

Approved As Written  
**PLANNING COMMISSION MINUTES**  
March 19, 2014  
**7:30 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

The meeting was called to order at 7:36 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Michael Jacquard	Bernie Pfeiffer

Not present: Michael Smith

Also present:

Lisa Bryer, AICP – Town Planner  
Cinthia Reppe – Planning Assistant  
Wyatt Brochu – Town Solicitor  
Betty Hubbard  
Sav Rebecchi  
Barbara Herrmann  
Walter Wadsworth

### **Approval of Minutes March 5, 2014**

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

### **I. Correspondence**

1. FYI – Memo to Town Council – Re: Comprehensive Community Plan Update. Received

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

### **III. Reports**

1. Town Planner’s Report – The town council scheduled the public hearing for the Comprehensive Community Plan for May 21<sup>st</sup>. Accessory Family Dwelling Units is scheduled for April 21<sup>st</sup>.
2. Chairpersons report
3. Town Committees
4. Sub Committees

### **IV. Old Business**

#### **1. Historic Preservation – Continued Discussion**

- Demolition Delay Ordinance

Commissioner Swistak said the first thing on the agenda, the Demolition Delay Ordinance was put in the packet on Friday and today there were discussions on the draft with the Solicitor. Wyatt Brochu thinks it needs more scrubbing before we review it. Brochu would like the planning

commission to identify their objectives more clearly. What happens during delay he questioned? Traditionally when you look at a demo ordinance you look at safety issues etc. A delay to achieve health safety and welfare. This is what he means by a regulatory process. What regulation is the commission looking to develop where would it apply? This would be beneficial. Commissioner Pendlebury noted that the first section in the ordinance, Intent and Purpose, identifies the purpose of the delay and how it promotes the public welfare. The Planning Chair asked for public input prior to addressing the solicitors concerns.

Walter Wadsworth -17 Conanicus Ave. – the big sister of the 3 sisters I took this project on over a year ago. They have tried to be sensitive to do the best refurbishment of the property and maintain the integrity of the property. They are concerned of what will happen to the other 2 sisters buildings. They spent a lot of time talking to people on what could and should be done. They encourage the planning commission to establish historical standards in Jamestown. Anything that maintains the historical significance is an impression or the brand of the Town so to speak.

Commissioner Swistak asked “when you bought the big sister did you immediately think it needed to be changed or expanded?” Mr. Wadsworth responded that it originally had 8 bedrooms and a small living room. They originally were going to add on a master bedroom on the first floor. After he started analyzing the structure they realized some things needed to be fixed to maintain the architectural integrity. That is what brought them to the home originally. Swistak wants to know was it worth it to go through the expense to replace the porch as it was and he said yes. Yes it was a burden but the value of the structure and its history outweighs that expense. Swistak asked if they considered tearing it down and starting over. He said they would never ever consider that. They knew they had to work with what they had.

Sav Rebecchi – one of the things from the workshop was education. One of his concerns with regulating his neighbor’s property is the character of Jamestown, the community of Jamestown, as a compromise solution is focusing on the educational side. Identify homes of value with the character and have those trigger a purchase or building permit. Put a historic review committee together for this with staff and communicate to the owner why it is valuable and why they may want to keep it in place. Softer approach he thinks is more valuable. He has seen 2 instances in the last year. They originally had a design and there was something the neighbors were worried about. These things have given him confidence that a historic review process could work. You can add an opportunity to voluntarily list it on a special list that they want to keep it protected by the town and let them put it on a list. Will you consider this approach?

- Amendments to Article 11

Commissioner Swistak asked Town Planner Lisa Bryer to address the commission and summarize her Memo.

The character of the village district which also includes residential neighborhoods have a character that is unique to the Island; smaller lots and houses, narrower setbacks and lower heights. We have Design guidelines and a pattern book that was developed after the Charrette for downtown Jamestown, this is a great resource and we should utilize it. We have talked about the solicitor’s office not being comfortable with the term Building of Value. So we should remove this terminology from Article 11 and figure out another way to regulate historic buildings. In your packet is a list of historic structures that started from the purple book. Commissioners Cochran

and Enright have worked on it and there is also a list of what has been demolished in the last 10 years.

There was an article in a Planning magazine that I just got today on how to regulate using form based codes for historic districts. She made a copy for all the planning commission members.

Commissioner Swistak said it makes sense to utilize the existing Village overlay district, maybe we can get into what extent we want to regulate. How much regulation do we put in place for the village district and how far do we go to preserve a piece of property.

A discussion ensued with Ms. Bryer leading the discussion and reviewing the Pattern book and Design guidelines. This was designed for Jamestown by Donald Powers Architects, now Union Studios, and it is based on existing patterns and styles of development. As it states in the beginning, if you want to encourage the existing pattern of traditional development, this is how to do it.

Commissioner Cochran asked when do we apply these guidelines? If there is an existing historical structure then it applies but what if it is a new structure. Swistak noted that we already have a review process in place with TRC. Bryer stated that the most frustrating thing for applicants is if they do not have a guide to go by or understand what is expected of them. Anytime you can give better guidance for applicants then they know what we are looking for and know what is expected of them.

Duncan stated that we have had a number of issues that have come to us and in each case the applicants have chosen to disregard what the planning commission suggested. Maybe most do not understand what the pattern book means or they choose to disregard it. Pendlebury does not think we can just take the pattern book and apply it to the whole village special development district. Give the DPR review process a better set of tools to go beyond the encouragement stage and give them something for it. There needs to be incentives.

Commissioner Enright has looked at the current zoning regulations in terms of Article 11. We may want to consider changing the shoulds to shalls and that would be a stronger statement of what we are looking for. It got watered down during the adopting process.

Wyatt Brochu said this is a helpful discussion. This points to what a measured approach of the regulation is, what is appropriate now and short term goals and then long term. There is caution about the "shalls". They are not always absolutes. Even upon denials applicants are taking them to a Superior court and the applicants are winning. This has happened in Jamestown and we have lost. Shall's are flexible too. He gave an example of a recent case that the town lost. Brochu said looking at Village district and starting with what we already have is a good place to start.

Commissioner Cochran asked how often does this happen with Superior court cases? Not too often in Jamestown. Solicitor Brochu gave some background on the court cases.

Commissioner Pendlebury asked Brochu "If we have a better "Intent and Purpose" paragraph starting out, will that help the court have to pay attention to it." Brochu says it would help. Do we want to regulate what we currently have or do we want more teeth in it with a Historic District?

Commissioner Pendlebury said “we are charged with cleaning up Article 11 and the discussion has been to come up with a preservation mandate either through historic districts or designations.” Most overlay districts are brought by the neighborhoods. He can see it and would love to delve into it and have it happen and have better regulation. Historic is one thing and commercial is another and he is not sure they are the same.

Commissioner Swistak asked does the Pattern book help us? All agreed yes but we have to be careful on how it is applied.

Does the pattern book take us to a level of regulation that is acceptable? It doesn't tell you how to maintain a historic building. Enright says it shows you how to build a new one. She thinks it does not apply to historic at all. Enright thinks we have to take out the word undersized in section 1106. It was suggested to look at Narragansett's Historic ordinance.

Pendlebury asked “1105 has not been enforced because it is ambiguous according to Brochu? But to make it un-ambiguous a lot of things have to happen which brings us back to where we are now.” He wants clarification from Solicitor Brochu. Where are we wasting our time in this conversation are we spinning out of control here? Brochu wants to comment on drafts that Mr. Brown is going to be ruling on. Historic review is different than architectural control.

Abby Campbell King - significant is a better word than building of value.

Barbara Hermann – preservation is not about never doing anything. It is about how to manage change. Standards are very clear so they are legally defensible.

Betty Hubbard – she mentioned Narragansett because it is more user friendly than others.

Sav Rebecchi - he called the national park service and they said the listing on the National Register, it was not their intent and they frowned upon the town using their classification in local regulation.

Commissioner Swistak said any building of value/significant structure that is within the special village district, Fred Brown would say you must go to planning and go through the DPR process and we can apply the standards. Of the 180 historic structures 50 percent are within the village district. This is the most efficient way Solicitor Brochu said. He feels it is a good step for them to consider. Down the road we can or cannot create more regulation.

#### **V. New Business – nothing at this time**

A motion to adjourn at 9:50 p.m. was made by Commissioner Cochran and seconded by Commissioner Enright. So unanimously voted.

Attest:

Cynthia L Reppe

*This meeting was digitally recorded*