

Approved As written
PLANNING COMMISSION MINUTES
January 2, 2013
7:30 PM
Jamestown Town Hall
93 Narragansett Ave.

The meeting was called to order and the following members were present:

Michael Swistak – Chair
Mick Cochran
Duncan Pendlebury – Vice Chair
Michael Smith

Not present:
Rosemary Enright
Michael Jacquard
Richard Lynn

Also present:
Lisa Bryer, AICP – Town Planner
Justin Jobin – Town Environmental Scientist
Cinthia Reppe – Planning Assistant
Wyatt Brochu – Town Solicitor
Michael Darveau – Darveau Land Surveying Inc.
John Somyk

I. Approval of Minutes December 19th, 2012

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

II. Correspondence – nothing at this time

III. Citizen's Non Agenda Item - none

IV. Reports – nothing at this time

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 the Zoning Board – continued from December 19, 2012**

Justin Jobin, Environmental Scientist for the Town of Jamestown spoke with Fred Brown, Zoning Enforcement Officer to get clarification on the paper street issue and explained this to the planning commission.

Commissioner Swistak reiterated the Planning Commissions responsibility in this application, we are making a recommendation to zoning on both 314 and 308. Also it is not necessary for the board to reach a consensus, it will be noted in the memo to zoning as far as the vote.

Mr. Somyk 401 Seaside Dr. Jamestown RI, has no additional information tonight. The Planning Commission went through the Preliminary Findings of Fact and Conditions of Approval prepared by Commissioner Swistak and made changes.

Commissioner Cochran had questions about the 2 lots on Neptune not being 150 feet of continuous frontage. A question regarding how to enforce the fertilizer issue was raised and since we do not have an ordinance restricting use it could be a complicated enforcement issue. The bigger issue is nitrogen in the groundwater and the wetlands protection.

Solicitor Brochu said Section 308 is the applicant’s burden to prove.

They are going to put into effect a landscape plan for the Zoning Board. Having a management plan in place is a plus too.

Mr. Michael Darveau a Class 2 septic designer and professional land surveyor gave a brief update of the plan.

Commissioner Smith says this is a well conceived plan given the limitations. A denial does not coincide with what we are trying to do with affordable housing. Most of the houses in Jamestown Shores on are 7200 sq ft lots. If we reject it what happens to the property?

Commissioner Cochran said the conservation Commission recommends denial, he feels the client has been patient and done his due diligence. He is inclined to approve it.

Commissioner Pendlebury, he too appreciates the effort that the land owner has gone through, he thinks no variances should be given with wetlands buffers. If approved it will add to the density in the area. He is inclined to not send positive recommendation to zoning.

Commissioner Swistak said there are a number of issues. He read from the Comprehensive Plan, which states “to strictly enforce the 150 ft setbacks”. He would not be in favor due to its impact to the wetlands and inconsistency with the Comp Plan.

Solicitor Brochu said the Planning Commission recommendation is advisory to the Zoning Board, the Planning Commission heard the presentation. If the planning commissioners have different recommendations they can submit that to the Zoning board with a list of findings and conditions. A discussion ensued. If there is no recommendation for approval or denial, there is no consensus, the Zoning Board will look at the requirements and see if the applicant met it, the applicant has the burden to prove it.

Commissioner Pendlebury said they should list the comp plan sections in the findings.

Commissioner Swistak said there are a few things that are not done yet. They can get it done and come back or they can take what they have tonight and go forward with a split decision.

Mr. Somyk said he is willing to do whatever the landscaper says to do. It is your application you present it the way you want but we need the information that is required. Mr. Darveau will go back and talk to Mr. Jobin and clearly identify all the things that might potentially be missing. Mr. Somyk asked to continue to a later date.

A motion was made by Commissioner Pendlebury and seconded by Commissioner Cochran to continue this application until the meeting on February 6th. So unanimously voted.

Procedurally if they present more evidence that 308 is met should it go back to the Conservation Commission? Solicitor Brochu commented that if additional evidence with regards to wetlands is presented it should go back to the Conservation Commission since their recommendation is based on what was presented and if additional information is presented they should be given the opportunity to review it.

VI. New Business

A motion to adjourn was made by Commissioner Cochran and seconded by Commissioner Smith at 8:35 p.m. So unanimously voted.

Attest:


Cynthia L Reppe

This meeting was digitally recorded