

Approved As Amended  
PLANNING COMMISSION MINUTES  
April 3, 2013  
**7:30 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

The meeting was called to order at 7:33 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Michael Jacquard	Michael Smith
Not present – Dick Lynn	

Also present:

Lisa Bryer, AICP – Town Planner  
Cinthia Reppe – Planning Assistant  
Wyatt Brochu – Town Solicitor

#### **I. Approval of Minutes March 20, 2013**

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

#### **II. Correspondence**

1. FYI – Letters from Residents Re: Shoreby Hill Historic District Proposed Zoning Ordinance. Received
2. FYI – Memo from PC to Zoning – Perry. Received  
Town Solicitor Wyatt Brochu reported that at the Zoning Board meeting neighbors were concerned and the Zoning Board discovered that information from the neighbors was not presented to the Planning Commission. He recommended the Zoning Board remand this for reconsideration by the Planning Commission. This is tentatively scheduled for May 1.
3. FYI – Memo from PC to Zoning - Cotter. Received

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

#### **IV. Reports**

1. Town Planner's Report – second meeting in April she will be away at the national Planning Conference and at this time there is nothing scheduled for the 2<sup>nd</sup> meeting in April. The Planning Commission decided to cancel the meeting.
2. Chairpersons report
3. Town Committees
  - a. Harbor
  - b. Buildings and Facilities
  - c. Affordable Housing Committee – new members appointed Monday night we now have a quorum.
  - 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**

This was continued from the last meeting. The Planning Commission all agreed that they are prepared to recommend denial. They intend to finalize the Conditions and Findings of Fact tonight. Mr. Somyk wants to make a presentation tonight.

He mentioned at the last meeting about putting a barn on the property. He understands that it was not understood what he meant and he explained that if he merged the house lot on Beacon and the subject property into one lot he can build a barn or garage without all the other conditions that the Planning Commission were discussing. Mr. Somyk asked the Planning Commission “what are we protecting here?” He thought 308 was to protect the wetlands and that is what he has presented but now has found another angle that he can do but it will be more of an impact to the property. He can do this tomorrow without the Planning Commission or Zoning Board approval. He says he feels like this decision from the commission is not trying to protect the environment. He wants the board to reconsider what they talked about last meeting.

Commissioner Swistak said after the last meeting and looking at the preliminary plan, since the applicant has presented a plan from Gifford Engineering maybe the town should consider taking the time to hire its own consultant and verify what George Gifford said. This could be a valuable component to their findings. Town Solicitor Wyatt Brochu thinks an in depth review would be beneficial. Given the unique factors in this application it would be beneficial.

Commissioner Swistak asked the opinion of the other Planning Commission members. All of the Planning Commissioners agree. Commissioner Smith does not want to set a precedent that the town will pay for this. Town Planner Lisa Bryer stated we have in our ordinance that we can charge the applicant if we have to have a professional that we do not have on staff. Mr. Brochu feels more comfortable having the town pay in this instance. In future applications the applicant will pay and it will be done prior to this stage.

Mr. Somyk said he is a practical guy and to spend money if it does not have to be spent it should not be done because he has his other plan he can set into motion. If this is to build a case at zoning to deny don’t waste your time he said, he won’t fight it that way. He will go to the other plan that he mentioned. Mr. Brochu said, the town has to act on the application that is before them currently. We can hire the professionals and they can say the information submitted is absolutely correct. The Planning Commission can make their decision then. It is reasonable for the Planning Commission to ask for more technical review. Commissioner Swistak said for your benefit Mr. Somyk we are trying to get it right.

Commissioner Cochran thinks a study is in order, Pendlebury agrees. This commission is bound to enforce the ordinance. Commissioner Pendlebury said this is unique situation. DEM granted approval for a house to be built in wetland buffer.

A motion was made by Commissioner Swistak and seconded by Commissioner Cochran to request town staff to engage a wetland biologist and an engineer if needed to verify the information that was submitted by Gifford Design Group. So unanimously voted.

A Motion to continue the application until a later date was made by Commissioner Swistak and seconded by Commissioner Cochran. So unanimously voted.

Commissioner Enright asked about why the neighbors are not notified for groundwater applications for the Planning meetings. That is not the way the ordinance is written. We are just advisory. For Zoning there is a certified notice prior to the meeting. The procedure would have to change on how staff takes these applications if you want abutters notified at the Planning Commission stage. Public hearings start at zoning board Attorney Brochu stated.

## **2. Shoreby Hill Historic District – Proposed Zoning Ordinance – per request of the Jamestown Town Council – continued**

At last meeting we had come to a point of review and the 2<sup>nd</sup> thing we discussed was how and who would comprise the Historic District Commission. Solicitor Brochu did not think that it would be possible to have the Planning Commission review it and his opinion still stands that the Planning Commission cannot stand as the Historic District Commission. There is nothing in our ordinance that prevents a Planning Commissioner from applying to the HDC.

A discussion ensued regarding the enabling legislation and authorization. Commissioner Pendlebury asked can this come through the Planning Commission instead of them sitting as the HDC, in a similar manner that the Development Plan Reviews do with the Village District. The solicitor's office is currently reviewing if the town council can appoint the members and they will look at this also. If members of the Planning Commission applied for the HDC they could be appointed. Could all of the members of the Planning Commission be appointed? Does the town council as a whole or just the president appoint? Smith thinks the town council president should not be the sole authority to appoint. The solicitor's office is looking at all of this now. We want this question answered conclusively before we decide anything. Is everyone still in agreement this is a valuable addition to the zoning ordinance. All agreed.

Commissioner Cochran looked at the buildings of value. He asked whether there has been a building of value designated yet. ~~Correct.~~ **The answer is no.**

Alexandra De Koranyi - 55 Longfellow - As owner of the 1700 farmhouse she feels they will not get the protection they need currently without this proposed ordinance.

The model is acceptable for the most part. They cannot do this until we hear back from the solicitors office. Once that is sorted out then we can go forward and develop the technical guidelines. The town will fund some technical assistance for creating the guidelines. Similar to

the village district but specific for Shoreby Hill. Public hearing and then council approval is the required process.

Commissioner Pendlebury said there are usually sub-districts within the districts. The changes to the model ordinance in front of us would be a fairly simple way of going forward with this ordinance so it sits within the ordinance with the current guidelines.

Barbara Herman – 23 Hawthorne – The Town Council said review, she is confused what are we talking about now?

The Planning Commission felt it should be a 7 member commission, it should not be a member that lives in historic district because of potential for conflict of interest. They felt the Planning Commission would be ideal board to sit as historic district commission. The enabling legislation authorizes the town to create a commission, what they are asking is can a town the size of Jamestown treat the overlay as an ordinance within the Zoning Ordinance and have the Planning Commission address and receive the applications.

Commissioner Jacquard said, currently we do not have enough people applying for boards and commissions.

Joe Reale – 12 Priscilla Rd. – initial analysis was the board as a whole could not sit as HDC but could they individually?

Although the enabling legislation authorizes, must the town create an HDC in order to create an ordinance?

Solicitor Brochu will need to look into this exact question, it is different than the last question asked.

Elizabeth Delude Dix – East Shore Rd. – enabling legislation does not require 7 members, the members are trained and anyone that wants to be a part of this, those are the ones that apply. She thinks the Planning Commission may not be the best board to review applications.

This will be continued until the next earliest meeting that the solicitor can attend, probably May 1<sup>st</sup>.

## **VI. New Business**

### **1. CDBG – Endorsement of Application – 2013**

The Planning Commission looks at this grant yearly in order to determine its consistency with the Comprehensive Community Plan, the Town Council looks at it for priority list/ranking. In prior years the Affordable Housing Committee looked at it in regards to projects and priority/ranking also.

We have provided a suggested motion for the Commission. Administrative fees pay for ads and is used for conferences, ads, secretarial services and supplies.

A motion was made by Commissioner Enright and seconded by Commissioner Smith that the

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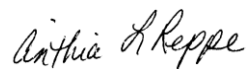
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Jamestown Planning Commission hereby certifies that the proposed PY2013 Community Development Block Grant activities are in compliance with local development policy as set forth in the 2002 Jamestown Comprehensive Community Plan as amended in 2004 and with the Jamestown Subdivision and Land Development Regulations and Jamestown Zoning Ordinance. So unanimously voted.

The April 17, 2013 Planning Commission is cancelled.

A motion to adjourn at 8:40 p.m. was made by Commissioner Cochran and seconded by Commissioner Jacquard. So unanimously voted.

Attest:



Cynthia L Reppe  
Planning Assistant

This meeting was digitally recorded