

Approved As Written
PLANNING COMMISSION MINUTES
March 4, 2015
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 7:00 p.m. and the following members were present:

Duncan Pendlebury – Vice Chair	Rosemary Enright – Secretary
Mick Cochran	Michael Jacquard
Michael Smith	

Not present:

Michael Swistak – Chair
Bernie Pfeiffer

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
Wyatt Brochu – Town Solicitor
Michael Cabral
John Braga – Engineer
Jay Flanagan
Ken Vario - 33 Seaside Dr.
Nancy Bennett 48 Bonnet View Dr.
Cynthia Leonard – 67 Ocean Ave.

II. Approval of Minutes February 18, 2015

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

III. Correspondence – nothing at this time

IV. Citizen’s Non Agenda Item – nothing at this time

V. Reports

1. Town Planner's Report – TRC meeting approved Washington St. project on Wednesday. We will be having a TRC meeting next week for 35 Narragansett Ave. We will schedule that for a Planning Commission meeting as soon as its ready.
2. Chairpersons report
3. Town Committees
4. Sub Committees

VI. New Business

1. Master Plan Informational Meeting/Preliminary Public Hearing

Ocean Avenue Landing, 2 Lot Minor Subdivision with Extension of Ocean Avenue, Waivers requested for the road.

Vice Chair Pendlebury began by noting that the Commission had to decide whether they were inclined to grant the waiver for the road and if they were then they needed to reassign the application to major status. The Commission agreed and a motion to reassign Ocean Avenue Landing Plat 8 lot 396 into a major subdivision review for purposes of granting waivers for the type of cul-de-sac proposed was made by Commissioner Pendlebury and seconded by Commissioner Smith. So unanimously voted:

Duncan Pendlebury – Aye

Rosemary Enright – Aye

Mick Cochran - Aye

Michael Jacquard - Aye

Michael Smith – Aye

Motion carries 5-0

The applicant Mike Cabral of Newport Renewables has a signed authorization from the property owners. They are proposing a 2 lot subdivision on Ocean Ave. The applicant gave a power point presentation and showed the audience the site plans. They have spoken with the town about extending the water line. Both lots will be serviced by public water. There are existing overhead electric service wires. Commissioner Cochran asked about the sewer and water to the east. They will take care of the connections when they apply for building permit. It is in the Urban Service District.

Commissioner Pendlebury asked about the hammerhead cul-de-sac configuration which is not standard in our regulations. He wants to know if Public Works Director Mike Gray commented on this. The Planner noted that Public Works weighed in on this at the TRC and Fire reviewed it as well. We will have to request an easement. The fire chief commented that 35 feet turn around area on each side of the hammerhead is adequate for the fire department trucks. They still wanted it confirmed in writing with the fire chief.

Commissioner Enright had a question about the gravel driveway. Cabral said they kept the pavement to a minimum. If you are considering extending this extension into Cynthia Leonards property you should consider that they already have a cul-de-sac there. Cabral stated it would have been too tight.

Wyatt Brochu, Town Solicitor said this is an unusual set up public road on private property. He noted that it brings up some questions; who is responsible for snow removal and where will it go, what issues will be created? Ultimately they will not be able to use their property for storage of vehicles. You need an subordination agreement from the easement holder to the north. The towns access has to supersede the applicants access. Smith asked about the existing driveway to the

property to the north; it goes outside of the easement area. No question of adverse possession? It could potentially happen Cabral said. Commissioner Pendlebury is uncomfortable with parts of the turnaround. He sees why he wants to go with the hammerhead but does not like it being on private property. Cabral had the discussion with Mike Gray in his office. Smith asked about a standard cul-de-sac and asked Cabral if he would prefer that. Cabral prefers the hammerhead because it is less paving; less stormwater to handle.

Does Mr. Brochu have an opinion? Historically the hammerhead would be part of the public street. They are going to give access for the emergency vehicles. Technically it is not a hammerhead but a cul-de-sac. What do the easement documents look like? Technically not part of the public right of way. Ms. Bryer said what complicates this is that the 3 lots to the north are subdividable but are not ready for such at this time. The turnaround will be continued as each lot gets developed. This then makes the earlier turnarounds obsolete. If they are in the right of way, it gets messy to rectify.

Solicitor Brochu would like to hear from town staff and the fire department. He would like to hear from Mike Gray, Andy and the Fire chief. Can this be a series of conditions for final review? They will keep the public hearing open while they look at everything. Knowing that we need to do this should we go ahead and discuss other things on this application? Yes we will continue.

Mr. John Braga Jr. from John Braga and Associates, 144 Rhode Island Blvd. Portsmouth, RI. He is a registered PE and registered Land Surveyor. A motion by Commissioner Smith seconded by Commissioner Cochran to accept Mr. Braga as an expert witness was made. So unanimously voted.

He will speak to the drainage on the plan. The roadway is about as much pavement as a driveway. He explained the drainage plan to the Planning Commissioners. All runoff will be treated by settling. Water will be directed to the bay and off of the property per the natural contours and some channeling. They will have plantings for a buffer. Commissioner Pendlebury asked about the extension. Mr. Braga said we do not need any additional waivers. Cochran asked about the driveways. There is a slope there currently. 10% should be maximum grade Cochran said.

Enright wants to see an access easement to the bay. Ms. Bryer said West Bay View Dr. does not go down to the water. Land dedication is not required for a two lot subdivision but the Planning Commission could request an access easement in lieu-of a fee for this application. The applicant noted that it was a sharp drop off to the water. Bryer noted that it would not have to be immediately open to the public until it is safe for passage with stairs or the like.

This will be continued until the next meeting to resolve the turnaround. Commissioner Pendlebury said they cannot vote tonight but if anyone in the audience wants to make comments he asked them to please state their name and address for the record.

Ken Vario - 33 Seaside Dr. he owns the property at 60 Ocean Ave. the first thing to point out is this is the 3rd time the town has had matters where he is a direct abutter and not been notified. He is wondering why he has not gotten notification. Fred Brown was aware of the previous 2 and he is very troubled about it. Brochu suggested that he follow up with the applicant or planner and they get the information from the tax assessor. He has owned the property since 1997. The drainage

there is horrible and there is a huge amount of water and he is requesting due diligence regarding the drainage. There are problems with water pressure and sediment. They extended the sewer lines and water lines. He feels this is an exploitation of this land. How does this benefit anybody? It is an odd angle to get into the property with that Hammerhead. He thinks this subdivision should stand on its own merits and not plan for future subdivisions.

Nancy Bennett 48 Bonnet View Dr. she is to the east of the property and to the north. She is in a safe direction as far as runoff. She has been in contact with 52 Ocean Ave. he is out of town currently but he objects. She has only seen this tonight and she was shocked at the road angle and configuration to get the 20,000 sq. ft. She has 2 questions. Some is a sympathy complaint about headlights for the Leonard property and the other is about only a 10 foot setback to the north. What is the good of this? When she bought her property it wasn't an issue, the only benefit is a monetary one for the buyer.

Cynthia Leonard – 67 Ocean Ave. – There are 3 things that she is opposed to, the extension, setbacks and the lack of a stormwatermanagement plan. The easement has been around for years. Fire trucks have been to her property and have no trouble turning around. Under the easement is the town water supply she believes. There are electrical lines buried up there too. She urges not to build because of the noise, light and she is wondering how many easements will we have on this property? She has so many easements now. She would be losing much of her privacy. Jamestown's Zoning Board determined the setbacks for this were going to be 30 feet on the north side of lot 396 so Bennett could have her lots. It was stated in the record that the lot is big enough for a house, not 2 houses. Drainage is a huge issue. 3 years ago the rainwater came all the way down Ocean Ave. and she explained how and where the water went and 12 feet of land slipped off into the bay. The swales are too close. There is no stormwater management plan and she would like to see one. She is opposed to this project. Setback she is opposed too and the drainage plan. West Bay View Dr. has an illegal stop sign. Cochran asked about the property to the north of her. Do you have an easement with them? No she just lets them go through they also have access to Melrose and so do some of the others.

Brochu said we have heard statements from the neighbors regarding drainage. With regards to stormwater management it helps the board if you bring your own engineers to verify your side. If you want to oppose the testimony of a professional engineer you also need a professional engineer.

Town Planner Lisa Bryer will meet with the applicant to review the notices that were sent out. Cabral said what he is requesting is within the subdivision regulations with exception of the hammerhead design of the street. The applicant said he used the Town GIS site for the notices. The hearing will remain open until the March 18th meeting when it will be heard again. A motion to was made to continue this public hearing until the March 18th 2015 meeting by Commissioner Enright and seconded by Commissioner Cochran. So unanimously voted.

VII. Adjournment

A motion to adjourn was made by Commissioner Enright and seconded by Commissioner Smith at 8:33 pm.

Attest:

Planning Commission Minutes

March 4, 2015

Page 5

Cynthia L. Reppe

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Planning Assistant

This meeting was digitally recorded