

Approved As Amended  
PLANNING COMMISSION MINUTES  
September 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:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright	Michael Jacquard
Richard Lynn	Michael Smith

Not present:  
Susan Little

Also present:  
Lisa Bryer, AICP – Town Planner  
Cinthia Reppe – Planning Assistant  
Justin Jobin – Environmental Scientist – GIS Coordinator  
Wyatt Brochu – Town Solicitor

#### **I. Approval of Minutes August 17, 2011**

A motion to approve the minutes was made by Commissioner Pendlebury and seconded by Commissioner Smith with the following changes:

Page 2, second to last paragraph –

Commissioner Swistak says it is not defined, it is just a technique. Commissioners Swistak and Pendlebury agree that ~~it~~ the action plan as written is OK. Commissioner Enright suggested ~~develop zoning~~ that allows for significant open space, one of things we like to do is ~~develop~~ zoning to encourage open space.

#### **II. Correspondence**

1. FYI – Administrative Subdivision – Plat 8 Lots 68 & 651- Clarke, Silvia, Silvia. Received

#### **III. Citizen's Non Agenda Item – nothing at this time**

#### **IV. Reports**

1. Town Planner's Report  
Town Planner Lisa Bryer reported on the Town Council Workshop last night on Fort Getty was very interesting and she encouraged the Planning Commission to take a look at it on the Jamestown Record.
2. Chairpersons report
3. Town Committees

Planning Commission Minutes

September 7, 2011

Page 2

- a. Harbor
  - b. Buildings and Facilities – continuing to work on the Country Club report.
  - c. Affordable Housing Committee
  - d. North Rd. Bike Path Committee
4. Sub Committees

**V. Old Business**

**VI. New Business**

1. Douglas Enterprises, LTD/Donna Fishman - Plat 5 Lot 278 – Spindrift St. - Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table – Impervious Overlay District – Recommendation to the Zoning Board

Craig Carrigan – Engineer – gave a verbal resume to the Planning Commission. He has been practicing for 22 years in the state of Rhode Island and has previously testified before planning, zoning and conservation committee's throughout the state. A Motion to approve Mr. Carrigan as an expert witness made by Commissioner Smith and seconded by Commissioner Pendlebury. All in favor.

He explained that this is a 14,400 sq. ft. single family lot with a 2 bedroom OWTS design approved by DEM.

Mr. Carrigan said the LID regulations are very conservative. No additional soil storage is available. 166 cubic ft is adequate for what he is specifying to mitigate the increase in runoff from the proposed improvements.

Commissioner Swistak said the maintenance of a rain garden has been a concern of the planning commission. If you let a rain garden grow it will grow into bittersweet said Commissioner Smith. Town Planner Lisa Bryer asked if it is difficult to maintain the grass due to the wetness? Mr. Carrigan said no. Ms. Bryer asked, do they recommend rain gardens or qpa's? He said both are recommended.

Commissioner Swistak asked Town Environmental Scientist Justin Jobin about the QPA's and he explained swales or rain gardens as different options. Ms. Bryer said as part of the conditions of approval we require that a maintenance plan be recorded. It needs to be part of the chain of title. Mr. Brochu, Town Solicitor suggested the engineer will submit the maintenance plan and schedule at the time of the zoning hearing and that it be recorded. Also from the enforcement perspective so the homeowner knows what to do for maintenance.

Mr. Carrigan was asked if this finished project will have less runoff than the existing site now, it will be equal to the site as it now exists.

A discussion ensued about suggesting plantings to the applicant and our approval will encourage the applicant to present a plan and description of the plantings at Zoning.

Commissioner Swistak asked Town Planner Lisa Bryer to confirm that there is documentation in file regarding owner authorization. It was clarified that the professionals listed on the plan for drainage and septic design also still represent the application.

A motion was made by Commissioner Swistak and seconded by Commissioner Smith to recommend to the Jamestown Zoning Board, approval of the application for Plat 5 Lot 278, Douglas Enterprises, LTD on behalf of property owner Donna Fishman. The recommendation for approval is for Zoning Ordinance Section 314 Sub District A – High Groundwater Table – Impervious Overlay District. The recommendation for approval is based on the following findings of fact and subject to the following conditions of approval:

**Findings of Fact:**

1. The applicant proposes to construct a 2 bedroom dwelling on the above reference 14,400 square foot, vacant lot.
2. The soil evaluation report indicates that the seasonal high groundwater table is 24" and the depth to impervious soils is 24", placing this application in Section 314, sub-district A.
3. The applicant is not proposing significant use of fill or grading on the lot; consistent with Section 314.
4. The proposed Advantex on site wastewater treatment system (OWTS) and bottomless sand filter leach field provides advanced treatment in compliance with Section 314.
5. In order to mitigate the increased runoff from the proposed improvements the applicant has proposed the use of two 166 cubic foot – grassed “qualifying pervious areas” (QPA’s) as defined in the RI Stormwater Design Manual, as amended. This has been designed by Carrigan Engineering, Inc., Craig Carrigan, PE.
6. Applicant Douglas Enterprises Ltd and owner Donna Fishman have filed the appropriate Owner Authorization Form with the Planning Office.
7. The applicant has the option to utilize either QPA’s or Rain Gardens as runoff mitigation techniques per the RI Stormwater Design Manual.
8. Maintenance of a QPA and/or Rain Garden by the property owner is critical to the continued mitigation of runoff.
9. Craig Carrigan P.E. of Carrigan Engineering was accepted as an expert witness, but only for the components of the design he personally completed. Design of the OWTS was completed by another professional prior to Mr. Carrigan’s involvement in the project.
10. Town of Jamestown Memorandum to Lisa Bryer, Town Planner: From Michael Gray, PE – Town Engineer and Justin Jobin – Environmental Scientist; Re: Donna Fishman; dated August 17, 2011 is attached to this motion for Zoning Board review.

**Conditions:**

1. The proposed development is constructed in substantial conformance with the final Zoning Board approved plans.
2. The QPA shall be graded in substantial conformance with the final Zoning Board approved plans in perpetuity.

Planning Commission Minutes

September 7, 2011

Page 4

3. The site grading shall remain in substantial conformance with the final Zoning Board approved plans in perpetuity.
4. Any substantial change to the final approved plans shall require approval by the Jamestown Zoning Board per Section 314 of the Jamestown Zoning Ordinance.
5. Maintenance of the QPA shall be in conformance with the RI Stormwater Design Manual, as amended. A maintenance plan for the QPA's shall be prepared by the applicant and recorded as part of the final plans.
6. The Final Jamestown Zoning Board approved plan including grading and final conditions shall be recorded in Jamestown Land Evidence Records.

So unanimously voted.

2. Douglas Enterprises, LTD/Charles Barber - Plat 5 Lot 263 – Spindrift St. - Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table – Impervious Overlay District – Recommendation to the Zoning Board

Craig Carrigan presented his engineering expertise. Commissioner Swistak asked Mr. Jobin about the foundation detail that he wanted regarding the depth to ground water. Due to the fact that the engineer is deceased the detail on the plan showing 3 feet is sufficient Mr. Jobin stated and he is ok with proceeding.

This is a 7200 sq. ft. single wooded lot. A single family 3 bedroom design is being proposed with 850 sq ft of roof. A rain garden and gravel drive are proposed and Mr. Carrigan gave a description of the plantings. This plan will mitigate a 10 yr storm. He was asked if there was any reason he chose a rain garden as opposed to QPA's. He said it is because it is a corner property and smaller lot.

Mr. Jobin asked him to explain the berm and the effect that runoff will have entering spindrift. Mr. Carrigan said there will be no negative impact in runoff to Spindrift St.

A variance for setbacks for the covered porch might be necessary. Zoning Enforcement Officer Fred Brown will make a decision regarding this. Mr. DeSimone suggested that we continue this application until the next meeting so he can check with Mr. Brown regarding the variance. Commissioner Swistak said we can make a recommendation on 314 only and then let zoning make a determination on the variance. Mr. DeSimone would rather hear here from Mr. Brown first before we go on. He would like a continuance. A Motion to continue this until the next meeting that has availability was made by Commissioner Smith and seconded by Commissioner Enright. So unanimously voted.

A motion to adjourn at 8:50 p.m. was made by Commissioner Smith and seconded by Commissioner Enright. So unanimously voted.

Attest:

Planning Commission Minutes

September 7, 2011

Page 5



Cynthia L Reppe

Planning Assistant

This meeting was digitally recorded.