

Approved As Written

## PLANNING COMMISSION MINUTES

February 3, 2016

7:00 PM

Jamestown Town Hall

93 Narragansett Ave.

### I. Call to Order and Roll Call

The meeting was called to order at 7:05 p.m. and the following members were present:

Duncan Pendlebury – Vice Chair      Rosemary Enright – Secretary  
Mick Cochran arrived at 7:25 p.m.      Bernie Pfeiffer  
Michael Smith

Not present: Michael Swistak – Chair

Also present:

Lisa Bryer, AICP – Town Planner  
Wyatt Brochu – Town Solicitor  
Cynthia Reppe – Planning Assistant  
Douglas DeSimone  
Daniel Cotta – American Engineering, Inc.

### II. Approval of Minutes January 20, 2016

A motion was made by Commissioner Pfeiffer and seconded by Commissioner Enright to accept the minutes with the following changes:

Page 3, 6<sup>th</sup> paragraph - 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.

Page 4, 1<sup>st</sup> paragraph - The ~~small~~ building cannot accommodate another **2** bedroom **unit** due to its size

Page 4, 6<sup>th</sup> paragraph - construct off ~~side~~**site** improvements consisting of sidewalks.

### III. Correspondence – nothing at this time

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

### V. Reports

1. Town Planner's Report – Lisa Bryer told the Planning Commission that a BBQ restaurant is being proposed at 35 Narragansett Ave. the current car wash site.
2. Chairpersons report
3. Town Committees
4. Sub Committees

## VI. Old Business nothing at this time

## VII. New Business

### 1. Earnshaw/Douglas Enterprises – Plat 14, Lot 301 - Deck St. - Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table Impervious Overlay District 314 – Recommendation to Zoning Board

Dan Cotta- American Engineering presented the application. The site is located on Deck St. on the northerly side. Presented as a 2 bedroom to DEM, it meets the setbacks, a shallow rain garden is proposed because of the depth to water table. Abutting properties are higher than this lot. Minimal grading proposed. DEM required they survey the property because of the encroachment on the lot.

Commissioner Enright asked about the well in the northwest corners, they tried to separate as much as possible so they would not need a variance. The septic required a variance from DEM but Pendlebury wants to see it because he said it is not signed or stamped by DEM.

Town Planner Lisa Bryer asked Mr. Cotta what the standards are for rain gardens in terms of depth. Rain gardens are typically the best we have to work with infiltrating water in these areas. Ideally they would like 2 foot water tables but that would require fill on a site such as this.

Mr. DeSimone said when it was originally submitted there were no drainage calculations and because of comments from abutters DEM asked for this information.

A motion was made by Commissioner Smith and seconded by Commissioner Enright to recommend to the Jamestown Zoning Board, approval of the application Donald and Marcella Earnshaw/Douglas Enterprises, LTD – Assessor's Plat 14 Lot 301; being reviewed under Zoning Ordinance Section 314 - High Groundwater Table and Impervious Overlay District Sub-district A review in accordance with the plan entitled **Town Submission, For Donald and Marcella Earnshaw, located at Pole #4Deck Street, Jamestown, RI, dated 10/1/15, Sheet 1 of 1**. The recommendation for approval is based on the following findings of facts as amended:

#### Findings of Fact Section 314

The applicant is proposing to construct a two bedroom 24' x 30' dwelling on Lot 301 totaling 7,200 square feet.

1. Applicant has obtained RI DEM approval for an ISDS/OWTS for a two-bedroom dwelling. This approval includes a deed restriction requirement, limiting the dwelling to no more than two bedrooms and an approved variance for groundwater clearance.
2. The applicants OWTS permit from RIDEM and the Town of Jamestown Worksheet for Zoning Section 314 indicates the OWTS is a Septi-tech to Bottomless Sand Filter.

3. The applicant's representative Dan Cotta, PE, President of American Engineering has submitted expert testimony before the Planning Commission on 2/3/16 as an expert witness with regards to OWTS Design and evidence that the proposed project meets the design requirements of Zoning Ordinance 82-314 High Ground Water Table and Impervious Overlay District as documented in a report prepared by American Engineering dated January 8, 2016.
4. The applicant has submitted proposed plantings and rain garden "notes" in the rain garden detail.
5. Jamestown Public Works Director Michael Gray, PE and Jamestown Environmental Scientist Justin Jobin provided correspondence to Lisa Bryer, Town Planner dated January 14, 2016 regarding the Earnshaw application with respect to Zoning Section 314 (attached) which notes that, the proposal in their opinion, meets the requirements of the Ordinance as follows:
  - a. The applicant meets the allowable impervious coverage limit of 10%.
  - b. The proposed 2 bedroom Septi-tech and bottomless sand filter OWTS provides advanced treatment, and meets the requirements of this ordinance. The applicant has enclosed a copy of the RIDEM OWTS Approval dated 12-9-15. A two bedroom deed restriction is required for this lot per RIDEM;
  - c. The proposed 791.5 C.F rain garden exceeds the criteria of the Ordinance to accommodate the increase in runoff for a 10 year storm.
6. There are no wetlands on the subject property nor are there any wetlands within 150 feet from the applicable components of the OWTS per Zoning Ordinance Section 82-308 per the testimony of Engineer Dan Cotta on February 3, 2016.
7. Based on soil evaluation reports, the subject lot is in sub-district A of the High Groundwater Table and Impervious Overlay District.

### **Conditions of Approval**

1. The Operation and Maintenance (O & M) requirements for pervious driveway, stormwater mitigation (rain garden) and OWTS shall be recorded in the Office of the Town Clerk with the Zoning Approval and evidence of such shall be provided to the Zoning Enforcement Officer.
2. The proposed driveway, shall be maintained as a pervious surface and not be paved at any time in the future. The O & M shall indicate that driveway shall remain pervious in perpetuity. Any change in this requirement will require additional approval by the Zoning Board of Review.
3. An as-built plan shall be provided by the Engineer to ensure constructed grades match the approved development plan.
4. The property corners shall be marked by permanent bounds as placed by a Registered Land Surveyor.

So unanimously voted by:

Duncan Pendlebury  
Bernie Pfeiffer

Rosemary Enright  
Michael Smith

**VIII. Adjournment**

A motion was made to adjourn the meeting at 7:26 p.m. by Commissioner Enright and seconded by Commissioner Smith. So unanimously voted.

Attest:



Cynthia L. Reppe