

Approved As Written 12-7-11
PLANNING COMMISSION MINUTES
November 16, 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
Rosemary Enright	Michael Jacquard
Richard Lynn	Michael Smith

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
Wyatt Brochu – Town Solicitor
John Murphy – Attorney
Michael Darveau – Professional Land Surveyor – Darveau Land Surveying Inc.
Christian Belden – Church Community Housing Corporation – Project Coordinator for Bridges
Stephanie Zurek – Architect – Donald Powers Architects
Douglas Kallfelz – Principal - Architect – Donald Powers Architects
Jim and Lisa Rafferty – Bridges Inc.

I. Approval of Minutes November 2, 2011

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

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
 - b. Buildings and Facilities
Commissioner Pendlebury reported the committee met this evening to discuss the future of the Golf Course building since the Town Council has given them a new charge.
 - c. Affordable Housing Committee
 - d. North Rd. Bike Path Committee
Town Planner Lisa Bryer reported there was a Bike Path meeting this week.

4. Sub Committees

Commissioners Swistak and Smith recused themselves from this issue and leave the table.

PUBLIC HEARING

Bridges Inc. – Comprehensive Permit application for 5 Affordable Housing units – 2 Hammett Ct. – Plat 9 Lot 183

Commissioner Duncan Pendlebury, Vice Chair opened the Public Hearing.

Attorney John Murphy representing Bridges Inc. a non- profit 501 3(c) organization opened up the presentation and reviewed the project on behalf of Bridges Inc. This is a comprehensive permit since they are seeking to build 5 affordable units. Bridges provides work opportunities and teach life skills assistance to their clients; the developmentally disabled. These units will be for their clients who are able to live independently. He introduced the team consisting of architects Stephanie Zurek and Douglas Kallfelz from Donald Powers Architects, Michael Darveau, Professional Land Surveyor, Christian Belden from Church Community Housing Corporation project coordinator for Bridges. CCHC is the manager for the affordable housing project. Jim and Lisa Rafferty are principals for the project. The team will give their credentials for expertise when they each present.

Attorney John Murphy wants to briefly touch base on an issue discussed at the Technical Review Committee. This project will meet the legal standard and will not increase the flow of drainage but will mitigate some of the current issues. They had the team analyze Bridges parking needs and 30 spaces are more than adequate for their needs. The legal requirement is for 41 spaces they are asking for 11 less than the requirement. This decision was based on what Bridges needs will be and they want to keep the site as green as possible so they are removing some of the impervious area on site. If at a later date they determine they needed additional parking they can provide that at that time. The town's fire marshal did not recommend sprinklers for the inside of the building but the Building Inspector Fred Brown might make a different determination based on the state building code and if that is the case Bridges will comply with that. They have received Board of Water and Sewer Commissioners approval.

Mr. Murphy introduced Stephanie Zurek. She is an Architect and has been at Donald Powers for 6 ½ years. The Commission voted "all in favor" to accept her as an expert witness. She described the 5 units. She described the site with all the plantings and buffers and drainage areas. North of site they have dedicated green space for a park. Their intention is keeping the site as green as possible. She explained the parking which was divided into two categories, based on staffing and tenants. They have provided dedicated spaces for van parking. A detailed analysis of the existing building was done with regards to parking. She went through the calculations of parking spaces in detail. They have provided 30 spaces on site and feel it meets their needs completely. Questions will be held until after.

Michael Darveau licensed land surveyor in RI has been accepted as an expert witness before this board previously. He explained the site in detail. Currently there are 3 drainage flows he explained how it flows and about 27,000 square feet of impervious surface. When they looked at the site to make improvements they considered reducing the amount of flow on abutting

properties, to reduce it they had to reduce the amount of impervious area along the back of building. There will be 15% less pavement even including the new building. It will be reduced by over 4000 sq ft. They have rerouted the flow around the building and they have created a rain garden. The town has put a berm on Howland Ave that has helped a lot. This will reduce the steady flow of water and it will be captured into the landscaped areas. Mr. Darveau described in detail all of the drainage. A new water line that will be increased from a 1 inch to 2 inch line and the sewer will also be connected through the existing building to the new building.

Mr. Murphy wants to emphasize this will help Jamestown meet their 10% objective mandated by the state. This is an affordable housing project.

Lisa Rafferty said there is a significant number of kids in Jamestown with developmental issues. This will enable them to live near their families.

Commissioner Pendlebury wants comments from the Planning Commissioners first.

Commissioner Enright asked a question about parking spaces 12-15 are they back to back? Douglas Kallfelz explained how they are used.

Commissioner Lynn commented, the TRC felt that reasonable measures were taken.

Commissioner Pendlebury asked Mr. Darveau if the stormwater drainage he is proposing meets the requirements? Yes said Mr. Darveau.

Town Planner Lisa Bryer gave a brief explanation of the Comprehensive permit process for affordable housing. This is a permitted use for this district. The Planning Commission is the board responsible for approving or denying Comprehensive Permit applications. The intent of the ordinance is to streamline the process. She anticipates after the testimony is given and deliberations the commission will then make some conditions of approval and the required findings of fact by state law. At the end of the evening we will continue the public hearing until the next meeting to go over the draft motion that she will prepare based on the discussions tonight.

The Vice Chair opened up the discussion to the audience.

Gary Girard – 35 Seaside Dr. – has appreciation for what the commission is going through. A member of his family is an abutter. He is concerned with the overall mass and size of the building. In fairness to the abutters they should be concerned with the size, mass and density. If this were being done by a regular citizen and not affordable housing it is too big. He thinks that we have been having several 10 year storms a year now. Mr. Darveau said a 10 year storm produces 4.9 inches of water in a 24 hour period.

Commissioner Pendlebury – this is a comprehensive permit and they are requesting waivers. He asked the architects if they wanted to comment on the size of the building since they were involved with our charette and special village district?

John Murphy – his building is in the same neighborhood his lot is 4000 sq ft and has a very big structure on it. This is a good proposal a good mixed use lot.

Douglas Kallfelz – at some point in any village you transition from commercial to residential, this lot is in a perfect place to transition from commercial to residential. The architecture will help the transition which currently is an open lot. The treatment on the front of the building could also be applied to the rear which might take away from the mass.

Christian Belden – rear of house is a buffer visually from the neighbors perspective they probably won't even see the first floor.

Jackie DiAuria - 19 Howland Ave – currently when she looks out she sees trees if this building goes in it will be 1 foot from her back fence she will be looking at a building, if she wants to build a guest house or a garage apt that's what the view will be.

Ann Livingston - 13 Howland - abuts this property she is supportive of it; the design is attractive and appropriate for the neighborhood. This is an excellent transitional project. Multi-family and commercial is appropriate for the village.

John Bush - 39 Walcott - shares concern for mass but he is concerned with future use are we locked into long term affordable or could it be put on the market?

John Murphy – the same as any zoning Bridges is a 501 C3 it is likely that this will be there longer than we will, but no guarantees. Financing carries a requirement of thresholds funding with a 30 year minimum for affordable housing, targeted for developmentally disabled. This will be recorded with the deed.

Gary Girard – his concern is the original block grant is federal money, if bridges decides to relocate will this just go to any affordable housing. This is going to be owned and operated by Bridges they are pursuing funding that is specific to developmentally disabled individuals. This funding restricts all of the clients to having this requirement.

James Wright - 24 Clinton – all projects start with great intention he is worried about the scope and size his concern is what happens in 5-10 years if the funding stops.

Commissioner Pendlebury this will have to come before a public review process for any change in use. He agrees it should be a consideration and requirement.

Town Solicitor Wyatt Brochu said this is a specific plan, if the board sought to grant approval it would be for this project, although owners may change they cannot regulate that but they do regulate use through the permit. If a future owner wanted to change the use they have to come back to planning to get approval. The board maintains jurisdiction. If the property owner does not abide by the plans conditions of approval then the zoning enforcement officer gets involved.

Jim Donnelly - Attorney – Garboard St. – represents Jack and Mary Brittain, abutters, he has done a lot of cases in South Kingstown he has never heard of one that didn't have absolute restrictions.

Christian Belden the affordability restrictions is one element, the funding brings in the affordability restriction; they applied for several different funding sources.

Chris Sularz - 18 Top of Mark – Her son Nathan is a potential resident of this project. He has lived in Jamestown his whole life. She asked the board to please approve this project.

Nick Lipinski – 1 Hammett Ct - he has lived there a long time he thinks this is a tough transition. he feels it's more a commercial property. He has observed on several occasions all the parking has been used at the building and overflow onto Hammett Ct. He does not know how large the vans are.

Lisa Rafferty – Bridges – They have 1, 15 passenger van, but generally they use mini vans. One of the things that is important most people in town do not know who they are a lot of their business is about helping these individuals fit into the community.

John DiAuria – Howland Ave. - their comments as neighbors are not negative about the people, it's a good idea but did you take into consideration extra cars visiting?

Kristen Michalik – Clinton Ave – she applauds what Bridges is doing but as a resident the size of the building seems large. If they decide in 6 years to relocate then they have this area based on this model the parking works and then it becomes an 8 bedroom there are a lot of what if's and that is what she is concerned about as are most neighbors. We all have to have a little faith but this is a lot of faith.

Commissioner Pendlebury asked are you saying size or potential change of use? Ms. Michalik says both. This is a progressive change and she applauds it but what if?

James Wright – Clinton Ave. - from parking perspective it is a huge issue.

Pam Bush - 29 Walcott and Clinton Ave – how many parking places are set aside for the residents building? She was answered, 3, 2 for the resident caretaker and 1 van space.

Douglas Kallfelz – assuming we transcend that issue it would be 1.5 spaces per unit we would have 7 spaces needed. It is possible to do the 40 spaces on the lot if need be, but that will eliminate some of the green area that is so appealing.

Connie Slick - 49 Narragansett - she is trying to understand the orientation. She has a big problem with water she was not allowed to do asphalt and had to do pavers which were very costly.

Douglas Kallfelz - if it turns into a gravel parking lot it will be pervious.

Michael Darveau – water in the basement is very different than drainage and stormwater runoff.

Commissioner Pendlebury said if they do not approve the waiver for parking the solution is based on the reduced parking waiver then they have to come back with revised drainage.

Michael Darveau stated the rain garden completely meets what they need to do for drainage. They are removing impervious area to reduce existing runoff to the area.

Gary Girard – at the first meeting this whole project was based on 4 units not 5, scaling residential down why not consider a slightly smaller project?

Christian Belden told him even though it was 4 units the building was the same size. They would have to revise the plans and drainage to reduce the size.

Lisa Rafferty – Bridges - wanted to address the “what if” questions. She can tell what she plans for herself and the company; they plan on being around for a very long time, beyond our lifetime. Most of the developmentally disabled now live in elderly housing. They do not get the support they need in elderly housing. She cannot promise but the trend is that it will not go away; developmentally disabled numbers are not going down in the state but up.

Ron Di Mauro - Howland Ave – great job on the plan, the only thing he can say is the massing of the building, bump it out.

Commissioner Jacquard wants clarification on the Threshold grant agreement. Is it restricted to people that are developmentally disabled? It was designed to create housing for people with disabilities.

Commissioner Enright is concerned about the parking issues but feels anything would be better than what is there now.

Commissioner Lynn said the drainage looked very thorough parking seems to go with the hybridization that it's being used for, there is a need for affordable housing and something we should do. This is a nicely designed project.

Commissioner Enright asked about how many meetings and how many people attend the meetings that they have there?

Lisa Rafferty said the families might come for meetings and the service providers too. They used to have quite a bit of training meetings but now they are doing training online so that has reduced the number of parking places needed. They have allowed the community theater to use the building for practices for they play this fall. They have always been good neighbors. Jim Rafferty said they encourage the use of bicycles for employees.

Commissioner Pendlebury asked Attorney John Murphy about the difference in opinions regarding sprinklers. Mr. Murphy wants a letter from Fred Brown regarding this issue. They can put a condition in their decision that if the building official suggests it, they have to comply with it.

Wyatt Brochu – discussed parking concerns. Looking at waivers you can put a finding and can say the residents don't use motor vehicles and it can be based on conditions. Onsite parking is required should the use change and they would have to come back with a plan, specific for their proposed use.

Ron DiMauro – he thinks the parking should be required now.

Mr. Brochu said put a condition in if the parking doesn't work they have to come back to planning and redesign it would be within their purview to have a review date to address parking. Set the date at the time of any decision and the commission could discuss if they want the applicant to provide notice to the abutters.

Commissioner Pendlebury said at that point in his experience it is difficult to set a guideline and his personal opinion is a decision has to be made on merit and the value of the project. If a change of use occurs in future years they address it then. The project has to survive and be a good neighbor.

John DiAuria – as a neighbor when can he expect to see shovels in the ground?

Christian Belden said if the funding sources come through quickly they start construction mid June and finish mid January.

Town Planner Lisa Bryer would like to get a general idea of the conditions discussed tonight. The Planning Commission went through the required findings of fact that Ms. Bryer handed out at the meeting.

The following is a rough draft of Conditions to be used in a draft motion.

1. Project shall be built according to the plans and final approval given to planner
2. Bridges is the developer and owner
3. Should bridges sell or vacate any revised use from that presented has to come back to town and go through approval process and permits for this would be revoked
4. Drainage - stormwater mitigation for the proposed plan RI DEM has standard maintenance for raingarden add in accordance with RI DEM
5. If determination to utilize sprinklers is changed the applicant will carry that through to water and sewer and fire department
6. Parking deed restriction to be enforced, 3-1 prefer green space waiver instead of more parking, Enright, Lynn, Jacquard in favor of it. Pendlebury said it would be realistic to add 4 more spaces to the solution so there are no complaints and say he agrees waiving the 41 but increase 4 more for visitor parking.
7. Massing needs some work on rear façade architecture
8. Comp Permit should be approved but then final review by town planner
9. Approval being recorded by the applicant, expires in 1 year.
10. Any planting or grading does not restrict current stormwater flow it should come on and off property in same manor

This must be a unanimous vote because of the limited number of Planning Commissioners the town planner reminded the board.

A letter was received late today from David Martin opposed to this project because it requires zoning variances. The letter will be put in the file.

A motion to continue the hearing until December 7, 2011 at 7:30 was made by Commissioner Enright and seconded by Commissioner Lynn. So unanimously voted.

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

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

A motion to adjourn the meeting at 9:58 p.m. was made by Commissioner Enright and seconded by Commissioner Lynn. So unanimously voted.

Attest:



Cinthia L Reppe
Planning Assistant

This meeting was digitally recorded