed in 1981. The well is located under the existing dwelling right now and is located in close proximity to the septic system.

They want to demolish the existing home, remove the shed and construct a new dwelling centrally located on the property. Total footprint will be 1686 sq. ft. of impervious surface which is 9.79% of the lot area. The new OWTS which they have approval for is an Advance treatment septic system. A new well will be drilled which will meet the required setbacks. The stormwater calculations and proposed storage has been reviewed by Justin Jobin and the engineering department.

A small amount of fill is proposed. Attorney John Murphy asked Mr. Lawless if the site revisions were reviewed by Justin Jobin and Michael Gray. Yes they were and with their comments Mr. Lawless made some revisions dated Dec 10th 2009. They approved what Mr. Lawless is proposing for engineering. This application meets all the requirements of the high groundwater table ordinance.

Commissioner Bennett asked how does the water get from the roof of the house to the water retention? From the gutters, downspouts and piping she was answered. Commissioner Holland wants an explanation of the same area Commissioner Bennett was talking about, he said the existing plan shows that you are digging out an area from the new house to the existing, why did you not just smooth it out? Mr. Lawless said working from the proposed floor elevation outside it needs to be 9 inches lower so the grade outside is set at 100.5. In order to drain the stormwater away from the house this is what he had to do.

Commissioner Smith asked Mr. Lawless “is this an improvement to the property?” Yes it is; this design is mitigating the increase in runoff due to the proposed conditions. It is no worse than the existing conditions. The proposed ISDS is definitely an improvement of the current ISDS.

Commissioner Pendlebury asked if they included the covered porch as part of the pervious calculation? Mr. Lawless stated that it is 120 sq ft and per the HGWTO it is exempt if on a pier foundation. Is the pervious surface included in the calculations? Mr. Lawless believes it is not. Bryer that exemption is generally applied to someone putting in 120 sq ft. separate structure. She will ask Fred Brown and Justin Jobin if they were aware of this exemption. The Planning Commission should bring it to the attention of the zoning board. Fred Brown has met with Justin Jobin on this application.

No more impervious area would be permitted in the future.

Attorney Murphy asked Lawless in terms of the ability of the stormwater retention pond and the pervious driveway is there adequate treatment area to handle it. Yes absolutely Mr. Lawless said. 2 driveways will be able to accommodate the 120 sq. ft area of covered porch.

Commissioner Swistak asked what kind of life expectancy will this stormwater system have? In terms of maintenance nothing will need to be done. Nothing will compromise the system.

Attorney John Murphy introduced Julia Gerald – registered architect in the state of Rhode Island. Commissioner Smith made a motion that was seconded by Commissioner Holland to accept Ms. Gerald as an expert witness. So unanimously voted.

Ms. Gerald stated they designed the house with maximum views and the size is consistent with houses in the neighborhood.

Attorney John Murphy asked Ms. Gerald if she is asking the Planning Commission to recommend approval to the zoning board? Yes she is.

Commissioner Swistak said the motion is a recommendation to the Zoning Board for potential approval with Findings of Fact and Conditions for approval to be developed for the motion.

The Commission discussed that any additional impervious surface must conform to the 10% in the ordinance including driveways. Also note that the 120 sq ft exemption was already taken with this application.

Include condition that any additional improvements must comply with the 10% lot coverage in the HGWTO.

A motion was made by Commissioner Swistak and seconded by Commissioner Holland to recommend approval to the Zoning Board for the application by Mark and Jeanne Girard, 7 Bark Ave. Plat 16, Lot 26 – Zoning Ordinance Section 314 Sub District A Review, High Groundwater Table – Impervious Overlay District with the following Findings of Fact and recommended Conditions of Approval

Findings of Fact:

1. It has been reviewed by the Town Engineer and Environmental Scientist and found to be in compliance with the High Groundwater and Impervious Layer Overlay District regulations.
2. The Stormwater retention on site is an improvement over existing conditions.
3. The OWTS is an improvement over the current condition.
4. This lot is an oversized lot as compared to the average lot in the Jamestown Shores.
5. The 120 sq ft covered porch on Westside of the house has been exempted from the impervious cover calculation per Section 82-314 B5.

Conditions of Approval:

1. Any additional improvements or additions to impervious surface lot coverage must comply to the 10% limit for this lot as specified in the ordinance.
2. The well will be located as noted in drawing L1 of the Whale Rock Engineering Plan as opposed to the JAG design site plan.
3. An exemption of 120 sq ft per Findings of Fact has been utilized with this application.

Attorney John Murphy stated that there is no limitation on the number of 120 ft exemptions in the ordinance. Town solicitor Wyatt Brochu said the language does not state a limit but as a matter of practice the town has used a 1 time exemption. This will be under the purview of the zoning enforcement officer.

So voted:

Nancy Bennett - Aye

Barry Holland - Aye

Michael Smith - Aye

Duncan Pendlebury - Aye

Michael Swistak - Aye

Motion carries by a vote of 5-0

Commissioner Girard returns to the table.

1. Zoning Ordinance Amendment related to Duplex/Multi Family Dwelling

Lisa Bryer, Town Planner read her recommendation **from** her report **dated December 11, 2009.**

Commissioner Swistak said we need to just put back into the new zoning ordinance that which was inadvertently left out, we do not want to make too many changes. Commissioner Smith said it has to make sense to people when they read it.

Commissioner Holland stated that looking at the new map of the downtown area in the Comprehensive Community Plan and the Affordable Housing Plan the only place for big A is in the downtown district. It was discussed in the plan that having town water and sewer is preferable.

Lisa Bryer stated that Commissioner Holland is correct and multi family will serve as big A since anything over 4 units will be subject to the recently adopted inclusionary zoning – Article 17. Commissioner Holland’s point is it was discussed during the affordable housing plan to have affordable housing, including multi family in R-20 and allowing it in only lots over 200,000 square feet will not achieve any units. It is mandated to have the 10% and we are putting this off down the road by not addressing this.


A discussion ensued regarding identifying on a map as to where the potential lots are and the different sizes in the R-20.

Commissioner Pendlebury rather than look at lots available in town today what we are faced with is doing something with common sense, look at a model of what that means in zoning, is this consistent with the character of the village? Creating apartments from a larger home. There are lots of unique circumstances. We should be looking at ~~developed~~ **potential** lots as well, not just vacant lots.

Commissioner Bennett asked if we have money for a consultant to look at the different possibilities for affordable housing in R-20. She wants it on the table and included in the budget.

A motion to adjourn at 9:25 p.m. was made by Commissioner Girard and seconded by Commissioner Holland. So unanimously voted.

Attest:



Cinthia L. Reppe
Planning Assistant

This meeting was digitally recorded