

Approved As Written
PLANNING COMMISSION MINUTES
May 1, 2013
7:30 PM
Jamestown Town Hall
93 Narragansett Ave.

The meeting was called to order at 7:35 p.m. and the following members were present:

Michael Swistak Duncan Pendlebury
Rosemary Enright Mick Cochran
Michael Smith

Not present:

Michael Jacquard
Richard Lynn

Also present:

Lisa Bryer, AICP – Town Planner
Michael Gray – Director of Public Works/Town Engineer
Wyatt Brochu – Town Solicitor
Dan Cotta – PE, PLS - American Engineering
Mark Liberati – Attorney
Robert Marcello – Knollwood Builders

I. Approval of Minutes April 3, 2013

Commissioner Pendlebury made a motion that was seconded by Commissioner Smith to accept the minutes as amended.

Page 3, 7th paragraph, 3rd sentence – ~~Correct.~~ **The answer is no.**

So unanimously voted.

II. Correspondence

1. FYI –Letter Re: Benjamin Brayton – Simpatico Jamestown. Received
2. FYI – Memo from PC to Zoning – Harris. Received
3. FYI – Letter to Conservation Commission Re: Hull Cove Beach Access. There is no need for the Planning Commission to be involved unless directed by the Town Council.

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. Donna Perry - Stern St. Plat 14 Lot 147 - Zoning Ordinance Section 314 High Groundwater Table and Impervious Overlay District Sub-district A review – Remanded from the Zoning Board

Town Solicitor Wyatt Brochu explained to the Planning Commission why the Zoning Board remanded this application back to the Planning Commission. At the Zoning Board hearing there were neighbors present that were contesting this application with regards to runoff.

Dan Cotta – American Engineering presented the changes that were made to the plan to the Planning Commission. He increased the size of the rain garden to accommodate a 25 year storm. Commissioner Pendlebury questioned the dormer and wants to be sure that there is a gutter above it that leads to the rain garden.

Commissioner Swistak asked Mr. Michael Gray if he has any comments. The difference between the previous plan and this plan is to collect enough water to minimize impact to abutting lots. The water will continue to flow as it does today and pond as it does today. He recommends a condition of approval to prepare as built in order to receive a certificate of occupancy to insure grading is as proposed. Mr. Cotta minimized the grading per our ordinance. Cotta was asked to show surface water flow from and too the neighboring lots, the water will still be allowed to flow in the southwest direction.

William Maclean – Stern St. – owns house across the street lived there 15 years. He also owns the vacant lot to the east of the subject lot. He had soil evaluation done in 2010. His lot has no ponding or marsh area. The lot just to the east is in nice condition. His primary concern is that it stay that way. He wants to see a permanent bench mark. He says there is no way that the fill can be put in without affecting his lot. His water table during wet season was 3 feet lower than the lot next door. He wants to make sure it stays that way. Commissioner Smith asked if he has approved septic plan from DEM. Not yet.

Commissioner Swistak asked Mike Gray if there is a bench mark within 150 feet of plan, he does not think it is unreasonable to require this from the applicant. He thinks that it should be shown on the road and shown on the plan.

Dan Cotta was asked about construction forming a dam and water passing under driveway. He went on record to say that Mr. Maclean does not have a perfect lot, his is not higher and his water tables were done by his company, American Engineering. His lot also floods. Surface water and groundwater are 2 different animals. They are talking about surface water. He answered Mr. Mc Cleans question about the damming. Dan Cotta does not feel the water will back up and flow onto Mr. Mc Cleans property. It will flow as it does today.

Commissioner Cochran asked if the driveway is permeable? Yes. Is the street level with the lot? It is at street level where it connects to the lot.

The Planning Commission will be meeting on May 15th at which time a revised set of Conditions, Findings of Fact and Recommendations will be provided.

Commissioner Smith – Approve, insert new findings

Commissioner Enright – Approve

Commissioner Cochran – Approve with new condition and findings

Commissioner Pendlebury – Approve Install bench marks on plan that goes to zoning, plan should show gutters and drainage pipes.

Wyatt Brochu told the applicant to please provide updated plans to the Zoning Board.

This will be continued until the May 15, 2013 Planning Commission meeting.

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

Commissioner Swistak reiterated that all 7 Planning Commissioners agreed last time that there needs to be a specific ordinance and most of the commissioners want the Planning Commission to sit as the Historic board and the town solicitors think that the Town Council can decide and apply to change the enabling legislation to allow this to happen. Tonight they will review the memo provided by the Chair for the Town Council. Between last Planning Commission meeting and tonight there was a work session held to discuss the best and appropriate direction. The council can decide this on Monday.

Betty Hubbard – spoke in favor of a separate and distinct Historic District Commission. They went through the findings. Commissioner Swistak has summarized.

Abby Campbell King – Friendship St. – registered architect – gave some background on herself and her historic review and design experience. She feels there is strength in separate commissions by appointing applicants that have experience.

Swistak said design guidelines will be used to guide the Board and a consultant will develop them.

Kate Smith – 15 Spanker St. – she served on the Historic District Commission in Cranston for 15 years. They had a handbook. 1 member of the Planning Commission had to sit on the commission. The HDC was advisory to the Planning Commission in Cranston. Creating the guidelines and educating people is a huge job.

James Buttrick – 4 Prudence Rd. – Is the Planning Commission aware of any other town where the Planning Commission sits as the Historic District Commission. Commissioner Pendlebury said there are some in New England, just not in Rhode Island.

Commissioner Swistak said the idea of having the Planning Commission sit as the Commission will expand the responsibility of the Planning Commission. Those experts within the town will appear as expert witnesses. For 51 houses he feels this will work. Currently on our board we have an architect, builder, and historian. They will preserve the historic district said Commissioner Cochran. Commissioner Cochran said he has not seen any historic district happen without the public involvement.

Commissioner Pendlebury said the Planning Commission already has the experience with regards to Zoning and enforcing ordinances. The public will always be involved in the process as it is now.

Commissioner Pendlebury said this is an overlay district that has to comply with existing zoning. When reviewing applications in the Historic District it may be reviewed by both Historic and Planning. This is more of a one stop review. The memo says an expert or experts may be brought in according to the memo.

The model ordinance will need to be adjusted according to Betty Hubbard and she feels the Narragansett ordinance is very good.

Commissioner Swistak said, based on the number of building permits in Shoreby Hill last year, he thinks we will receive about 20 applications per year at the most.

Commissioner Pendlebury said there is not unanimous support among the 51 owners and he wants the council to be aware of this. They will be given the results of the survey. There were 4 that were not in favor of being on the Historic Registry. Mrs. Hubbard said it was not unanimous. Commissioner Swistak in the first, fourth, fifth and sixth paragraphs add demolition.

A motion was made by Commissioner Smith and seconded by Commissioner Cochran to send the memo to the town council.

VI. New Business – nothing at this time

A motion to adjourn was made by Commissioner Smith and seconded by Commissioner Enright. So unanimously voted.

Attest:

Lisa W. Bryer

This meeting was digitally recorded