

**Approved As Amended**  
**PLANNING COMMISSION MINUTES**  
**January 20, 2016**  
**7:00 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

**I. Call to Order and Roll Call**

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

Duncan Pendlebury – Vice Chair	Rosemary Enright – Secretary
Mick Cochran	Bernie Pfeiffer

Also present:

Lisa Bryer, AICP – Town Planner  
Wyatt Brochu – Town Solicitor  
Cinthia Reppe – Planning Assistant  
Christian Infantalino - Attorney  
Douglas DeSimone – Douglas Properties  
Mr. Edward Pimentel, AICP Pimentel Consulting Inc.  
Robert Trout  
Michael Swistak

**II. Approval of Minutes January 6, 2016**

A motion to approve the minutes was made by Commissioner Enright and seconded by Commissioner Cochran with the following amendments:

Page 1 –under Also present - Eric Busch – Rustpoint Advisory

Page 2 - Lisa Bryer stated we have hired 2 consultants Don Powers from Union Studios for architectural review and Eric Busch from Rustpoint Advisory LLC.

So unanimously voted.

**III. Old Business**

A motion was made by Commissioner Cochran and seconded by Commissioner Enright for the Planning Commission to sit as the Local Review Board. So unanimously voted.

## Master Plan Informational Meeting

**1. Jamestown Village Condominiums, Property Owner: Holy Ghost Society, Applicant: Douglas Enterprises, LTD., A.P. 8 Lot 79, 138 Narragansett Avenue, Application for Major Land Development Project , 16 Units (4 income restricted Low-Moderate Income units), 2 buildings, Multi-Family Development Project proposal, Comprehensive Permit per Zoning Article 17, Zoning Variances and Special Use Permit – Continued**

A motion was made by Commissioner Cochran and seconded by Commissioner Enright to reopen the public hearing. So unanimously voted.

Mr. Edward Pimentel was sworn in and gave his background and handed in his CV. He has been a municipal planner and started consulting about 15 years ago. He has worked on about a dozen comprehensive permit applications.

A motion was made by Commissioner Enright and seconded by Commissioner Cochran to accept Mr. Pimentel as an expert witness. So unanimously voted.

Mr. Pimentel looked at the proposed development, density and what type of affordable housing is being proposed. He does a thorough analysis.

Commissioner Pendlebury questioned Mr. Pimentel on his report on page 5. Pendlebury said because of the way our zoning is written he feels his statement is reverse logic. Pendlebury noted that there is no argument that there is increased density in the area this is being proposed but our zoning does not say this density is permitted and it should be stated as such and in addition just because there is increased density that does not warrant that this is where it should be. That is a significant distinction over what was stated in the report.

Commissioner Pendlebury asked if any member of the audience has a question of Mr. Pimentel. Attorney Infantolino said the application team is done with their presentation. Commissioner Pendlebury asked for some dates regarding exhibits.

Commissioner Pendlebury would like to go through the attachments.

Mr. DeSimone said he is providing 25% affordable housing which is more than the 20% our ordinance says is required. There are conflicts between ordinances and the enabling act Mr. Brochu said this comes up a lot. Bryer clarified that in order to be reviewed under the State Law for comprehensive permits you need to provide 25%.

DeSimone said after the application there was some confusion with regards to the ordinances and the open space requirements. Commissioner Pendlebury asked town planner Lisa Bryer and it has been determined that the relief required is twice what originally thought: it requires 2 square feet per square foot of gross floor area for multi-family dwelling projects (more than one building).

Michael Swistak – 143 Narragansett Ave. – I am an abutter and I have some thoughts related to density. He feels the density being requested is too much for the area. He appreciates all the work

that has gone into this application. It is an R-20 lot and when you allow this density it becomes a CL or CD lot. He understands compromises have to be made for our affordable housing. Prior to the re-write for the zoning ordinance the town was adamant about not expanding the commercial district. He thinks it should be a 12 unit proposal which would require less relief. When done it should be as close to R-20 as possible. Please probe a little deeper he asked. At the end of the day he feels it is not the right site for this project.

Commissioner Pendlebury would like to go over the draft motion.  
Edits were made to the draft motion.

Attorney Infantolino said the density based on this application is pursuant to article 11, based on parking. Mr. Infantolino explained their interpretation of 82-1110 – Parking and Density Calculations. Commissioner Pendlebury said in his experience this clause refers to not allowing more than the parking that you are able to provide and this is based on not only Jamestown but other municipalities.

Mr. DeSimone was sworn in.

He said from his perspective his concern is simply that if this board ultimately approves this application at Master Plan he want his “subsidy” to be clear and it is a building permit fee waiver. It was clarified that that is requested for the affordable units only. The units cannot be counted towards the affordable housing stock unless there is a subsidy. He would like both a fee waiver and density then, he does not want to get tied up in it after the fact. Commissioner Pendlebury understands what he is saying.

Commissioner Pendlebury said we have heard various discussion by the experts on this application. He thinks it would be helpful if the thoughts of the board are put on the table. We are being asked to approve this application.

Commissioner Pfeiffer said the amount of relief is very large, 10x the actual size allowed, seems like a very large number but we have had many experts provided by the applicant **and by the town for the Planning Commission** that conclude that the size of the project is not outside of what the area can take.

Commissioner Cochran said he agrees with what Commissioner Pfeiffer said, this is an exceptional request. He thinks the past use shouldn't happen currently there and he thinks with the CL adjacent to this property this contribution to low cost housing is beneficial and he is leaning on the side of approving the project.

Commissioner Enright said affordable housing is necessary, and for seniors on the island this type of housing is needed. She thinks the relief is a lot and would like to see 12 units instead of 16, she ran the numbers herself, but realizes it is unrealistic to ask the developer to accept such a low profit. She would be very upset if there were only 1 bedroom units for affordable. She would like to see more two-bedroom units.

Commissioner Pendlebury gave a quick review of the items the applicant has agreed to incorporate Don Powers suggestions.

Commissioner Enright would like to see all 2 br. units. He can convert two of the 1-bedroom units in the larger building to two-bedroom units. The ~~small~~ building cannot accommodate another 2 bedroom unit due to its size and this is why DeSimone said he needs to keep 1 -1 bedroom. If they want another 2 br. the building is going to have to grow. Commissioner Cochran does not feel strongly about it, neither does Commissioner Pfeiffer, and Pendlebury agrees.

Commissioner Pendlebury said we have heard a lot and he feels it is enough to go forward with the motion as amended.

Mr. Swistak asked if he could give a last final comment on a new topic. The Vice Chair permitted it.

Swistak the last thing he is thinking about when Mr. Busch was here was is it appropriate to ask the applicant at this time what the back-up plan will be if this does not happen.

Mr. DeSimone explained how he is going to go about building, starting the small building first. Pendlebury does not think it is within their purview to tell him how to sell his units.

DiSimone also said it is against the law to even attempt to sell these units before anything has been approved. Mr. DeSimone said he has had several phone calls already.

Bob Trout – 14 Lawn Ave. – he is an abutter to the property he is a licensed RE appraiser and if he were asked to appraise his house he would look at it as if the project does not go ahead he thinks it would have a negative impact on his house and the value. He wants to see residential and not commercial. He is fine with the 16 units.

Town Planner Lisa Bryer added as a condition of approval the offer by the developer to construct off ~~side~~ site improvements consisting of sidewalks. They would continue along the corner of Narragansett Avenue and Pemberton Avenue and along Narragansett Avenue to Lawn Avenue. DiSimone said he agreed to extend it. Also we have added to the motion the document that notes all the exhibits.

A motion was made by Commissioner Pendlebury, seconded by Commissioner Cochran at the January 20, 2016 Jamestown Planning Commission meeting, the Local Review Board voted unanimously: To grant Comprehensive Permit/Master Plan approval for the project titled “Jamestown Terrace” in accordance with the Town of Jamestown Zoning Ordinance including Article 17 – *Low and Moderate Income Housing* and Subdivision Regulations, RIGL 45-23-37 and the plans entitled:

- 1) **"Site Plan for Jamestown Terrace located at 138 Narragansett Avenue, Jamestown, Rhode Island, Sheets 1 and 2 of 2, dated 10-14-15** by American Engineering, Inc., 400 South County Trail – Suite A 201 Exeter, Rhode Island 02822;
- 2) **Elevations Drawing No. A1, A4 and A101, Owner Jamestown Village, printed 11/9/2015** by David Presbrey Architects, 610 Eddy Street, Providence, Rhode Island 02905-4808;

- 3) **Concept Landscape, Master Plan, Drawing 1 dated November 2015**, by The Gifford Design Group, Inc., Landscape Architecture, Environmental Planning, 4096 Mendon Road, Cumberland, Rhode Island 02864.

This approval is based on the following Procedural History, Project Description, Findings of Fact and is subject to the following Conditions of approval:

**A. PROCEDURAL HISTORY**

1. An application for Comprehensive Permit was received on November 16, 2015 and, subsequent to additional checklist items being submitted on December 9, 2015 the receipt of the Letter of Eligibility on July 9, 2010, the application was certified as complete on December 15, 2015. The application is for 16 condominium dwelling units located in 2 buildings; 12 in one building and 4 in another. The project is entitled "Jamestown Terrace".
2. The applicant, Douglas Enterprises, Ltd. is a for-profit developer. The applicant controls the site by virtue of a purchase and sales agreement dated May 12, 2015. Douglas Enterprises, Ltd. is eligible to pursue a Comprehensive Permit pursuant to R.I. Gen. Laws § 45-53 and a letter dated October 26, 2015 from Eric Shorter, Director of Development, Rhode Island Housing which states that Douglas Enterprises, Ltd. is "eligible to pursue a Comprehensive Permit application in the Town of Jamestown to develop 138 Narragansett Avenue. Modifications to this proposed development resulting from the local review process do not require an additional letter of eligibility."

Other materials entered into the record through application to the Local Review Board include and submitted by reference as exhibits include:

Exhibit 1: Letter to Lisa Bryer, Town Planner, dated November 16, 2015.

Exhibit 2: Letter to Jamestown Planning Commission, dated November 16, 2015.

Exhibit 3: Subdivision and Land Development Application and Supplementary checklist

Exhibit 4: Relief requested amended 12-9-2015

Exhibit 5: Major Land Developments and Major Subdivisions Master Plan Checklist #5

Exhibit 6: Letter of Eligibility from Rhode Island Housing, dated October 26, 2015.

Exhibit 7: Deed Restriction Template.

Exhibit 8: Financial Pro Forma

Exhibit 9: Fiscal Impact Study prepared by JDL Enterprises

Exhibit 10: Application for Comprehensive Permit Pursuant to Section 82-1701 of the Jamestown Zoning Ordinance and RIGL Title 45, Chapter 53 as amended and Planning Report prepared by Edward Pimentel

Exhibit 11: Summary of Qualifications for Edward Pimentel of Pimentel Consulting, Inc.

Exhibit 12: Master Plan landscape plan dated November 15 and prepared by The Gifford Design Group, Inc.

Exhibit 13: 1,000 foot Radius Plan, dated 10/14/2015 prepared by American Engineering, Inc.

Exhibit 14: Site Plan for Jamestown Terrace dated 10/14/2015 prepared by American Engineering, Inc.

Exhibit 15: Narrative for Jamestown Terrace

Exhibit 16: Open Space Use Plan submitted 12-9-2015

Exhibit 17: Warranty Deed recorded in the Jamestown Land Evidence Records at Book 82 Page 943 that reserves the existing driveway right of way submitted 12-9-2015

Exhibit 18: CV for Joseph Lombardo

Exhibit 19: CV for George Gifford

Exhibit 20: CV for Paul Bannon

Exhibit 21: Comprehensive Permit application

Exhibit 22: Abutter list

Exhibit 23: Traffic Study by RAB Professional Engineers, Inc.

Exhibit 24: Memo dated December 13, 2015 including Site Plan and architectural recommendations from Donald Powers, Principal, Union Studio

Exhibit 25: Memo dated December 15, 2015 from Eric Busch, Principal, Rustpoint Advisory, LLC.

3. The application states that four of the 16 dwellings will be low and moderate income units that will remain affordable through a deed restriction. These units are proposed to consist of one 2-bedroom and three 1-bedroom units. The ownership condominiums will provide ownership opportunities to households whose incomes do not exceed 100% area median income.
4. This application was heard by the Local Review Board for pre-application on September 16, 2015 and October 7, 2015. A Master Plan Informational Public Meeting was held on January 6, 2015 and closed on January 20, 2015: The Planning Commission sat as the Local Review Board for this application pursuant to RIGL 45-53 Low and Moderate income Housing Act. Notice of the public hearing was sent to the abutters within the required notice area, published in the December 3 and December 24, 2015 Jamestown Press, posted at the Town Hall, the Police Station and the Jamestown Philomenian Library and also posted on the Town of Jamestown web site and the RI Secretary of State's public meeting web site.
5. Christian S. Infantolino, Esq. of Morneau and Murphy appeared as legal counsel on behalf of the Applicant.
6. During the Local Review Board meetings and Public Hearing, the Board received comments and reports from the Town Planner. The Planning Commissions legal counsel, Wyatt Brochu advised the Board as well.
7. The Town of Jamestown hired Architect Donald Powers, Union Studio to review and comment on the building architecture and site design. The Town also hired Eric J. Busch, Rustpoint Advisory, LLC to review the financial pro forma for the application.
8. Neighbors (abutters) were also present at the public hearing and submitted additional information to the Board for their consideration. The concerns of the abutters were discussed by the Board and given consideration during the review process and included:
  - a. Additional trees along Narragansett Avenue and adjacent to the direct abutter to the west on Narragansett Avenue.;

- b. Addition of a fence along the west property line in addition to the proposed evergreen hedge;
  - c. recommendation that all the affordable condos are 2 bedroom;
  - d. Having an additional vehicular access point to Pemberton Avenue
  - e. Reducing the entrance at Narragansett Avenue and add landscaping
  - f. Identify areas for trash receptacles and recycling
  - g. No parking on Narragansett Avenue and along the right-of-way
  - h. Bike rack
  - i. Construction Plan?
  - j. Lower condo fees for the affordable units
  - k. Too dense
9. The Master Plan application was reviewed at a Technical Review Committee (TRC) Meeting on December 9, 2015 and a proceeding of that meeting dated December 9, 2015 was prepared (Exhibit 22)

**B. PROJECT DESCRIPTION and FINDINGS OF FACT**

1. The proposed project is described on the plans by American Engineering, Inc. as indicated above, and made a part of the record. The Applicant has submitted architectural renderings by David Presbrey Architects, as indicated above and made a part of the record. The applicant has submitted a landscaping plan by Gifford Design Group, as indicated above, and made part of the record.
2. The property on which the project is proposed is located at 138 Narragansett Avenue and shown on Assessor's Map 8 Lot 79. The property contains approximately 41,055 square feet (.94 acres) and is presently developed with the Portuguese American Citizens Club building, built in approximately 1945.
3. The property is cleared with several trees present and is gently sloping to the south. It is located in an R-20 district where 20,000 s.f. is required for a single family house and 200,000 s.f. is required for multi-family dwellings. The Zoning directly across Pemberton Avenue to the east and south is CL – Commercial Limited. Zoning to the north and west is R-20.
4. The proposed development is consistent with local needs as identified in the Jamestown Comprehensive Plan - Affordable Housing Element which states the following:

**Goal:** *Create a diversity of housing types (such as homeownership, rental, employee preference, etc.) to meet the needs of Jamestown's low-moderate income residents, employees, and special populations while maintaining Jamestown's unique mixture of village and rural character.*

**Policy 3:** *Identify potential locations for affordable housing development: recommended actions.*

*Action Item a: Target appropriate parcels for Infill development of affordable housing.*

4. The local concerns do not outweigh the State and Local need for affordable housing. The Local Review Board conceptually approves granting the necessary Zoning Ordinance relief as follows.  
The applicant has requested the following Zoning Relief:
  - a. Special Use Permit for Multi Family Dwellings in R-20 Zone; Table 3-1 permitted uses
  - b. Deviation from (formerly Dimensional (variance)) from Article 3, Section 82-302, Table 3-2, minimum lot size for multifamily project within the R-20 zone of the Village Special Development District.  
Minimum Required – 200,000 square feet, existing = 41,055 sq. ft.  
Relief requested = 361,945 square feet
  - c. Deviation from front yard setback pursuant to Table 3-2  
Setback required = 30 feet, setback provided = 22.5 feet  
Relief requested = 7.5 feet
  - d. Deviation from Article 10, Section 82-1006.5. Open Space Requirements  
Required Open Space 39,352 square feet
    - 2 sq. ft. per sq. ft. of gross floor area  
9,838 s.f. x 2 floors = 19,676 total sq. ft.  
19,676 total s.f. x 2 s.f. per s.f. of gross floor area = 39,352Provided Open Space: 19,974 sq. ft.  
Relief Requested: 19,378 sq. ft.
5. The application, as described in the plans, is for 16 multi-family dwelling units in two buildings on one lot. All units will be offered for purchase and 4 of those units will be for sale as “affordable units” with a permanent deed restriction to remain affordable. The two buildings are proposed to be 2.5 story units, both within the 35 foot height requirement per the Zoning Ordinance. The 12 market rate units will have two-bedrooms each and the applicant has proposed 3 1-bedroom and 1 2-bedroom affordable units but has agreed to modify the Low-Moderate Income (LMI) units to consist of 3 two-bedroom units with 1 one-bedroom unit remaining. The units are compatible in scale to the existing senior housing on Pemberton Avenue and are compatible in architectural style to the surrounding units in the neighborhood.
6. The Local Review Board has been presented with no facts evidencing significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions of approval. The Technical Review Committee reviewed the plans at a meeting on December 9, 2015. They had no outstanding environmental issues or objection with the application as proposed. The applicant has indicated that the first floor elevation will be above 33 feet, the identified X-zone on this site.
7. There will not be significant negative impacts on the health and safety of current or future residents of the community. The proposed development has a reduction in impervious cover over what exists today on site. The applicant has indicated that stormwater runoff



will be further mitigated by roof leaders and underground infiltrators. The stormwater system will be designed at the Preliminary stage.

8. All lots in the subdivision will have adequate and permanent physical access to a public street in accordance with the requirements of § 45-23-60(5). Narragansett Avenue and Pemberton Avenue are the public roads to which the project will have access. Narragansett Avenue is a State Road and is listed in the RI Transportation Improvement Program for paving and sidewalk replacement. Pemberton Avenue is a local road in Jamestown and is in adequate condition to service the project. The proposed dwelling units will have access to said public roads via driveway access.
9. The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. The buildings have been designed by David Presbrey Architects specifically for this lot.
10. All subdivision lots have adequate water for the intended use and adequate provision for wastewater disposal. The Applicant proposes public water and sewer for all dwelling units and will be required to receive approval for such hook-ups from the Jamestown Board of Water and Sewer Commissioners.
11. The required subsidy for this affordable housing development is proposed by the developer to include:  
Local Subsidy: Building Permit Fee waivers for LMI units only
12. The local review board makes the following findings as required per RIGL45-53-4, on each of the following standard provisions, where applicable:
  - a. The proposed development is consistent with local needs as identified in the local comprehensive community plan with particular emphasis on the community's affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies.

The Jamestown 2015 Comprehensive Plan notes that all affordable housing is in need but in particular family, elderly, special need and workforce housing are particular needs. The developer intends to target empty nesters. This could mean elderly. But with two bedrooms and proximity to the schools and the village, the affordable units would be attractive to small families or single parent households also. The Comp Plan Housing Element states:

*Island Families: It is a priority of the Town to provide housing opportunities that allow for the intergenerational continuity of island families. However, with escalating housing prices, people who grew up in Jamestown often cannot afford to live there as adults.*

*It is especially difficult for young families to find starter housing in Jamestown. With single-family home prices so high, rental housing is the only alternative for many families. Average rents in Jamestown are beyond what many working families can afford to pay.*

*Island Elderly: With fixed incomes and specific housing needs, it can be a challenge to provide appropriate housing for the elderly. Jamestown's elderly population is growing, which places demands on the housing market for smaller homes, condominiums and townhouses, and one level homes, all of which are scarce on the island. The population of residents over 65 years of age has increased by 344, or 35 percent between 1990 and 2010 and has increased 166, or almost 17 percent in the ten year span between 2000 and 2010, during a time that our overall population decreased by 217 persons.*

*The 2000 CHAS data indicate that there are 114 low-income elderly households with housing problems in Jamestown. For many elderly homeowners, staying in their large homes is no longer an option, for financial and/or maintenance reasons. Skyrocketing property values have created property-tax burdens elderly homeowners cannot afford. These residents could downsize, but there is not enough appropriate housing available. There are no assisted-living facilities in Jamestown. The Jamestown Housing Authority has a 2-to-5 year wait for its 47 subsidized elderly-housing units.*

- b. The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance and subdivision regulations, and/or where expressly varied or waived local concerns that have been affected by the relief granted do not outweigh the state and local need for low and moderate income housing.

The property is zoned R-20 permitting various residential, government, education, institutional, water related and home office uses. The proposed use (multi-family) is permitted by special use permit and requires 200,000 square feet for the use (3-12 units). This parcel is 41,055 square feet and does not comply with the size requirement. The Local Review Board has determined that the relief requested outweighs the local concerns, which have been meaningfully addressed through design, and the state and local need for low and moderate income housing.

- c. All low and moderate income housing units proposed are integrated throughout the development; are compatible in scale and architectural style to the market rate units within the project; and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units.

The LMI units are integrated throughout the development with one in the 4 unit building and 3 units in the 12 unit building. According to Architect Donald Powers "Given the prior use on the site (PAC) and the mixed pattern of single family and multi-family already existing on

Pemberton, this intensity of use seems reasonable. Further, based on professional and personal experience with the community and a general understanding of the challenges to affordability, the stated desires of a large part of the community (Jamestown Visions) the specific needs of this housing market, and cost of services as they relate to housing type, the proposed use seems warranted. Furthermore the site plan and ratio of open space to lot coverage seems acceptable.”

- d. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.

Flood Zone X occurs on the south-west corner of the subject site. A portion of Building B is located within the X Zone and will require special design considerations. On site stormwater drainage will be handled at the Preliminary Stage of review.

- e. There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical or cultural features that contribute to the attractiveness of the community.

Health and Safety is of primary concern to the Town of Jamestown. The following elements have been reviewed, discussed, and addressed to the satisfaction of the Local Review Board and it has been determined that there will be no significant negative impacts to the health and safety to current or future residents of the community:

- Vehicular circulation and traffic
- Pedestrian traffic through and by the proposed development
- Emergency Services
- Sewerage disposal
- Availability of potable water

- f. All proposed land developments and all subdivisions lots will have adequate and permanent physical access to a public street in accordance with the requirements of § 45-23-60(5).

See Finding of Fact #8 above.

- g. The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, unless created only as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.

- h. See Finding of Fact #9 above.

**C. CONDITIONS OF APPROVAL**

1. The approval is for a total of 16 condominium units; 12 market rate and 4 affordable (LMI);
2. That payment of a fee in-lieu-of land dedication shall be required for the market rate units of this development as required by Article IIID of the Jamestown Subdivision Regulations;
3. The monitoring agent for this affordable housing development will be the Narragansett Housing Authority;
4. The applicant has agreed that the LMI units will consist of 1 one-bedroom unit and 3 two-bedroom units;
5. All the design and site recommendations from Donald Powers, Union Studio will be incorporated, as attached to this approval, at the Preliminary submittal stage; Exhibit 24.
6. The applicant shall receive approval from the Jamestown Board of Water and Sewer Commissioners for a change of use for the 16 units prior to the Preliminary Approval;
7. A vehicular, exit only egress will be provided to Pemberton Avenue;
8. Once approved by the Local Review Board this approval shall be recorded by the applicant with the Office of the Town Clerk and the Planning Office shall post the approval outside the Planning Office within 30 days of the date of approval; and,
9. This Master Plan approval shall expire one year from the date of approval by the Local Review Board unless Preliminary Approval is granted or an extension is granted per Article V. C. 4. i. of the Subdivision Regulations.
10. A landscape maintenance agreement and schedule, including the “open space” shall be provided and approved at the Preliminary stage of review.
11. The applicant has agreed that none of the condominium units will be rented for a period of less than 30 days and this restriction shall appear in the deed language.
12. Cisterns shall be considered as an element for landscape maintenance and stormwater mitigation.
13. The areas for storage and collection of trash and garbage shall be identified at the preliminary stage of design and buffered as required 82-1006.6C.
14. Building in the Flood Zone is regulated by the Building Code and shall be reviewed to during the building permit phase of this project.

15. The applicant has agreed to off site improvements which consist of continuing sidewalks along Pemberton Avenue to Narragansett Avenue and along Narragansett Avenue to Lawn Avenue.

So unanimously voted:

Duncan Pendlebury – Aye

Mick Cochran - Aye

Rosemary Enright – Aye

Bernie Pfeiffer - Aye

Motion carries 4-0

A motion was made by Commissioner Cochran and seconded by Commissioner Enright to close the public hearing. So unanimously voted.

A motion was made by Commissioner Pendlebury and seconded by Commissioner Cochran to dismiss the Planning Commission as the local review board. So unanimously voted.

#### IV. Adjournment

A motion to adjourn was made by Commissioner Enright and seconded by Commissioner Pfeiffer at 8:45 p.m. So unanimously voted.

Attest:



Cynthia L. Reppe