

Approved As Written  
**PLANNING COMMISSION MINUTES**  
October 16, 2013  
**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 – Secretary      Michael Jacquard  
Michael Smith

Not present:

Mick Cochran  
Richard Lynn

Also present:

Lisa Bryer, AICP – Town Planner  
Cinthia Reppe – Planning Assistant  
Wyatt Brochu – Town Solicitor  
Justin Jobin – GIS Environmental Scientist  
Daniel Cotta, P.E. – American Engineering, Inc.  
Michael McCormick – Professional Land Surveyor - Alpha Associates, LTD

**I. Approval of Minutes October 2, 2013**

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

Page 5, 4<sup>th</sup> paragraph -

Commissioner **Smith** ~~Swistak~~ said he sees faces that were here for the Historic District meetings and would like to hear their input.

So unanimously voted.

**II. Correspondence**

1. FYI – Memo to Zoning Board- Re: Cofone – HGWTO motion. Received

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

**IV. Reports**

1. Town Planner's Report – we have a new Town Administrator Kevin Paicos he is starting part time on through November. He will be here Monday, Thursday and Friday. Accessory dwelling unit ordinance was approved by the Town Council with 1 change. They will only allow 1 water and sewer and utility connection.
2. Chairpersons report

3. Town Committees
  - a. Harbor
  - b. Buildings and Facilities
  - c. Affordable Housing Committee
  - d. North Rd. Bike Path Committee
4. Sub Committees

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

**VI. New Business**

**1) Catalozzi – 234 Seaside Dr. Jamestown RI – Plat 15, Lot 217 - Zoning Ordinance Section 314 High Groundwater Table and Impervious Overlay District Sub-district A review-Recommendation to Zoning Board**

Engineer Dan Cotta has testified before the Planning Commission on several occasions stated Commissioner Swistak. A motion was made by Commissioner Smith and seconded by Commissioner Enright to accept Dan Cotta as an expert witness. All in favor.

Mr. Cotta said the house will be razed and a new house will be built. They will be removing the paved driveway and putting a permeable surface driveway in. He explained the site drainage and the rain garden. The maintenance for the rain garden will be recorded with the plan. The foundation is within the water table not the slab.

Justin Jobin, environmental scientist for the town informed the Planning Commission that this application started in 2007. Mr. Jobin met with Mr. Catalozzi a few times and the applicant has redesigned everything; he is reducing the impervious coverage of the lot so it meets the standards of the ordinance. The applicant has been cooperative throughout the process. They currently have a cesspool. They are improving the system so it meets the ordinance.

Commissioner Pendlebury asked what the difference between gravel and permeable pavers are for a driveway. Mr. Cotta explained permeable pavers are equivalent to a gravel surface in terms of runoff coefficient.

Commissioner Pendlebury asked if they are required to ask us for a waiver for the well distance? Justin Jobin answered no.

A motion was made by Commissioner Smith and seconded by Commissioner Enright “To recommend to the Jamestown Zoning Board, approval of the application of Alberta M. Catalozzi –Plat 15, Lot 217 – Seaside Drive. The Planning Commission reviewed this application under Zoning Ordinance Section 314 High Groundwater Table and Impervious Overlay District Sub-district A in accordance with the plans entitled **Site Plan for Eric Catalozzi, located at 234 Seaside Drive, Jamestown, Rhode Island, Sheet 1 dated 10/1/13**. 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 is proposing to raze an existing 25' by 41' dwelling (1,025 square feet) and to construct a 24' x 40' (960 square foot footprint) two bedroom dwelling.
2. The lot is 8,658 square feet.
3. There are no wetlands on or within the vicinity of the property.
4. Based on soil evaluation reports, the subject lot is in sub-district A.
5. Justin Jobin, Environmental Scientist, has been meeting with the applicant throughout the design phase to insure the application meets the criteria of the ordinance.
6. A Memorandum (attached) dated October 7, 2013 to Town Planner Lisa Bryer, provided by Michael Gray, PE and Justin Jobin, Environmental Scientist notes that the proposal improves existing conditions by:
  - a. Replacing an existing cesspool with a advanced treatment OWTS system
  - b. Relocating the well to provide increased separation to the proposed leachfield
  - c. Reducing impervious cover from 21.1 percent to 11.9 percent
  - d. Providing a raingarden, as requested by staff but not required by ordinance, to infiltrate stormwater from the proposed carport.
7. The application is not proposing the use of fill on this lot and is reducing the amount of fill in some areas as much as one foot.
8. The proposed dwelling utilizes a SeptiTech OWTS, ultraviolet light system, and bottomless sand filter leachfield which provides advanced treatment and meets the requirements of this ordinance and provides a significant upgrade over existing cesspool.
9. The proposed impervious cover is 11.9 percent, reduced from the existing percentage of 21.1 percent, which meets the ordinance requirement of twelve (12) percent.
10. The application meets the standards of 82-314 according to a Memo to Lisa Bryer, provided by Michael Gray, PE and Justin Jobin, Environmental Scientist dated October 7, 2013. The Memo (attached) states that the application "meets the requirements of the ordinance."

### **Conditions of Approval**

1. The Operation and Maintenance (O & M) requirements for pervious driveway, stormwater mitigation and OWTS shall be recorded in the Office of the Town Clerk with the Zoning Approval. The language for such O and M shall be approved by the Director of Public Works prior to recording.
2. The O & M shall indicate that driveway shall remain pervious in perpetuity. Any change in this requirement will require additional approval by the Zoning Board of Review. In addition, the O & M shall note that the raingarden shall be maintained in accordance with designer specifications. "

So unanimously voted.

**2) Aston Plat – Curci/Bell – 83 Cole St. – Jamestown RI - Plat 9, Lot 146 - Minor Subdivision – Preliminary Plan Review and Approval**

Commissioner Pendlebury recused.

Michael McCormick a professional land surveyor from Alpha Associates, LTD He gave a brief description of his background. He attended URI and is currently licensed in RI. Commissioner Smith made a motion to accept Mr. McCormick as an expert witness and it was seconded by Commissioner Jacquard. So unanimously voted.

Mr. McCormick gave a description of the property at 83 Cole St.. They will be razing the existing structures on the site and building 2 structures approx 1500 sq ft each. The lots will be serviced by public water and sewer. The post runoff will be below what is existing at this time. Town Planner Lisa Bryer updated the Commission on the TRC review which they have the minutes from. There are no outstanding issues, it meets all the requirements of zoning. There is an existing well on the property. They will probably excavate and remove it Mr. McCormick said. At the TRC it was suggested to keep the well to use for irrigation if it is viable.

Commissioner Enright said there are stone walls around the property and they are historic. She would like a recommendation to maintain the stone walls as much as possible. Commissioner Smith wants to know if high water tests have been made. Mr. McCormick said it is probably a 4-6 ft water table in that area. Commissioner Enright asked should it be included in the motion that the current building is condemned? Yes. She mentioned it was restored in 1959.

Add to the draft motion;

Findings of Fact

The building is condemned, the applicants are not the owners, the stone walls are historic and date back to the farmland days.

Conditions of Approval add - maintain the stone walls to the extent that is practical.

Mr. Curci wants to know if they have to rebuild the stone walls? No, just maintain wherever practical. He also asked about the Design guidelines for the village district. He stated the house design needs to be affordable, how much of a stumbling block will I have because it is in the village district? The only thing that was mentioned at the TRC was to keep the garage behind the main plane of the front door. A motion was made by Commissioner Enright and seconded by Commissioner Smith to approve the following motion:

“At the October 16, 2013 Planning Commission meeting, the Planning Commission voted To Grant Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Minor Subdivision, “Aston Plat” Assessors Plat 9, Lot 146, Jamestown, Rhode Island;** Prepared for **d.a. Curci Builders, Inc.;** prepared by **Alpha Associates, Ltd., 35 Rocky Hollow Road, East Greenwich, RI 02818;** dated **September 2013** based on the following Findings of Fact and subject to the following Conditions of Approval:

**A. Findings of Fact**

The Planning Commission makes the following findings:

1. The subdivision is consistent with the requirements of the Jamestown Comprehensive Plan;
2. Each lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance. The property is zoned R-8 and both lots will be over 8,000 square feet in size and the existing dwelling will be razed and both new structures will meet the required setbacks for that zone. This parcel is within the Village Special Development District and to be consistent with the Jamestown Vision, Pattern Book and Design Guidelines, it is recommended that “parking (garage) be located to the side or rear of the principal building, well behind the plane of the front door...”;
3. No building lot is designed and located in such a manner as to require relief from Article 3, Section 308 of the Zoning Ordinance as both lots will be serviced by public water and sewer;
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions for approval;
5. The subdivision as proposed will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and buildings standards would be impracticable;
6. All subdivision lots have adequate and permanent physical access to a public street, namely, Cole Street;
7. The subdivision provides for safe circulation of pedestrian and vehicular traffic, for adequate surface water runoff, for suitable building sites and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community;
8. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion;
9. All lots in the subdivision have access to sufficient potable water for the intended use. Both lots will be serviced by public water;
10. The Building is condemned by the Building Official;
11. The applicants are not the owners of the property and the applicants have filed a notarized owner authorization form that is on file with the Planning Office;
12. The stone walls are historic and some may date back to the original farmland subdivision.

**B. Conditions of Approval**

1. The approval is for a total of 2 lots;
2. The applicant has agreed to utilize a house plan that would be consistent with the goals and recommendations of the Jamestown Vision Pattern Book and Design Guidelines which provides for the garage and parking to be located to the rear or side of the principal building, well behind the plane of the front door. The plans will be reviewed by the Building Official at the time of building permit submission;
3. That payment of a fee in-lieu-of land dedication shall be required for this subdivision for the new lot only in the amount required by Article IIID of the Jamestown Subdivision Regulations. This fee shall be determined at the time of filing of the final plat and paid prior to recording of the final plan;
4. Granite monuments or where granite monument are not suitable, other suitable survey markers other than concrete, shall be placed at all corner points at the new property line;
5. Maintain the stone walls on site to the extent practical;

Planning Commission Minutes

October 16, 2013

Page 6

6. The Planning Commission delegates final plan review to the Town Planner with the signature of the Planning Chair to appear on the Final Record Plat;
7. This approval shall be recorded with the Town Clerk within 30 days of signature; and,
8. This approval shall expire one year from the date of approval by the Planning Commission.”

A motion to adjourn at 8:25 p.m. was made by Commissioner Smith and seconded by Commissioner Enright. So unanimously voted.

Attest:



Cynthia L Reppe  
Planning Assistant

This meeting was digitally recorded