

Approved As Written 1-4-12
PLANNING COMMISSION MINUTES
December 7, 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:

Duncan Pendlebury Rosemary Enright
Richard Lynn Michael Jacquard

Also present but recused:

Michael Swistak Michael Smith

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia L Reppe – Planning Assistant
David R. Petrarca, Jr.– Ruggeiro and Brochu
John Murphy – Attorney
Michael Darveau – Professional Land Surveyor
Stephanie Zurek – Donald Powers and Associates
Christian Belden – Church Community Housing Corp
Jim and Lisa Rafferty
Jim Donnelly – Attorney
Gary Girard
Dr. John & Pam Bush
James Wright
Nick Lipinski

I. Approval of Minutes November 16, 2011

A motion was made by Commissioner Enright and seconded by Commissioner Jacquard 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 – Working on a recommendation for the Golf Course and Recreation Center
 - c. Affordable Housing Committee
 - d. North Rd. Bike Path Committee – working on design of Reservoir bike path.
4. Sub Committees

PUBLIC HEARING - Continued

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

The Planning office and vice chair have received correspondence from several different individuals. Commissioner Pendlebury read each of the letters to the audience.

Craig S. Stenning – supporting application

Susan Quinn Romano – supporting application

Bradley Hospital – Dr. Rowland Barrett – supporting application

Ballard Spahr – H. David Prior – supporting application

Michael Benes – supporting application

David Martin – against application

Attorney John Murphy said it has been gratifying being approached by abutters and members of the community in support of this project.

Mr. Murphy introduced Stephanie Zurek, architect. She noted that they have provided further elevations that show how they will mask the massing of the rear of the building. There is such a noticeable difference.

Michael Darveau discussed the contingency parking if needed, he explained this to the Planning Commission and the audience. This would eliminate the green space that they have included in the plan. With the current plan runoff will be decreased to abutting properties.

Attorney John Murphy said they would like approval based on the originally proposed plan for parking with green space and that it will be sufficient for their needs. This concludes their presentation.

Commissioner Pendlebury asked the Planning Commission if they had any questions or comments at this time. No.

The following comments are from members of the audience:

Attorney Jim Donnelly – on behalf of the Brittain's, abutters to the property – He discussed RI GL 45-53 and advised the Planning Commission of their duties and the findings that they must find. He stated several times that he is not talking about this particular application but is concerned as a taxpayer and is comparing this application to several he has worked on in South Kingstown.

Gary Girard – his concerns are the same as at the last meeting, he is not against the proposed use he has members of family that are developmentally disabled, he is concerned with the size and

density of the unit. One of problems he sees is the size of this building. All subsidies come from tax payers, concerns of the taxpayers. He feels there is not enough concern for the neighbors. The DiAurias who could not attend tonight's meeting are also concerned with the size of the building.

Pam Bush – Clinton Ave. – there has been no mention of the fencing; it is in poor shape. One of the units looks onto their back yard they would like mature trees planted for the rear of the house. Concerned about the funding. They should be in place before construction is started. Will there be a time constraint for building?

Nick Lipinski is concerned with parking, who knows how long they will be using the Holy Ghost hall for parking and programs. On Monday there was a 29 passenger bus parked on the lot. The green space where there are storage units will that be paved or is it to remain green.

Mr. Darveau stated the overall impervious area will be reduced by 15 % over 4000 sq ft., the temporary storage facilities will be gone.

James Wright – his concerns are of the size. He also feels even if it was proposed in a different area of the property the other abutters would be opposed too.

John Murphy – this is a 35000 sq ft lot. There are several buildings that are multi unit and on smaller lots. The facts are what they are, the legal requirements are in order.

Christian Belden – CCHC – the required deed restriction is in the motion and also additional tree planting are in the motion.

Commissioner Pendlebury asked about the financing how many years? The funds are only available for affordability. If this application is granted for this proposed use if they sought to change the use of the building that would be an enforcement issue. He also asked the Architect if the height of the building is within the zoning limits? Yes it is.

Commissioner Enright said there is a requirement that the property be used in its current capacity of approval and there will be a deed restriction that says the same.

Christian Belden – CCHC - they will not move forward before all the money is in place.

Commissioner Pendlebury said with regards to the construction schedule there are no breaks shown in the process.

John Murphy – a team plans an application to meet the needs of their project, they go to staff and changes are made based on what is required. To change the project to a smaller structure is not proposed. Mr. Murphy recognizes that the comments are in good faith.

Jim Donnelly – questioned why there is no 30 year requirement in the deed restriction, it will be added.

Pam Bush – if Bridges, the Rafferty’s would have come to the abutters and presented the ideas to the abutters first before it was designed then possibly this could have all been avoided.

James Wright - agrees with her no one would argue if there were no variances.

Commissioner Pendlebury said there were several comments at the last meeting and the same comments tonight. They have attempted to address all the comments in a series of findings of fact and conditions of approval. He would like to address the waivers in the draft motion.

Commissioner Pendlebury read the entire Findings of Fact and Conditions of Approval.

A motion was made by Commissioner Enright and seconded by Commissioner Lynn to grant Comprehensive Permit approval for the project titled “Bridges, Inc.” in accordance with the Town of Jamestown Zoning Ordinance including Article 17 – *Low and Moderate Income Housing* and the plans entitled "**Bridges Inc. Plat 9, Lot 183, Hammett Court, Jamestown, Rhode Island, Sheets 1 and 2 of 2**; Property Owner Bridges Inc. P.O. Box 263, Jamestown, RI 02835; prepared by **Darveau Land Surveying, Inc., P.O. Box 7918, Cumberland, RI 02864, (401-475-5700; dated October 20, 2011** based on the following Procedural History, Project Description, Findings of Fact and subject to the following Conditions of approval:

A. PROCEDURAL HISTORY

1. An application for Comprehensive Permit was received on October 24, 2011 and was certified as complete on November 1, 2011. The application is for a five unit multi-family structure occupying the same lot as an existing 5,000 square foot commercial structure. The project is entitled Bridges Inc.

2. The applicant, Bridges Inc. is a RI certified not-for-profit human services agency which provides support services to individuals with developmental disabilities. The housing developer is Church Community Housing Corporation (CCHC); a not-for-profit affordable housing developer serving Newport County and CCHC has been the Town of Jamestown’s affordable housing services partner since 1987. The applicant controls the site by ownership. Bridges Inc. is eligible to pursue a Comprehensive Permit pursuant to R.I. Gen. Laws § 45-53 and a letter dated October 19, 2011 from Amy Rainone, Director of Policy, Rhode Island Housing which states that James Rafferty is “eligible to pursue a Comprehensive Permit application in the Town of Jamestown to develop the proposed BRIDGES Inc. Employment Training Center Housing long-term affordable rental homes at 2 Hammett Court, Jamestown.” Modifications to the development proposal resulting from local review do not require a revised letter of eligibility.”

Other materials from the proposed combined Master Plan and Preliminary Submittal entered into the record through application to the Planning Commission include:

- Application for Comprehensive Permit Pursuant to Section 82-1701 of the Jamestown Zoning Ordinance and RIGL Title 45, Chapter 53 as amended.
- Narrative Description
- Letter approving Town Water and Sewer
- Letter requesting combining phase of review
- Project Timeline
- Affordability Restriction

- Proforma
 - Master Plan and Preliminary Checklists
 - Letter requesting administrative Final Plan Review
 - Drainage Computations
 - Architectural: Perspective, Elevations, Floor Plan, Landscaping/Site Plan
 - Parking Analysis
 - Abutter list
 - Drainage Computations by Darveau Land Surveying, Inc.
 - Existing Conditions Aerial Photograph and RI Soil Survey map and soil description for site.
 - Letter from Jamestown Deputy Fire Chief dated September 26, 2011 and Jamestown Police Chief dated November 16, 2011.
3. The application states that the proposal is for five affordable apartments for persons making at or below 80% of area median income. These units will remain affordable through a Thresholds Grant Agreement which provides that the units remain affordable for a period of 30 years.
4. This application was heard by the Planning Commission for pre-application on July 20, 2011. A Public Hearing was held on November 16. It was opened in a timely manner and continued until December 7, 2011: The hearing was closed on December 7, 2011 by motion and vote of the Planning Commission. Notice of the public hearing was sent to the abutters within the required notice area, published in the October 27, 2011 Jamestown Press, posted at the Town Hall, the Police Station and also posted on the Town of Jamestown web site and the RI Secretary of State's public meeting web site.
5. John A. Murphy appeared as legal counsel on behalf of the Applicant. The Applicant's Registered Land Surveyor and subdivision designer is Michael Darveau of Darveau Land Surveying, Inc. The applicant's Architect is Stephanie Zurek and Douglas Kallfelz of Donald Powers Architects.
6. During the Planning Commission meetings and Public Hearing, the Commission received comments and reports from the Town Planner and Technical Review Committee. The Town Engineer reviewed the plans and met with the project RLS regarding drainage and groundwater issues in the area. The Town's legal counsel, Wyatt Brochu advised the Town Planner and Commission.
7. Neighbors (abutters) were also present at the public hearing and submitted additional information to the Board for their consideration. The concerns of the abutters were discussed by the Commission and given consideration during the review process and included:
- a. Testimony noted that there is existing water runoff issue in the area. This site is at the bottom of the hill and it is impacted from both the south and west.
 - b. The Town has placed a berm at the end of Hammett Court at Howland Avenue and that has directed water to the catch basin on Howland as intended. Water runoff generated from the south flows in a northerly direction to the proposed building site. It was noted that there is an existing surface runoff problem in the area and the

project must be designed in such a manner to protect the new residential building from such runoff and that the final site grading will not change runoff patterns off site and they should continue as they exist today. This is to protect the new structure and abutting properties from further runoff impacts.

- c. Parking does not meet the parking requirements of the Zoning Ordinance. This was a concern of neighbors from a street parking/neighborhood impact standpoint.
 - d. Should the use change from the proposed use of this residential building for developmentally disabled and a caretaker and family or the use of the commercial building the Comprehensive Permit will not be valid and a new review process and revised permit will be required.
 - e. The rear elevation of the building requires more attention to details. Some vertical disruptions of the rear façade are desirable to reduce the large wall volumes.
 - f. The neighbors are concerned with the size of the structure its impact visually on the adjacent neighborhood homes due to the lack of setbacks.
8. RI Historical Preservation and Heritage Commission has recommended, in a letter dated 18 August, 2011, that a disturbance assessment be conducted by a professional archaeologist to determine if the parcel does retain any integrity, and if this is the case, additional archaeology might be necessary.

Public Archaeology Laboratory (PAL) has performed an archaeological assessment of the 2 Hammett Court site, the results of which are detailed in a Technical Memorandum dated September 28th 2001. The summary of the memorandum found no significant archeological resources and recommends no further study.

B. PROJECT DESCRIPTION and FINDINGS OF FACT

1. The proposed project is described in the narrative and on the plans by Darveau Land Surveying Inc. as indicated above, marked as Exhibit 1 and made a part of the record. The Applicant has also submitted architectural renderings by Donald Powers Architects, marked as Exhibit 2 and made a part of the record.
2. The property on which the project is proposed is located at 2 Hammett Court and shown on Assessor's Map 9 Lot 183. The property contains approximately 34,003 square feet (.7806 acres) and is presently developed with a 5,091 square foot commercial building. The property is cleared with several perimeter trees present and is gently sloping to the north and east. It is located off Howland Avenue and sits between Howland Avenue, Narragansett Avenue and Clinton Avenue. The surrounding area is commercial to the north, mixed use to the east and single family to the south and west with lot sizes ranging from 5,000 square feet to 21,000 square feet. The proposed site spans two separate zones: CD to the north and R8 to the south.
3. The proposed development is consistent with local needs as identified in the Jamestown Comprehensive Plan – Affordable Housing Plan which states the following:

Goal: Create a diversity of housing types (such as homeownership, rental, employee preference, etc.) to meet the needs of Jamestown's low-moderate income residents, employees, and special populations while maintaining Jamestown's unique mixture of village and rural character.

Strategy: Strengthen partnerships and build community support for Affordable Housing.

Action Item 1.2: Work with CCHC and other non-profit developers to develop affordable housing in Jamestown.

4. The proposed development is in compliance with the standards and provisions of the Jamestown Zoning Ordinance in conjunction with the variances described herein. The Planning Commission preliminarily approves granting the necessary Zoning Ordinance relief based on Technical Committee and Planning Commission review. The Commission finds that the relief is preliminarily granted because the local concerns do not outweigh the State and Local need for affordable housing. The unique shape and access to the property are considered a hardship and not due to a physical or economic disability of the applicant or the result of any prior action of the applicant. In addition, the granting of this relief will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance. This relief is considered the least relief necessary for this specific application. Should the relief not be granted, it is determined by this board that it will be more than a mere inconvenience to the applicant.

The applicant has requested the following Zoning Relief:

- a. Chapter 82-301, Table 3.2:
 - (1) Maximum Lot width allowed in the CD Zone is 96 feet. The lot width varies but is 97 feet at its narrowest point. No relief is sought for the portion of the lot that is located in the R8 Zone.
 - (2) Minimum front setback in R8 Zone is 18 feet and the Applicant is requesting a waiver for 8 foot 6 inches. This dimension complies in the CD Zone.
 - (3) The CD Zone has a 24 foot maximum side yard. The Applicant has determined that the distance from the residential building to the north property line is 204 feet and is therefore requesting relief.
 - (4) The R8 Zone requires a 30 foot rear setback. (CD Zone requires 12 feet.) The Applicant is requesting relief for a 14 foot, 8 inch rear setback.
 - (5) The CD Zone requires a frontage buildout of 60% of the lot width. Due to the irregular shape of the lot, the Applicant requests relief on this requirement. Note that the frontage from Hammett Court is applied in both zones with approximately 79 feet of frontage in the CD zone which would require 47 feet of buildout addressing the frontage. The proposed building is approximately 40 feet wide at this location.
 - (6) The Applicant is requesting relief for the building placement requirement of Table 3-2 where edgeyard placement is not permitted in the CD Zone.
- b. Chapter 82-600: The Applicant has requested that the Special Use permit as described in Article 6 of the ordinance be considered to be replaced with the requested Comprehensive Permit.
- c. Chapter 82-1006.3: The density requirements of Table 10-1 of the ordinance requires a minimum site area of 37,000 square feet for the proposed project. The Applicant is seeking relief for 34,003 square feet.

- d. Chapter 82-1102 (B): The Applicant is seeking relief for the tree plantings required under Article 11, sub paragraphs 2i and 3a due to the irregular nature of the site.
 - e. Chapter 82-1108 (A): The Applicant is seeking relief for the glazing requirement of Article 11 paragraph 3 which relates to retail frontages in the Village district. This is a residential structure
 - f. Chapter 82-1111 (B) 1-3: The Applicant seeks relief for the location of parking spaces as required by Article 11 which does not permit parking directly in front of the building in the front yard. Additionally the entrance to the proposed site is wider than the maximum allowable of 18 feet due to the configuration of Hammett Court. The Applicant seeks relief from the specific requirement of Section 82-1111.B.3 of one bicycle rack place per ten car parking spaces. The Applicant has assured the Planning Commission that there will be some bicycle racks.
 - g. Chapter 82-1203: The proposed development requires 41 parking spaces. The Applicant seeks relief due to the nature of the proposed tenancy to a need based calculation of 30 spaces including two van spaces. Parking for the commercial space has been calculated as per the requirements of the ordinance and is accommodated in this proposed total space count.
5. The applicant has indicated in the application that the affordable housing component of the proposed development is for the exclusive use of developmentally disabled adults and a caretaker. All units of Affordable Housing proposed shall be constructed and available simultaneously. 100 percent of the units are affordable.
 6. The application, as described in the plans, is for five affordable attached units contained on a single lot with an existing commercial building. All units will be “affordable rental units” with Bridges Inc. as the owner of the property. The five new units will be a total of 3,979 square feet and consist of four 1 bedroom units and one 3 bedroom unit, with a combined covered front porch at the front of the building. The units are compatible in scale and architectural style to the adjacent 5,000 square foot commercial building. Single family residential units in the neighborhood range from 1,000 square feet to 2,000 square feet.
 7. The Planning Commission has been presented with no facts evidencing significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions of approval. The Technical Review Committee reviewed the plans at a meeting on November 9, 2011. The issues or objections with the application as proposed have been mitigated with the required conditions of approval.
 8. There will not be significant negative impacts on the health and safety of current or future residents of the community. The applicant has coordinated with the Town Engineer to insure that the new development will not impact the abutting residences with respect to stormwater runoff. The new residential structure will have a 1,270 square foot graded rain garden at the southern property boundary adjacent to the residential structure. The roof runoff will be piped into this swale where it will be infiltrated and then directed in the course of existing runoff. Refer to letters included from the Police and Fire Departments

regarding emergency services. Refer to letter included from the Jamestown Town Council sitting as the Water and Sewer Board approving water and sewer hook ups.

9. The site has adequate and permanent physical access to a public street in accordance with the requirements of § 45-23-60(5). Hammett Court and Howland Avenue are both public roads to which the project will have access. It is a local road in Jamestown and is in adequate condition to service the project. The proposed dwelling units will have access to said public roads through paved driveway access.
10. The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. No new lots are being created with this proposal. The residential structure has been designed by Donald Powers Architects specifically for the lot as proposed.
11. The lot has adequate water for the intended use and adequate provision for wastewater disposal. The Applicant proposes public water and sewer for all dwelling units and received approval for such hook-ups at the September 19, 2011 Jamestown Board of Water and Sewer Commissioners meeting.
12. The required subsidy for this affordable housing development includes:
Other Subsidy: Thresholds Grant - \$400,000
1st Mortgage - \$59,000
State Subsidy: \$300,000 – RI Housing HOME funds
\$200,000 – FHLB AHP
Local Subsidy: \$138,827 – Jamestown Affordable Housing Trust Fund

The Jamestown Town Council must approve the use of the Affordable Housing Trust funds in the amount of \$138,827. The State and other funds are pending approval by the appropriate agencies.

13. The Applicant has provide a parking needs calculation based on the specific uses of the development and will be bound by restrictions to the deed to maintain said use.

C. CONDITIONS OF APPROVAL

1. The approval is for a single lot;
2. That payment of a fee in-lieu-of land dedication shall not be required for this subdivision as required by Article IIID of the Jamestown Subdivision Regulations;
3. The project shall be built in accordance with the final approved plans;
4. The developer and monitoring agent for this affordable housing development will be Church Community Housing Corporation, Inc.;

5. The developer and property owner for this affordable housing is Bridges Inc.
6. This Comprehensive Permit is for the use and project as permitted. If the use changes the applicant or owner shall require further approval of the Planning Commission.
7. There shall be a 30 year minimum restriction placed with the deed for the property and recorded with Town Clerk at the Town Hall in Jamestown, that restricts the tenancy of the affordable housing portion of the development to four units for developmentally disabled adults and one family unit for a caretaker.
8. The Applicant shall prepare and file with this Approval an off-site parking overflow plan which may be utilized in the future and takes into account the limited off-site parking in the immediate neighborhood. The contingency plan shall include the Applicant's plans for the use of offsite facilities and remote parking for any instance where the Applicant requires more vehicles than have been provided for onsite in the approved plans and waivers. The Applicant shall provide assurance on the record that the contingency plan will be put into effect whenever such instance occurs.
9. The Applicant shall confirm the impact of any final decision by the Building Official as regards the incorporation of sprinklers in the residential units with the Fire Department and the Water and Sewer Board and make this confirmation along with supporting documentation known to the Planning Office at the time of Final Review.
10. The Applicant is seeking relief for the number of bicycle racks required but will install at least one bicycle rack as indicated at the hearing.
11. The Applicant shall direct its Architect to make appropriate revisions to rear of the structure as discussed during the Public Hearing on this matter on November 16, 2011. It is considered that this will involve vertical disruptions of the rear façade to reduce the large wall volumes. The revisions shall be reviewed at the time of the Final Review.
12. The applicant shall amend the landscape plan for final review to include the planting of additional 4-6 inch dbh caliper trees that will be strategically placed to the south of the structure to screen the second story windows of the residences from the abutters to the south, and such additional trees as Planner shall reasonably require along East and West boundaries
13. There shall be no interruption of the historic flow of storm water runoff from abutting properties.
14. Stormwater mitigation construction such as the rain garden shall be maintained in accordance with standards published by RIDEM for such structures. The project PLS has coordinated with the Town Engineer regarding stormwater controls for the subdivision and agreed that the proposed stormwater controls are adequate and appropriate for this development. A management plan for the rain garden shall be presented with the final plan, approved by the Town Engineer and recorded with the final.

15. The Planning Commission delegates the Final Review to the Town Planner with the signature of the Planning Commission Acting Chair to appear on the Final Record Plan.
16. This Approval shall be recorded with the named restrictions, by the Applicant with the Office of the Town Clerk and the Planning Office shall post the Approval outside the Planning Office within 30 days of Approval; and,
17. This approval shall expire one year from the date of approval by the Planning Commission unless final approval is granted within that time.

V. Old Business

VI. New Business

Planning Commission Chair Michael Swistak polled the commissioners regarding the December 21, 2011 meeting. The majority of the commission would like to cancel the meeting.

A motion to adjourn was made by Commissioner Lynn and seconded by Commissioner Enright at 9:15 p.m. So unanimously voted.

Attest:



Cynthia L Reppe

This meeting was digitally recorded