

Approved As Written
PLANNING COMMISSION MINUTES
June 26, 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 – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Michael Jacquard	Michael Smith

Not present:

Dick Lynn

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant

I. Approval of Minutes June 19, 2013

A motion was made by Commissioner Pendlebury and seconded by Commissioner Cochran to accept the minutes as amended.

Page 2, New Business 2. Election of Officers delete, ~~July 3 meeting cancelled~~
So unanimously voted.

II. Correspondence

1. FYI – Letter to Sydney Waller, Wendy Waller – Administrative Subdivision approval. Received
2. FYI – Memo to Al Scartebello – Technical Review Committee recommendation – Mr. Scartebello may voluntarily come to the planning commission since this is being scrutinized by some of the residents in Shoreby Hill.

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

IV. Reports

1. Town Planner's Report – she is attending an interesting seminar this week, Coastal Climate Change – all the facets and impacts with regards to planning. Very interesting. There will not be a meeting on July 3rd, 2013. Commissioner Pendlebury asked status of Comp Plan. There are a few issues for us to review that will be coming up in the future. Also the Hazard Mitigation Plan will be coming to the Planning Commission and needs to be advertised. The Comp Plan will be put before public hearing maybe have the public hearings on the council level.
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. Zoning Ordinance Amendment – Update Sec. 82-317 Community Flood Plain Ordinance – recommendation to Town Council - Continued

At the last Planning Commission meeting there were some changes suggested and questions asked. Town Environmental Scientist Justin Jobin has provided a memo addressing all of the issues the Planning Commission had. Jess Stimpson Rhode Island Emergency Management Agency confirmed the insignificant changes were approved by FEMA. Town Planner Lisa Bryer reviewed the changes with the Planning Commission and encouraged the Planning Commission to adopt the ordinance which is what Town Solicitor Peter Ruggeiro suggested.

A motion was made by Commissioner Pendlebury and seconded by Commissioner Cochran to recommend to the Town Council that approval for Zone Change be granted for amendment to the existing Zoning Ordinance Section 82-317 – Community Flood Plain Ordinance for Special Flood Hazard Areas, based on the following findings of fact:

A. FINDINGS OF FACT

The Town of Jamestown hereby finds the following evidence in support of amendments to the Jamestown Zoning Ordinance (the “Zoning Ordinance”) related to the flood plain management.

1. In order for Jamestown residents to continue to be eligible to receive flood insurance, Jamestown must comply with the modified requirements of the National Flood Insurance Program (NFIP) which includes adoption of the new maps, which will go into effect on September 4, 2013.
2. The modifications meet the standards of Paragraph 60.3(e) of the NFIP regulations and are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42.S.C. 4001-4128, and 44 CFR Part 65.
3. The purpose of the floodplain ordinance is to ensure public safety; minimize hazards to persons and property from flooding, to protect watercourses from encroachment, and to maintain the capability of floodplains to retain and carry off floodwaters. The Town of Jamestown elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).
4. The Town of Jamestown must abide not only by federal guidelines, but to state regulations that can be more restrictive than the federal regulations.

B. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The Town of Jamestown finds that the proposed amendments are consistent with the Comprehensive Community Plan. The Comprehensive Community Plan states the following regarding flood hazard areas:

D. NATURAL AND CULTURAL RESOURCES

1. Physical Geography

f. Flood Hazard Areas

Jamestown's entire coastline is subject to high tides and wave action during intense Atlantic storms. However, because the shoreline in most areas rises steeply from the Bay and is generally rocky, flood hazard zones do not extend very far inland (refer to HYDROGRAPHICALLY SENSITIVE AREAS Map).

Flooding is generally limited to the coastal lowlands along Narragansett Bay as the high rocky cliffs along the southern end of the Island offer natural protection. As part of the Town's Hurricane Evacuation Study, an inventory of all local streets and structures that have been constructed within the flood zone areas in Jamestown was conducted. This area is referred to as a SLOSH Zone (Sea, Lake, and Overland Surge from Hurricanes) and corresponds to the V Zones (areas of 100 year coastal flood with velocity) identified by the Federal Emergency Management Agency, February 1986. Results of this study showed that there are presently over 800 persons residing in 350 houses located in the SLOSH Zone. A small percentage of these residences are occupied seasonally.

In certain low-lying coastal areas, floodwaters may extend inland for some distance. At Round Swamp, the flood zone divides the Island in half, and at Jamestown Brook, flood waters may reach as far as the North Reservoir. Other major flood hazard areas abut Fox Hill Pond, Sheffield Cove, Potter Cove, Hull Cove and Mackerel Cove. During high tides and storms, development in these areas is subject to damage or complete destruction. Development in these flood areas may also reduce water storage capacity and enlarge the extent of flood-prone areas.

The Town's present Building Code regulations allow building in flood hazard areas (where permitted by zoning) provided the building is structurally flood-proofed and the first floor elevation is above the base flood elevation. Special flood hazard insurance is available through the Federal Government to property owners who build in flood hazard areas if the builder takes these structural measures.

C. CONSISTENCY WITH ZONING

The Town Council finds that the proposed Zoning amendments recognize and take into account the following applicable purposes of zoning as stated in the Rhode Island Zoning Enabling Act of 1991:

- (1) Promoting the public health, safety, and general welfare.
- (2) Providing for a range of uses and intensities of use appropriate to the character of the city or town and reflecting current and expected future needs.
- (3) Providing for orderly growth and development which recognizes:

(i) The goals and patterns of land use contained in the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title;

(ii) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution;

(iii) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;

(iv) The values of unique or valuable natural resources and features;

(v) The availability and capacity of existing and planned public and/or private services and facilities;

(vi) The need to shape and balance urban and rural development; and

(vii) The use of innovative development regulations and techniques.

(4) Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.

(5) Providing for the protection of the natural, historic, cultural, and scenic character of the city or town or areas in the municipality.

(6) Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.

(7) Providing for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.

(8) Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.

(9) Providing opportunities for the establishment of low and moderate income housing.

(10) Promoting safety from fire, flood, and other natural or unnatural disasters.

(11) Promoting a high level of quality in design in the development of private and public facilities.

(12) Promoting implementation of the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title.

(13) Providing for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.

(14) Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.

(15) Providing for procedures for the administration of the zoning ordinance, including, but not limited to, variances, special-use permits, and, where adopted, procedures for modifications.


(16) Providing opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34, the United States Fair Housing Amendments Act of 1988 (FHAA), the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42, and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.

So unanimously voted.

VI. New Business – nothing at this time

A motion to adjourn was made by Commissioner Enright and seconded by Commissioner Smith at 7:45 p.m. So unanimously voted.

Attest:


Cynthia L. Reppe

This meeting was digitally recorded