

Approved As Amended  
**PLANNING COMMISSION MINUTES**  
October 15, 2014  
**7:30 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

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

The meeting was called to order at 7:30 p.m. and the following members were present:

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

Not present:

Michael Jacquard

Also present:

Lisa Bryer, AICP – Town Planner  
Cinthia Reppe – Planning Assistant  
Wyatt Brochu – Town Solicitor  
John Perrotti  
Jack Brittain  
Abby Campbell King  
Shelly Widoff  
Bill Munger  
Jim Burgess  
Betty Hubbard

**II. Approval of Minutes October 1, 2014**

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

**III. Correspondence**

1. FYI – Administrative Subdivision Approval – Ceppi/Eldred Farm. Received

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

**V. Reports**

1. Town Planner's Report – There will be a workshop Monday night to discuss public facilities and whether or not the town should purchase the PAC.
2. Chairpersons report
3. Town Committees
4. Sub Committees

## VI. New Business

### 1. Perrotti – Development Plan Review – 40 Narragansett Ave. – Plat 8 Lot 471 per Article 11 - Jamestown Village Special Development District

Mr. Perrotti came to the TRC which consisted of Fred Brown, Mike Gray, Lisa Bryer and Commissioner Duncan Pendlebury on Tuesday October 14, 2014. Ms. Bryer said the only reason it is before the planning commission is because of the vinyl siding as required by Section 1115 in the Village Development District. The reason for this is that there was concern at the time of adopting zoning that the application of vinyl is critical to whether it looks authentic and like a wood shingle or clapboard. So it was decided that review was warranted on all vinyl and aluminum applications. At the TRC meeting Mr. Fred Brown said it is a quality product and it will look fairly good. The TRC voted to recommend approval. The only issue was the size of the shingle and the amount of shingle “exposed to the weather”.

Mr. Perrotti showed the commissioners the product and explained why he chose this product and how it is going to be installed.

Commissioner Pendlebury said this is a premium product and substantial product. Commissioner Pendlebury did look at 49 Narragansett Ave. and he did not even realize it was vinyl. Pendlebury said the company does make a 5 inch shingle appearance product and he recommends they do that. It is more similar to historic use and is consistent to the adjacent building. He asked if there was a price difference and thinks that in terms of replacing what is there a 5 inch is closer to the way it looks now. Mr. Perrotti said the 7 inch looks more authentic to him compared to the 5 inch.

A discussion ensued with regards to procedure regarding the 5 inch compared to the 7 inch. Town Solicitor Wyatt Brochu said there currently is not a standard for this so the Planning Commission can recommend this but there is not a way to enforce it. Mr. Perrotti said he thinks the 7 inch is more historical.

Commissioner Pendlebury made a motion that was seconded by Commissioner Cochran to recommend approval to use a product equal to the Cedar Impression line by Certainteed with trim as described in the application. This includes 6 inch width corner boards and aluminum window trim. The commission also recommends the 5 inch scale but do not have enforcement capabilities.

Jack Brittain - has a house at 230 Conanicus he has re-shingled most of the house and has seen a lot of houses with 7 or 8 inch exposure.

Commissioner Pfeiffer is reluctant to get into this level of detail and thinks that the additional comments of 5 or 7 inch should not be included.

Commissioner Swistak explained that the planning commission has done this in the past as far as making a recommendation even though it is up to the applicant. So unanimously voted.

## VII. Old Business

### 1. Proposed Zoning Ordinance Amendments to Article 11 – Jamestown Village Special Development District– continued

Chair Swistak said we are continuing discussion after the last meeting, where we came back to the drawing board one more time so we can move forward and send this to the Town Council.

Shelly Widoff – Standish Rd. - asked about section 1106. Ms. Bryer said we have not gone through this section yet. Ms. Widoff said one point made at the last meeting was buildings of value before 1931 perhaps do not fall under the design guidelines. She does not see the value in this. Why should buildings of value have any relevance to the design guidelines? There is nothing imposed on anything at this point. Swistak said. Why should it be an ordinance if it is not required? She said the whole point of an ordinance is to regulate yet you are saying the design guidelines are voluntary.

Bryer noted that there are many no binding suggestions in Article 11 by virtue of the language of “may, should and shall”. The special development district is unique to its surrounding area. Buildings of Value are part of what makes it special? Village character is a hollow statement unless you describe what it is and give some guidance on how to maintain it.

What does an ordinance do Ms. Widoff asked, does it regulate or guide? Ms. Bryer said it does both in this instance. Commissioner Swistak said we have many beautiful architectural buildings here on the Island and he thinks the ordinance should encouraged to maintain them.

Jim Burgess said if the design guidelines are encouraged for homeowners but required for commercial the current design guidelines do not reflect Jamestown. He was told that it is our intent to re-enlist Architect Don Powers and make it more relevant to Jamestown, both for residential and commercial.

Commissioner Smith does not agree with the design guidelines at all.

Betty Hubbard said she understands the point that they do not necessarily speak to historic buildings. That was not their initial intent. But the design guidelines do show proportion of windows, how to add on, rooflines etc. They show a lot and if someone is designing a new building it shows them what to do to build in a traditional form.

Lisa Bryer said if you are going to build in traditional context, it shows you examples. They not only show you how to construct new but also can be used if you are renovating. It states right up front that if you are going to build in traditional style, which is Jamestown’s primary architectural style, then the guidelines give you guidelines to follow to do that.

Jack Brittain – asked how did we come up with the date of 1931? Commissioner Enright said the last building boom of Jamestown ended in 1931. Jack said it is not based on architectural design. No it is based on a period of growth. This is what they decided on at the last meeting rather than choose particular structures which may be subjective.

Commissioner Pendlebury thinks we are pressing this into a philosophy instead of actual guidance. He thinks it is to open ended. Commissioner Cochran agrees.

Commissioner Swistak thinks we do not need to identify buildings of value on the zoning map.

Betty Hubbard does not see any protection here and she does not see anything that encourages protection. Voluntary compliance is fine but unless you do something to show people how will they know unless the building inspector points it out. Having it online is great but you have to draw people's attention to it.

We will prepare our findings to send to the Town Council. Currently there is an exhibit on architecture in Jamestown at the museum Commissioner Enright said. She will give anyone a private showing or will bring the panels over here to see.

Bill Munger said he appreciates the effort and work that the planning commission has done. At the last meeting we talked about the demolition piece. And how much meaning it has, is it problematic for homeowners?

Wyatt Brochu said when you look at a demo permit you have to consider the health and safety of the residents or property rights. There are no exceptions. Be aware of the burdens it places on the owners property rights.

Bill Munger said he is wondering what the commissions rational was when the demolition permit was put into the ordinance to have the owner come in and beg to take their property down. Commissioner Pendlebury said the thinking behind it is we want to get this right so that when we are not here anymore and a building is proposed to be demolished that there is a development plan in place to fill in the empty gap and not a vacant lot. The economics within the commercial zone stays intact. They are just talking about buildings in the commercial district not residential. The building official still has the right to say a building has to come down for safety purposes.

Commissioner Cochran is curious on what the process will be.

Jack Brittain – thinks it would be a hardship on the business owners and another way that it can be used against the property owner. Jack said fear is what drives this and he thinks in Jamestown we do not have to worry about this.

Pendlebury and Swistak said the demolition permit part of this is not related to buildings of value. Maybe this is a little too strict and maybe it should be loosened up a little bit.

Shelly Widoff concurs it should be a 2 step process but she does not think it should be connected in a time frame.

Swistak noted we are talking about intent after the building is down.

Mr. Brochu's concern is what is the rational basis between an owner stating his intent and the health safety and welfare of the town and how is it related to the demolition itself. The town has to

show there is a rational relationship. Under DPR the Planning Commission can regulate what gets built he cautions combining the two.

Commissioner Pendlebury it is no different than someone looking into a building permit and he says wait you have to go before planning first. He sees this as economic development. Pendlebury says you have a right to tear down the building and we want to know what you are doing with it. We do not want to put something out there that is not sustainable. The intent is to safeguard the commercial zone. What if someone bought 3 properties and leaves it vacant for 10 years he thinks we would get a lot of criticism if that happened. In layman's terms we are not going to let you tear it down until we are satisfied with what you are going to build. It would have to go through this process anyway, we are just asking for it sooner rather than later.

Commissioner Pfeiffer asked wasn't the original intent of this to preserve historical buildings. Considering how that discussion has gone is there another way to look at this?

The discussion at the next meeting will focus on demolition and Duncan will work on a new list to replace a-t stating the intent of the Village Special Development District. We will try to wrap up this conversation at the next meeting.

## **2. Cumberland Farms – Status Update**

Lisa Bryer gave a background of the status of the project. At the last meeting Jack Brittain spoke and raised an issue regarding Cumberland Farms so we put it on the agenda and assembled all the pertinent information. The TRC was held in March of 2014 but the process started in January. The TRC consisted of Commissioner Smith as the Planning Commissioner, Fred Brown, Mike Gray and herself. They went through the plans and it did not trigger a "substantial modification" as defined in the ordinance. Cumberland Farms were responsive to all the suggestions the TRC made. She also reviewed the previous development plan file at that time from over a decade ago and held them to those standards as well, several of which were lacking or lacked maintenance such as landscaping.

A discussion ensued regarding what measurement is used for the 50% rule. It is the front façade of the building in this case. It was only a 35% change in the front façade. Glazing is still at 30%.

Commissioner Cochran said he looked on the computer to see if Cumberland Farms have built anything that looks like it would fit in with the character of Jamestown. He did not see anything.

Jack Brittain asked if Cumberland Farms was ever asked to put more glass in or did they just present the plan and it was accepted. Town Planner Lisa Bryer said it was discussed at the TRC meeting. They did discuss the reduction of the windows and Cumberland Farms said they needed to reduce because of the extra shelving which would be visible from the windows. He was answered that no one wanted to see the shelving through the windows. In terms of did anyone discuss the use of a different material of the building, there was nothing that could have triggered that discussion. It was primarily an internal renovation project. They were not proposing any significant exterior changes.


Wyatt Brochu Town Solicitor reminded all that this is on the agenda for a status update from the TRC and he is concerned that we are getting off topic.

Commissioner Smith was on the planning board with Betty Hubbard when they first remodeled several years ago. We have since changed our regulations since this was a complaint from the applicants to help expedite the process. Smith thinks the TRC did a great job but wants a full planning board review in the future.

**VIII. Adjournment**

A motion to adjourn at 9:50 p.m. was made by Commissioner Cochran and seconded by Commissioner Enright. So unanimously voted.

Attest:

  
Cynthia L. Reppe