

**Approved As Written**  
**PLANNING COMMISSION MINUTES**  
**March 2, 2016**  
**7:00 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

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

The meeting was called to order at 7:02 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Bernie Pfeiffer	Dana Prestigiacomio
Michael Smith	

Also present:

Lisa Bryer, AICP – Town Planner  
Wyatt Brochu – Town Solicitor  
Cinthia Reppe – Planning Assistant  
Mike Darveau – Land Surveyor – Darveau Land Surveying  
Linda Nilsson - applicant  
Christian Infantolino - Attorney  
Noreen EM Drexel - applicant  
Jason Pannone – co-owner Preppy Pig  
Patrick DeSocio – co-owner Preppy Pig  
Jeff Quinlin – co-owner Preppy Pig  
Bob Bailey – Lila Delman – Realtor  
Nick Robertson – North Meadow Farms

**II. Approval of Minutes February 17, 2016**

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

**III. Correspondence – nothing at this time**

**IV. Citizen's Non Agenda Item**

Amy Barclay - 54 Ferry St.- 2 more trees taken down on Narragansett Avenue and we want our trees back. In their place are cinderblock planters and hydrangeas are planted in them. The problem is people cannot open their doors without hitting the car doors into the planters. The Chair

questioned Bryer about why the trees were cut down. She noted that it is her understanding that the tree's were growing into the buildings and that is why they were taken down. The tree removal was approved by the tree committee.

## V. Reports

1. Town Planner's Report – Accessory Family Dwelling Unit was approved at the TRC and the approval letter will be in the next packet. There have been 4 units approved so far. Ms. Bryer let the Planning Commission know that she handed out the budget meeting schedule in case they are interested in attending.
2. Chairpersons report – Planning Commission Chair Michael Swistak welcomed our newest member Dana Prestigiacomio.
3. Town Committees
4. Sub Committees

## VI. Old Business

### 1. Sustainable Jamestown – Review and Approval of Proposal – taking thisafter New Business

Lisa Bryer noted that we reviewed the Request for Proposal at the last meeting and this was somewhat comprehensive and she has thought more about it. She is suggesting that the project be phased and the RFP first address the public workshop. After that we will know what projects are will be a public workshop. Until we get to that point we will not know what the focus needs to be on until then. Go out to consultant to help with a facilitated workshop.

## VII. New Business

### 1. Linda R. Nilsson Minor Subdivision – Plat 8 Lot 39, 6 Ocean Avenue – Preliminary Approval

Michael Darveau said Linda Nilsson is here if they have any questions. Mr. Darveau was unanimously sworn in as an expert witness.

The parcel is located on the corner of Ocean Ave. and Narragansett Ave. One parcel will be 20,000 sq.ft. and the other 31,000 sq.ft. It meets all the requirements for water and sewer. He has provided a site plan that shows no constraints as to what can be there with regards to a structure. This is a fairly simple subdivision. Commissioner Pendlebury said at the TRC meeting there were no issues. Commissioner Swistak asked if the applicant reviewed the draft motion. He noted the stipulation that final can be done administratively.

A motion was made by Commissioner Pendlebury and seconded by Commissioner Pfeiffer to approve the motion as follows:

“At a meeting of the Planning Commission on March 2, 2016, the Planning Commission voted to Grant Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled " **Minor Subdivision Site Plan for Linda R. Nilsson; Assessors Plat 8 Lot 39; 6 Ocean Avenue, Jamestown, RI; prepared by Darveau Land Surveying, Inc., P.O. Box 7918, Cumberland, RI 02864; dated January 26, 2016** based on the following Findings of Fact and subject to the following Conditions of Approval:

#### A. Findings of Fact

The Board makes the following findings:

1. The subdivision is consistent with the requirements of the Jamestown Comprehensive Plan;
2. Each lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance;
3. No building lot is designed and located in such a manner as to require relief from Article 3, Section 308 of the Zoning Ordinance. The application is proposing to connect to the public sewer system;
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions for approval;
5. The subdivision as proposed will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and buildings standards would be impracticable;
6. All subdivision lots have adequate and permanent physical access to a public street, namely, Ocean Avenue and Narragansett Avenue. Lot frontage on a public street without physical access shall not be considered compliant with this requirement;
7. The subdivision provides for safe circulation of pedestrian and vehicular traffic, and for a suitable building site that contributes to the attractiveness of the community;
8. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion;
9. All lots in the subdivision have access to sufficient potable water for the intended use. The new lot will connect to public water in Ocean Avenue and is located in the Urban Water District.
10. The approval is for a total of 2 lots, one existing and one new lot;

**D. Conditions of Approval**

1. That payment of a fee in-lieu-of land dedication shall be required for this subdivision for the new lot in the amount required by Article IIID of the Jamestown Subdivision Regulations. This fee shall be determined at the time of filing of the final plat and paid prior to recording of the final plan.
2. Granite monuments, or where granite monuments are not suitable, other suitable survey markers, other than concrete shall be placed at all corner points at the new property line prior to final approval;
3. The Planning Commission delegates final plan review to the Town Planner with the signature of the Planning Chair to appear on the Final Record Plat;
4. This approval shall be recorded with the Town Clerk within 20 days of receipt of approval; and,
5. This approval shall expire one year from the date of approval by the Planning Commission unless final approval is received within that time.”

So voted:

Michael Swistak – Aye  
Rosemary Enright – Aye  
Bernie Pfeiffer - Aye  
Michael Smith – Aye

Duncan Pendlebury – Aye  
Mick Cochran - Aye  
Dana Prestigiaco - Aye

Motion carries 7-0

**2. William J. O'Farrell and Noreen E.M. Drexel Minor Subdivision – Plat 11 Lot 44 – 881 and 951 Fort Getty Rd. – Preliminary Approval**

Attorney Christian Infantolino is representing the applicant.

Mike Darveau presented for the applicant. There are 3 homes in that area and originally all 3 buildings were on the same lot. He explained to the Planning Commission how the houses are arranged on the different lots now. The current lot is non-conforming because there are 2 homes on 1 lot. They believe it meets all of the requirements for subdivision. Much of the property cannot be developed because it has a conservation easement on it.

The old farmhouse has a cesspool but it is not on the towns list for mandatory replacement. Mr. Darveau believes it is not on the list because there is a septic system that is currently on the property serving one of the two houses. They are looking at the OWTs as new construction or an alteration. The old farmhouse is currently vacant. They want to ask that the new system is approved by DEM but not necessarily installed to be a condition of approval. Just in case the new owners want to knock it down and do something different.

Commissioner Pendlebury would like to know about access to the current house. Because they are approving the subdivision the developable lot needs to have access and an easement. Darveau noted that both lots have road access. Commissioner Enright said while we are discussing easements the one to the Arnold burial ground it needs to have an easement, they have been spending time recently to clean it up. It would be nice to have the legal right to access it. Ms. Drexel said she agrees to it.

Commissioner Cochran said they show 2 wells. There is an application Monday to have public water for the farm house. Commissioner Swistak said frontage for 955 comes from Beavertail Rd. 951 frontage comes from Ft Getty Road and 881 fronts Fort Getty Rd. Commissioner Pfeiffer asked if there is any restriction on subdivision in the conservation easement. No Darveau said. Enright asked if there is restriction on creating a driveway on conservation easement. No Darveau said. Discussion on how this may impact the subdivision ensued and Bryer said it was addressed in the last approval in 2013 approval. It was suggested by Bryer that the condition from the last motion in 2013 be added regarding the continued relevance of the conservation easements.

A discussion ensued regarding the adjacent historic Arnold cemetery. The Board decided that it was not appropriate as a condition since it is not on this property. The Board encouraged the owner and attorney to resolve future maintenance of the cemetery with easements and made this a condition of approval even though it was just encouraging.

A motion was made by Commissioner Pendlebury and seconded by Commissioner Pfeiffer to approve the subdivision as follows:

“At a meeting of the Planning Commission on March 2, 2016, the Planning Commission voted to Grant Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled " **Minor Subdivision Site Plan for William J. O'Farrell and Noreen E. M. Drexel; Assessors Plat 11 Lot 44; 6 Ft. Getty Road and**

**Beavertail Road, Jamestown, RI;** prepared by **Darveau Land Surveying, Inc., P.O. Box 7918, Cumberland, RI 02864;** dated **February 10, 2016** based on the following Findings of Fact and subject to the following Conditions of Approval:

**A. Findings of Fact**

The Board makes the following findings:

1. The subdivision is consistent with the requirements of the Jamestown Comprehensive Plan;
2. Each lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance;
3. No building lot is designed and located in such a manner as to require relief from Article 3, Section 308 of the Zoning Ordinance since the new OWTS appears to be a significant distance from any wetlands to the west. Parcel B contains an existing cesspool. Cesspools are required to be replaced by January of this year by Town regulation;
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with the required conditions for approval to remove and replace the cesspool;
5. The subdivision as proposed will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and buildings standards would be impracticable;
6. All subdivision lots have adequate and permanent physical access to a public street, namely, Ft. Getty Road and Beavertail Road. Lot frontage on a public street without physical access shall not be considered compliant with this requirement;
7. The subdivision provides for safe circulation of pedestrian and vehicular traffic, and for a suitable building site that contributes to the attractiveness of the community;
8. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion;
9. All lots in the subdivision have access to sufficient potable water for the intended use. Both existing houses are connected to Town Water and are located in the Rural Water District. Parcel B contains the well for 955 Ft. Getty Road (the main farm house). 955 Ft. Getty Road (130 Beavertail Road) has made application for public water connection and will be heard by the Board of Water and sewer commissioners on Monday March 7;
10. The approval is for a total of 2 lots, with two existing homes; and
11. The Planning Commission finds that it is the intent of this subdivision that all recorded easements, and the rights and restrictions appurtenant thereto, shall continue in full force and effect, irrespective of the changes made to lot lines as a result of this subdivision.

**D. Conditions of Approval**

1. That payment of a fee in-lieu-of land dedication shall not be required for this subdivision for either lot per Article IIID of the Jamestown Subdivision Regulations. This fee shall not be required since both lots will be developed with existing homes.
2. Water approval for 955 Ft. Getty Road (AP 11 lot 24) shall be received prior to final approval or an easement to the existing well located on Parcel B shall be required prior to final approval;
3. A new OWTS will be designed and approved by RIDEM prior to final approval, In addition, there shall be no occupancy of the existing house 951 Ft. Getty Road or a new house in that location until the cesspool is replaced;

4. Granite monuments, or where granite monuments are not suitable, other suitable survey markers, other than concrete shall be placed at all corner points at the new property line prior to final approval;
5. To encourage the property owner to provide permanent access to the historic cemetery for maintenance purposes;
6. The Planning Commission delegates final plan review to the Town Planner with the signature of the Planning Chair to appear on the Final Record Plat;
7. This approval shall be recorded with the Town Clerk within 20 days of receipt of approval; and,
8. This approval shall expire one year from the date of approval by the Planning Commission unless final approval is received within that time.

So voted:

Michael Swistak – Aye  
Rosemary Enright – Aye  
Bernie Pfeiffer - Aye  
Michael Smith - Aye

Duncan Pendlebury – Aye  
Mick Cochran - Aye  
Dana Prestigiaco - Aye

Motion carries 7-0

**3. The Preppy Pig BBQ – Plat 9 - Lot 246, 35 Narragansett Ave. Unit D - Jamestown, RI. – Development Plan Review – Jamestown Special Development District - Change of Use – and recommendation for Special Use Permit**

Bob Bailey realtor from Lila Delman introduced Jason Pannone co-owner of business leasing the space. This came before the Planning Commission last year for development plan review, this is the second layer of the building that Paul A Robertson (North Meadow Properties) owns which is currently car wash space.

Jason Pannone and Patrick DeSocio are co-owners. This started as a catering company by Patrick DeSocio and they have since partnered together to open up an actual restaurant. He explained the rendering that shows a new design to the front of the building. There is a raised retaining wall, clear glass will be used to replace the garage door. The stone on the wall will match the current stone. Signage will meet the requirement of 16 sq ft. There is not an extensive exhaust system. There will be counter service so no change to parking. The floor plan itself is the left side will be more of the kitchen area. It is all electric and a convection oven.

Commissioner Pendlebury said the applicant made a decision to reduce the number of seats at the TRC based on parking. They discussed outdoor cooking, there is occupied living space above the restaurant and they talked about the smoke disrupting the tenant. The outdoor cooking is done with wood and steam and there will be some smoke with the cooking. This was left as an open issue at TRC that needs to be resolved. Commissioner Pendlebury said he thinks the chimney from the smoker will need to be above the existing windows. He does not see resolution to that. Patrick DeSocio started doing smoking 7 years ago he found a smoker that will not pollute the area around it. They have chosen this smoker that steams. The smoke is clear and there is no open flame or fire, there will be some smoke first thing in the morning to start. They are custom built for them in Connecticut. With the water vat that is in there they are relatively clean. Dimension is about 5'x8' wide and 2 smokestacks with flues to regulate temperature. Chimneys are a little over 8' tall. It will be operated during the day and supervised at all times. External temperature the

way they are designed is to be usable on daily basis, to touch your car will be hotter than these smoker/steamers. It will be in a fixed position. Commissioner Swistak asked "how is the smoker isolated?" It will have a white lattice fence.

Assuming there will be carry out is that an issue for parking? Bryer noted that this property has an appropriate number of parking spaces onsite. It is a permitted use but they are looking for a special use permit for Beer and Wine. The Planning Commission can make a recommendation. Zoning will be looking at the liquor end of it. It will then go from Zoning to Town Council for the liquor license. Pendlebury noted that they should have an as built with a surveyors stamp for the existing parking and site plan. There is a high level of detail with an as built with dimensions.

They will have minimal equipment. There is a grease trap in place already Nick said. The Pergola is out but possibly for the future. They will be using umbrellas for the summer.

Pendlebury said he is concerned with the smoker, he said we have no way of knowing if the machine is as good as they say it is. He wants the fire department and the building inspector to take a look at this. How much wood will be on site and how much do they use? They use approximately 2 logs every hour so 20-24 a day. The chef (a pitmaster) gets the wood to and from the smoker. They won't be coming in and out of the restaurant regularly. Commissioner Prestigiacomo asked will they be serving beer and wine only to people eating there or if they are waiting for their food? The response was yes. They will have runners but no bar service. How will you control alcoholic beverages on the outside? All servers will be Tip certified. Bob Bailey questioned condition 3 regarding the board of water and sewer approval: can they get a building permit before that approval. Pendlebury responded you have to have water to get a building permit.

Commissioner Swistak said what happens if all they smell is BBQ all the time how will they respond to it. He said it will not be anything more than what the smells are at the different restaurants right now. Swistak is concerned about "what if there is a problem how do you respond to it?" Their goal is to abide by the rules of the town if there are issues it would be on them to build the chimneys taller. They will do everything they can to work with the town. The town does have nuisance rules as well noted Bryer. Bob Bailey asked about Village Hearth Bakery and the smoke from their oven. The chimney is above the ridge line so it's in compliance. They can adapt without being shutdown and they are willing to comply. There will be fire extinguishers inside and out.

Commissioner Smith asked whether the fire department is going to review this. How will the kitchen be set up he wants to see some of these questions answered? Commissioner Enright would like to see better drawings of the kitchen, they talked about plastic or paper and she asked where are they stored and where are the garbage cans? Runners that will be going from table to table they will have decorative trash cans. The Dumpster is shared with all the occupants of the site and the use is split up by Island Rubbish. What detail are you talking about Rosemary asked Mick. She answered she wants to know what goes on in the kitchen? 2 to 3 times a day there is meat going in. Everything will be under counter in the back area is where things will be prepped.

A discussion ensued about the window in the front and whether or not that should be a door or a pass through window? The window there it should be a door Mike said. Window next to it could

be a service door. Jason said they wouldn't object to it. They do not think that there will be too much traffic. The glass door will be open. Maybe in the winter it would be more, also they will be bringing the meat in prior to the rush in a non-compete time. Originally talked about lights and keep it at low level. There will be pedestrian traffic. They will be open until 9:00 p.m. so additional lighting will be needed, they can put it in the planters on the left.

Commissioner Pfeiffer stated that this is a unique proposition in the middle of town. They want to see an as-built showing the parking that was expanded from what was approved at Nick Robertson's last application. Pfeiffer feels comfortable enough with the conditions and thinks moving forward is appropriate. They can go to water and sewer and then start restaurant before alcohol approval. Commissioner Cochran is ready to go forward. Consensus is to vote tonight. Umbrellas will be solid colors, blue and pink to match signage and the trim, no advertising.

A motion was made by Commissioner Cochran and seconded by Commissioner Enright to approve the Development Plan as follows:

"The application of PP Jamestown, LLC and North Meadow Properties, LLC, 35 Narragansett Avenue was reviewed by the Planning Commission on March 2, 2016 and the Planning Commission hereby grants Development Plan approval based on the following finding of fact and subject to the following conditions of approval:

Findings of Fact:

1. The application was reviewed under the standards of Zoning Article 11.
2. This application has been reviewed by the TRC as required. (See attached Memo from TRC)
3. The applicant has provided the following information for the current application:
  - two different front building/street-side perspectives, one with a pergola (no date) and one with no pergola dated February 18, 2016
  - Two different first floor Plans (no date), one with a pergola and one with no pergola
  - A site plan showing existing Units A through D at 35 Narragansett Avenue, parking on site and off site and loading area (no date)
  - Parking Calculations (not updated to 50 seats)
  - Lighting specifications
  - Building sign (pig) decal detail
  - Sign sheet
4. The proposed improvements consists of:
  - a) Improvements of exterior siding.
  - b) Enclosure of left garage door with typical exterior glass door and window.
  - c) New glass garage door on the right side.
  - d) Interior improvements – added bathroom, flooring, drywall, paint.
  - e) Added patio – concrete.
  - f) Electrical and Plumbing upgrades (has an existing grease trap)
5. This property is located in the Commercial Downtown (CD) District. Restaurant use is permitted in the CD District. Restaurant with Liquor requires a special use permit. The Planning Commission finds this application is consistent with the Jamestown Comprehensive Plan.
6. The service is limited to a 50 seat restaurant including a patio with outdoor BBQ smoker.



7. There is adequate parking for the intended use; 10 provides for this use.
8. A joint trash receptacle (dumpster) is provided for all site uses in the rear of the site.

Conditions of Approval:

1. A Special Use Permit is required for liquor service;
2. A liquor license is required for serving liquor;
3. Board of Water and Sewer Commissioners approval is needed prior to a building permit;
4. Awning color will match the color scheme of the building and trim;
5. The planters along the east side shall be planted with appropriate perennial shrubs and flowers (may be annual);
6. The pergola has been removed from the application and it will not be required to be constructed.
7. The smoker chimney shall be a minimum of 8 feet as reported by the applicant at the meeting.
8. The stone wall shall be of similar materials as the stone wall on the street.
9. An as-built for the previous approval shall be filed with the building official prior to the building permit application for the front of the site including the parking and spaces.
10. The Fire Chief and Building Official shall inspect the smoker with respect to health and safety issues including smoke, carbon monoxide, wood storage, height of smoke stack and the issues that may affect the apartment upstairs. The applicant shall provide the smoker specifications for review prior to this inspection.
11. Signage confining alcohol to the site will be added on site in the area of the patio.
12. Additional low level pedestrian lighting will be added to the east side of the property.
13. The smoker will be gated and be shielded from public access.
14. Umbrellas without signage or advertising will be permitted at the outdoor tables.
15. Trash receptacles will be provided both inside and outside for patron use.
16. Staff will issue final Development Plan approval administratively.”

So voted:

Michael Swistak – Aye

Duncan Pendlebury – Aye

Rosemary Enright – Aye

Mick Cochran - Aye

Bernie Pfeiffer - Aye

Dana Prestigiaco - Aye

Michael Smith - Aye

Motion carries 7-0

**VIII. Adjournment**

A motion was made by Commissioner Cochran and seconded by Commissioner Pendlebury to adjourn the meeting at 9:21 p.m. So unanimously voted.

Attest:

*Cynthia Reppe*

Cynthia Reppe

Planning Assistant