

Approved As Amended 1-19-11  
PLANNING COMMISSION MINUTES  
January 5, 2011  
**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:

Michael Swistak -Chair	Duncan Pendlebury – Vice Chair
Dan Lilly - Secretary	Rosemary Enright
Susan Little	Richard Lynn
Michael Smith	

Also present:

Lisa Bryer, AICP – Town Planner  
Cinthia Reppe – Planning Assistant  
Wyatt Brochu – Town Solicitor  
John Murphy – Attorney  
Michael Darveau – Darveau & Associates  
William Kelly

#### **I. Approval of Minutes December 15, 2010**

A motion was made by Commissioner Pendlebury and seconded by Commissioner Lilly to accept the minutes with the following change:

Page 2 - The Harbor Plan and Ordinance should ~~to~~ emphasize the need for commercial fishing, aquaculture, goods and services for the needs of the community.

#### **II. Correspondence**

1. CRMC– Norman & Jocelyn Bernson – 80 Avalon Rd. Newton Ma 02468 - Residential Assent; to construct and maintain a residential boating facility consisting of a 4’x218’ fixed timber pier, ramp, and 8’x18’ float. Located at 24 Bridge View Dr., Jamestown RI Plat 2 Lot 89. Received
2. FYI – Memo to Town Council from Planning Commission Re: Review of Comprehensive harbor Management Plan and Ordinance. Received

Commissioner Swistak stated the Commission has received three letters from abutters and other citizens related to the public hearing tonight. The applicant has also submitted a new set of plans related to the public hearing tonight.

#### **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 – The Town Council held a workshop on Monday January 3<sup>rd</sup>. A general discussion on changes was the topic and they will schedule a public hearing possibly at next town council meeting.
  - b. Buildings and Facilities
  - c. Affordable Housing Committee
  - d. North Rd. Bike Path Committee
4. Sub Committees

### **PUBLIC HEARING**

Stephen Evangelista – 4 lot Subdivision with waivers and variances requested for frontage and access–Plat 4 Lots 9 & 37 – East Shore Rd. –  
Master Plan/Preliminary Review

Commissioner Swistak wanted Town Planner Lisa Bryer to bring the commission and audience up to date on this application. At the last meeting the Planning Commission voted to reassign this application to major review. They voted to hold the Master Plan/Preliminary hearing upon complete application. There have been several meetings with the Technical Review Committee and Michael Darveau regarding this application.

Commissioner Pendlebury recused and the left table.

Attorney John Murphy representing Stephen Evangelista whose property is a little over 9 acres of land with frontage on East Shore Rd. He is capable of subdividing into 4 lots. Attorney Murphy gave a background on this application. Following the submission of the original application a TRC meeting was held. The TRC, with Fred Brown, Richard Lynn, Lisa Bryer and Michael Darveau in attendance recommended denial of the subdivision due to the private driveway access.

The applicants presented another plan tonight based on the input. With a private road Attorney Murphy stated that this will now meet the standards of the zoning ordinance. The applicant was trying to keep it more rural. Michael Darveau, Land Surveyor will make a presentation on the revised plan that was submitted tonight. Mr. Murphy stated that it can either be a public or private road the way it is designed now.

Commissioner Swistak asked a question. Does this reinforce that the driveway version is off the table? They are not going forward with the driveway version unless the planning commission says this is what they want. They will either have a private or public road. A discussion ensued whether it needs to be re-advertised. Mr. Murphy stated that they are asking for less so he did not think it needed to be re-advertised. Town Solicitor Wyatt Brochu said the substance is the same, the access via private road or public road. If the applicant was asking for greater relief or expansion, then he would recommend re notice. He leaves this up to the applicant as whether to re-advertise. They will not go forward tonight with a vote because they need time to look at the new plan submitted tonight. In addition the public needs time to review the new plan.

Michael Darveau, Land Surveyor from Darveau and Associates who has been previously sworn in as a expert witness presented the plan to the Commission and the audience. The new private roadways will have a gravel surface 18 feet wide they will have a 30 foot right of way. A processed gravel roadway with a cul de sac is being proposed. Typically there is a 50 ft radius. Every property in the subdivision will have an individual septic system.

A statement was made that private roads ~~t~~do not need waivers and the Town Planner clarified to say that since private roads are authorized but no standards are given and only public road standards are provided in the ordinance; if they vary from the standards listed in the ordinance then they need a waiver.

Commissioner Lynn asked if anything had changed on parcel 3 or 4. Commissioner Lilly asked "do the drawings as submitted comply with the town regulations?" The Planner stated that the regulations state that a minor subdivision with 3-5 lots requires a 40-44 foot right of way width. Therefore a 30 foot R.O.W. Solicitor Brochu stated that a waiver would be needed.

Commissioner Smith wants the TRC input. Mr. Darveau said a plan with a 40 foot wide road would require the lots to be configured differently.

Commissioner Swistak asked if there is anyone here to address the commission. He is asking the commission to accept the letters and make them part of the record. A motion was made by Commissioner Smith and seconded by Commissioner Lilly to make the following 3 letters part of the record as submitted by:

Mr. and Mrs. Nickolson, East Shore Rd., Mr. & Mrs. Kelly Reservoir Circle et. al. and Susie Pendlebury East Shore Rd. So unanimously voted.

William Kelly 76 Reservoir Circle Jamestown RI. He read the letter that was signed by many other neighbors. He thinks this is opposite of what the Comprehensive Community Plan says about preserving the rural character of Jamestown.

Commissioner Swistak wants input from the Town Planner as to whether we should continue the hearing with new plans, she feels sending this to the TRC is the proper way to proceed. This would require continuing the hearing.

Commissioner Lilly would like the TRC to focus on only access issues since that is what has changed.

A motion was made by Commissioner Lilly and seconded by Commissioner Enright to refer the revised plan submitted by the applicant tonight from a driveway to a private road to the TRC (Technical Review Committee) at the earliest possible convenience. So unanimously voted.

Commissioner Smith made a motion that was seconded by Commissioner Enright to continue the Public Hearing to February 2<sup>nd</sup>, 2011. So unanimously voted.

Attorney Murphy will send out a letter giving notice to abutters that the hearing is continued. The applicant was told to make sure that they have any or all options included in packet so the Planning Commission has ample time to review before the meeting.

Attorney Murphy asked if commission wants to send any feedback at this time to the applicant. The hearing will have to be re-opened for this. A motion was made by Commissioner Smith and seconded by Commissioner Little to re-open the hearing. It is noted that between the closing of the hearing and the re-opening no person has left the room.

Commissioner Smith wants input from the TRC on what their feeling is on the road; should it be paved, 30 or 40 feet wide, and also wants fire dept. input. He does not want to reconfigure the lots.

Commissioner Enright said let's not tie the TRC's hands, let them look at the whole plan again if needed.

Commissioner Lynn – look at parcel 3 & 4 did not configure on previous plan but looks like they do now.

Commissioner Swistak – will Mr. Brochu's office give input on the Maintenance agreement? Mr. Brochu answered yes he can now since it is a private road but the documents will need to be revised to reflect that.

Ms. Bryer said the application just submitted tonight that is before the commission right now is for a private road, that is what the TRC will be reviewing; you do not have to follow the TRC recommendation. If the TRC is recommending public then it has to be backed up with specific facts.

A Motion was made by Commissioner Enright and seconded by Commissioner Smith to continue the Public Hearing to Feb 2<sup>nd</sup> 2011. So unanimously voted.

V. **Old Business** – nothing at this time

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

A motion to adjourn the meeting at 8:35 p.m. was made by Commissioner Lilly and seconded by Commissioner Smith. So unanimously voted.

Attest:



Cynthia L. Reppe  
Planning Assistant

*This meeting was digitally recorded.*