

Approved As Written  
**PLANNING COMMISSION MINUTES**  
November 20, 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	Mick Cochran
Richard Lynn	Michael Smith

Not present:

Michael Jacquard

Also present:

Lisa Bryer, AICP – Town Planner  
Cinthia Reppe – Planning Assistant  
Sav Rebecchi  
Shelly Widoff  
Jack Heelan  
Betty Hubbard  
Elizabeth Delude-Dix

**I. Approval of Minutes November 6, 2013**

A motion was made by Commissioner Cochran and seconded by Commissioner Enright 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
  - c. Affordable Housing Committee
  - d. North Rd. Bike Path Committee
4. Sub Committees

## V. Old Business

- 1) John Somyk – Plat 5, Lot 175 & 194 – Riptide St. – Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table Impervious Overlay District – Zoning Ordinance Section 82-308 Variance Request for Development within the 150’ freshwater wetland setback – Recommendation to Zoning Board – continued

Commissioner Swistak updated the commission and said this was continued from June 2013 at the applicants request, we have not sent our final conclusions to zoning yet. The applicant had some ideas for the land that Lisa Bryer, Town Planner sent to the Land Trust that did not materialize. Conservation Commission said if they do not move the septic they would not be inclined to support it. Solicitor Brochu could not be here tonight so this will be continued until the December 4th meeting. A motion to continue this agenda item until December 4, 2013 was made by Commissioner Smith and seconded by Commissioner Cochran. So unanimously voted.

### **2) Demolition Delay Ordinance – Review and Recommendation – Continued This will be wrapped into draft documents we will look at it holistically**

### **3) Buildings of Value – Proposed Amendments to Zoning Ordinance and Recommendation to Town Council**

Commissioner Swistak said at our last meeting we had a discussion with Town Administrator Kevin Paicos and Town Solicitor Brochu about how our zoning ordinance could be interpreted or misinterpreted with regards to Buildings of Value. We then requested Ms. Bryer prepare a memo to Zoning Enforcement Officer Fred Brown but after a discussion with him and Mr. Paicos it was decided that it would not happen. Mr. Brown feels it is not enforceable at this time. It is Mr. Brown’s opinion that in order to enforce he needs a re-write with respect to the Buildings of Value. As a temporary measure we have a tool that can be used, a moratorium. I would like the Planning Commission to consider this option which will allow any significant work or demolition in the Historic Districts or structures on the National Register will have a 6 month waiting period to allow us to re-write the ordinance. Rather than hand over changes to the ordinance piecemeal to the Town Council we can do it comprehensively and have more time to get it done right. Commissioner Pendlebury said he thinks this makes more sense for Mr. Brown too.

Commissioner Pendlebury noted and Town Planner Lisa Bryer confirmed that we did this with Multi Family and duplex structures in the Village District previously until we could amend the ordinance. It was very successful. If we are going to ask Peter Rugeiro to come up with language we have to come up with a time frame. Tasks we have to accomplish include drafting the demolition permits, hold a workshop for buildings of value and landscapes of value, developing review standards and determining how are we going to regulate them. We should be able to come up with something within 6 months. Does the Planning Commission think this is feasible? Commissioner Lynn is in agreement.

In order to do this right we need Buildings of Value identified and mapped. Commissioner Smith is OK with it. Commissioner Smith questioned what structures are we talking about? Commissioner Enright had a list updated from the National Register to include the following:

Jamestown Archaeological District (12/10/89)

Shoreby Hill Historic District, roughly bounded by Whittier Road, Prudence Lane, Emerson Road, Conanicus Avenue, Knowles Court, Coronado Street & Longfellow Road (9/15/11)

Windmill Hill Historic District, Eldred Avenue and North Main Road (10/2/78)

Conanicut Battery, Access from Beavertail Road (7/2/73)

Beavertail Light, Beavertail Road (12/12/77)

Dutch Island Lighthouse, Dutch Island (south end of) (2/25/88)

Joyner Archaeological Site (RI-706), Eldred Avenue (11/1/84)

Keeler Archaeological Site (RI-707), Eldred Avenue (11/1/84)

Old Friends Archaeological Site, Eldred Avenue (11/7/95)

Horsehead/Marbella, 240 Highland Drive (6/16/99)

Conanicut Island Lighthouse, 64 North Bay View Avenue (2/25/88)

Jamestown Windmill, North Road (3/14/73)

Artillery Park (and Churchyard Cemetery), North Road and Narragansett Avenue (3/7/73)

Friends Meeting House, North Road and Weeden Lane (3/7/73)

Fort Dumpling, Ocean Street (3/16/72)

The Planning Commission discussed an allowance for emergency situations, say for instance a new roof and things of that nature. We will request that the solicitors office to craft it, it is up to him and then council has to approve it. A question was asked regarding any known permit applications currently in Fred Brown's office. Not at this time. If we make this recommendation tonight by the time the council does this there is still time for property owners to react and get their permits in.

Sav Rebecchi – Sail St. – “I certainly see no problem with having a moratorium on anything that was identified as historic value prior to Shoreby Hill. The reason I say that is, there is no definitive standing that everyone in Shoreby Hill agreed to be part, to be listed on the National Registry knowing that the ultimate result would be the town having regulation and control over their home and what can be done with it.”

Shelly Widoff – 27 Standish – on March 16, 2010 she received a letter from the trustees of Shoreby Hill and read the letter to the planning commission.(It is attached at the end of the minutes.)

Betty Hubbard 41 Emerson Rd. She has a timeline (attached at the end of the minutes) and the secretary can supply the minutes of all the meetings, both upper and lower brought up the issue and described what they were after, they just wanted protection for their houses, they requested to form a historic district study.

Jack Heelan 43 Standish Rd. – it has impacted him the most. He has 3 houses in lower Shoreby that abut his property, they went from 1200 sq. ft. homes to about 4800 sq. ft. the town issued permits for the 2 abutting properties but he thinks that the town is now taking away his rights. Now he cannot do this if he chooses to. 10 years ago Shoreby was historic but not now.

Commissioner Swistak recapped and said maybe voluntary. We are trying to protect our historic gems.

Commissioner Cochran said homeowners can come forward, historians could nominate and the planning commissioners could do the same thing, virtually anyone could bring up a home. The town council put this back in the planning commissions hands to work on the buildings of value because of the private roads issue.

Commissioner Pendlebury said we are talking about zoning and you cannot opt out of zoning. He is looking at the context of the town. He thinks you have to throw a broad net. Everybody has to participate. Set the moratorium. Commissioner Pendlebury said Jamestown is a historic place and we are talking about preservation, there is an economic benefit in preserving the history of a place to the benefit of the community.

Town Planner Lisa Bryer said we have done things that are not popular before like the High Groundwater Table Ordinance. And now we look back and it has been tremendously successful. We need time to see where we are going with this without the pressure of potential demolition.

Elizabeth Delude Dix – East Shore Rd. – she appreciates that the commission understands that this applies to everybody and engaging in this difficult process of self-government, she appreciates the time and effort of the planning commission. She wants to highlight that there are real benefits to the public good of our shared history, we must protect and preserve our shared history.

Commissioner Cochran said the next step is not to give Mr. Brown (Zoning enforcement officer) the right to scrutinize the tear down, it gives him the opportunity to say no you have to wait for 6 months before he will entertain the permit. What we are talking about is significant changes. Commissioner Smith says this is a house by house deal (spot zoning) in his opinion. That is why we need to be smart. Commissioner Enright says we need time and this cannot be rushed into.

A motion was made by Commissioner Swistak and seconded by Commissioner Smith to have the town planner Lisa Bryer to send a memo to the town council asking for a moratorium from demolition and significant changes to structures listed on the National Register and to make allowances for emergency and routine maintenance and to allow an appeals process from either planning, zoning or TRC, whichever board makes sense.

So unanimously voted.

Ms. Bryer said lets come up with a schedule as to where we are going to from here. She will work with Commissioners Cochran and Enright on this.

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

A motion to adjourn was made by Commissioner Cochran and seconded by Commissioner Enright at 8:53 p.m. So unanimously voted.

Attest:

  
Cynthia L Reppe

*This meeting was digitally recorded*

To: Members of the First Subdivision of Shoreby Hill  
From: The Trustees of the First Subdivision of Shoreby Hill  
Date: March 16, 2010  
Subject: Shoreby Hill nomination to NRHP

Late last year, the Town of Jamestown applied for, and subsequently received, a state grant from the RI Historical Preservation and Heritage Commission to research and prepare the nomination papers for Shoreby Hill to be listed on the National Register of Historic Places. The National Register of Historic Places is the federal government's official list of properties which are significant in American history and worthy of preservation.

Listing in the National Register is a tool to encourage the preservation and recognition of our national heritage. It is not a local Historic District. There are no restrictions on properties listed on the National Register, unless you are applying for tax benefits.

Work under the state grant is now commencing. The Town of Jamestown has just selected Arnold Robinson Preservation and Planning Services to perform the work. One of the most important steps in this process is to conduct an historical and architectural survey of Upper and Lower Shoreby Hill properties in order to document the buildings and landscape elements of the neighborhood. Survey forms for each building and significant landscape element will be prepared and will include a physical description, architectural style, historic significance and photos. This work will begin in the last two weeks of March and continue through April. All survey work is exterior and performed from the street. You will likely see Arnold Robinson in our neighborhood, taking notes and photographs of every home.

If you wish, you can assist the process by providing some information about your house. A completed form from an earlier State survey is enclosed. Please confirm or provide any of the following: when it was built, who was the architect, who were the original owners, when garages or other outbuildings were constructed, and when major changes or additions were made. Many of you have lived in this community for generations or have researched your homes. We would appreciate it if you would share your knowledge of this special place!

The Trustees are very excited that this project is underway. To share information, or if you have any questions or concerns, you can send an email, drop a note, or give any of us a call. We would love to hear from you.

Thanks!  
Barbara Herrmann  
Secretary  
First Subdivision of Shoreby Hill, Inc.

Contact Information for this Project:

Barbara Herrmann	23 Hawthorne	bjh11y@comcast.net	Cell-617-233-2547
Becky Hubbard	41 Emerson Rd	bhubbard@aol.com	401-423-2475
Arnold Robinson	Consultant	arobinson66@cox.net	401-855-2046
Lisa Bryer	Town Planner	lbryer@jamestownri.net	401-423-7010

SHOREBY HILL HISTORIC DISTRICT TIMELINE

2006

August 23<sup>rd</sup> First Subdivision Annual Meeting – authorized Suzy Andrews, Barbara Henneman, Betty Hubbard and Jim Upton to join with volunteers from Second Subdivision to form a Historic District Study Committee

2007

June 21<sup>st</sup> Study Committee held Public Informational Meeting in the Jamestown Library with Pam Kennedy of RIHPHC to speak about Historic Districts

July 9<sup>th</sup> Lower Shoreby Annual Meeting – Betty Hubbard reported on Public Meeting and members agreed with committee plans to mail postcard survey to determine interest in Shoreby becoming a historic district

October 19<sup>th</sup> Jamestown Vision Charter Report recommends that Jamestown pursue historic preservation citing Shoreby Hill “with its striking crescent of substantial homes”

2008

June 19<sup>th</sup> Jamestown Vision Pattern Book printed

April 28<sup>th</sup> Postcard Survey Results show 74% support with 85% of residents responding

August 28<sup>th</sup> Lower Shoreby Annual Meeting voted to hold Special Meeting about becoming a Historic District

October 2<sup>nd</sup> Special Meeting attendees voted to send letter to council requesting a local historic district for Lower Shoreby Hill (19-11)

2009

January 1<sup>st</sup> Jamestown Historical Society letter of support received

March 3<sup>rd</sup> Historic District Study Committee Working Document printed

May 5<sup>th</sup> Historic District Study Committee presentation to Planning Commission with abbreviated version of their Working Document

July 6<sup>th</sup> Town Council voted to support application for RIHPHC Grant to hire professional for research and preparation for listing on the National Register of Historic Places

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July 13<sup>th</sup> Lower Shoreby Annual Meeting

September 20<sup>th</sup> Historic District Informational Meeting in the library

October 5<sup>th</sup> Council announced receipt of RHPPHC Grant and asked Study Committee to work with Town Planner to interview candidates

2010

July 12<sup>th</sup> Lower Shoreby Annual Meeting, Arnold Robinson already into research

2011

July 6<sup>th</sup> RHPPHC letter to residents asking for comment or objection to listing (4 objected in Lower, 4 in Upper)

July 11<sup>th</sup> Lower Shoreby Annual Meeting

September 15<sup>th</sup> Shoreby Hill officially listed on The National Register of Historic Places

2012

July 9<sup>th</sup> Lower Shoreby Annual Meeting voted to hold Special Meeting with Town Planner to consider any and all options for preservation

October 15<sup>th</sup> Special Meeting in library after which residents voted to renew request to council for traditional historic district legislation (18-3)

2013

September 5<sup>th</sup> Planning Commission voted to recommend historic district zoning

July 8<sup>th</sup> Lower Shoreby Annual Meeting

September 16<sup>th</sup> Council Public Hearing, continued twice (11/18 and 2/3/14)