

Approved As Amended  
**PLANNING COMMISSION MINUTES**  
November 5, 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  
Michael Jacquard                              Bernie Pfeiffer

Not present:

Michael Smith

Also present:

Lisa Bryer, AICP – Town Planner  
Cynthia Reppe – Planning Assistant  
Wyatt Brochu – Town Solicitor  
John Murphy - Attorney  
Ben Brayton – Applicant Simpatico Jamestown

**Amy Barclay**

Bill Burgin – Architect  
Melody Durnach  
Ken Shane  
Jennifer Stans  
Barbara Herrmann  
Betty Hubbard

**II. Approval of Minutes October 15, 2014**

A motion was made by Commissioner Pendlebury and seconded by Commissioner Cochran to accept the minutes with the following change:

Page 5, 2. Cumberland Farms – Status Update

Lisa Bryer gave a background of **the status of the project.**

So unanimously voted.

**III. Correspondence**

- 1.FYI – Letter John Perrotti – Development Plan Review. Received
- 2.FYI – Sanderson – Plat 8 Lots 120&121 Administrative Subdivision Approval. Received

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

## V. Reports

1. Town Planner's Report
2. Chairpersons report
3. Town Committees
4. Sub Committees

Commissioner Swistak recused and left the table.

## VI. New Business

1. Simpatico Jamestown – Plat 9, Lot 603, 13 Narragansett Ave. – Development Plan Review per Article 11 – Jamestown Special Development District – Building and Restaurant Expansion to 2<sup>nd</sup> floor, building expansion of 2<sup>nd</sup> & 3<sup>rd</sup> floor, Restaurant expansion to 2<sup>nd</sup> floor – 45 new seats and amendment to Special Use Permit for Parking

John Murphy, Attorney representing the applicant Ben Brayton Simpatico Jamestown. He also introduced his colleague Amy Barclay and Architect Bill Burgin.

Mr. Murphy stated that 18 months ago the Planning Commission approved a change and he stated it was the first phase back then and now he is coming forth to present the second phase.

Facing east off the side of the building is a patio area or deck that is enclosed with a canvas roof, that will be completely rebuilt to meet code. Over that area will be another deck or porch that will have access from the second floor and will have seating for patrons and a new bathroom for patrons. Deck on third floor will be for storage and mechanical equipment, not accessed by patrons, to the rear there will be a new kitchen structure. All parts of the structure meet code and meet the zoning requirement. No variances are required for this construction. The 45 additional seats require an additional 9 parking spaces. In addition the kitchen addition structure will be over an existing parking space so they need 10. The owners have an agreement in hand that includes 14 parking spaces. The applicant has to go to the zoning board to modify the existing special use permit to modify it. Bill Burgin will describe the project and Amy Barclay will speak about the parking agreements.

Bill Burgin explained the design to the planning commission. The finished detail is consistent to what is currently built.

Amy Barclay said the primary reason for this change is because of the fire code, the canvas would need to be replaced in the next 18 months and the cost of replacing is just about as much as making it a permanent structure. Most of the patrons want to sit outside and essentially these areas are all open and outside. She explained the weather protected areas to Commissioner Pendlebury.

Mr. Murphy asked Ms. Barclay if she was responsible for obtaining the shared parking agreements. Yes she received 9 from the Raffertys and the other from Lila Delman, there are 5 spaces there. 14 total. Has she gotten feedback from the neighbors on the improvements? They walked the neighbors through the restaurant to show them. They have 53 signatures from their customers and 3 property owners along Narragansett Ave.

Commissioner Cochran wants to know how the customers know where to park. She said she is very verbal about where the customers park. Her employees do not park within 2 blocks of the business. Cochran asked how can you determine who is parking in those spaces. The way the village is you park where you park. Commissioner Jacquard asked what happens if ownership

changes at Nicks garage she explained that they would have a certain amount of time to make changes.

Commissioner Cochran asked are there any questions about the fire exits of the new kitchen area. Has the fire department looked at this? Fred Brown stated he had no problems at the TRC meeting. John Murphy handed out a definition of deck to the planning commission from the zoning ordinance.

Commissioner Enright said there are second floor bathrooms that are handicap accessible on the second floor, is there a way for a handicap person to access the second floor? No. Enright said the discussion last time about flat roofs and decks was a concern to some members of the planning commission and now we have introduced another whole level of it. She doesn't object on aesthetic grounds but she does on a historic level. She would prefer to have the not proposed version that is shown in the drawings. We do not define porch in our zoning ordinance.

Amy Barclay presented pictures of flat decks throughout the Jamestown Special Development District. They have thought about it but they decided against it regarding having a sloped roof.

Commissioner Pfeiffer said he thought the parking was an issue, the semantics of a roof deck vs. a roof is not an issue to him.

Commissioner Pendlebury looked at the approval for phase 1 and there was a slope roof represented in that approved set of drawings and it does not exist today. The public façade that faces the street should have sloped roofs. This would be almost a doubling of the street mass of this building. The fact that some of it is open and when plastic curtains are put up it looks even bigger. Sloped roof should be part of building façade. We knew the second phase plan would be to build a permanent structure. The commission showed them the approval from Phase 1 that shows a sloped roof. In TRC we asked for a response to the flat roof, we did not receive what we asked for at TRC. This is a substantial addition.

There is a change from the original approval. Previously there was no 2<sup>nd</sup> floor for use it was office use, there is a change in the approval, when it is presented to zoning it needs to be clear that there is a change of use in the second floor. The office space is staying the same as it currently listed.

Commissioner Cochran asked, are the sloped roof designs are they a possibility? Burgin said it was in response to the TRC meeting they are another option just a piece of decoration something unnecessary.

John Murphy said the current guidelines booklet is loaded with covered porches it says with either flat, gabled or sloped roofs.

Lisa Bryer said she appreciates Mr. Murphy's comments, we have design guidelines that are not part of our code, she said the ordinance is pretty clear there shall be no flat roofs. Mr. Murphy said Page 89 of the zoning ordinance specific to the CD zone, balconies and terraces are permitted. Pendlebury said before that the way the code is structured has to do with not having such a bulk of building. It is building mass structure and use. We have already allowed an ancillary structure to the street. The code says there shall be no flat roof buildings. It is a complicated piece. Mr. Burgin said if you can visualize the structures with the vegetation growing off of them. There is a transparency to the structure of these pergolas as a cascading garden. If it has a big roof on it, it will be massive. Burgin thinks it is appropriate for downtown. The applicant is proposing something even more attractive than something with

roofs. The concept of mass is not in the guidelines. Pendlebury you are putting twice as much floor plan on this building and it doubles the amount of the building. Murphy says there is no portion of the zoning ordinance that says any different.

Commissioner Pendlebury wants to do a straw poll to give the applicant an idea of where they are going. Town Solicitor Wyatt Brochu said the board should continue this until the next meeting. A straw poll regarding the roof and openly discuss conditions can be done and ask if they want it prepared in advance of the next meeting. This is a complicated piece Pendlebury stated. He also questioned the parking calculations that look different on a few different plans.

Ben Brayton said it was his understanding that he followed the zoning and he followed the design guidelines it clearly says what they are doing is allowed. He printed this from the Town of Jamestown's website. If you cannot take faith in what the town has on their website what can you do? The mass already exists in Brayton's opinion. The second layer is less regulated he feels he has done his due diligence. He thinks they are putting up a beautiful structure. Pendlebury appreciates everything that he has done.

Pendlebury polled all the members with regards to the flat roof and size issue.

Jacquard – He is confused on what the zoning says and wants a better definition, it is a large structure but they are not asking for relief on the size they don't need it, outside of roof he has no concerns.

Enright – she understands arguments of both sides she considers it a flat roof.

Cochran – terraced nature of design he does not think it is a massive change, he is inclined to approve the plan as is.

Pfeiffer - agrees with Cochran approve as is.

Pendlebury – roof issue.

Commissioner Pendlebury wants to continue it.

Commissioner Jacquard is it a roof or not? That is his questions. It is covering the floor below it. Burgin it is neither a porch or deck and it is a unique structure. The flat roof was driven by the bank and the canopy at the garage. It is airy and light, that is what they have to work with. If they come back at our next meeting it will not hold them up. Jacquard has now changed his mind and will approve as is.

We can make a motion now but Solicitor Brochu recommends that the staff works on the comments, conditions of approval and findings of fact for the next meeting using the comments from this meeting.

Staff will draft a motion for the next meeting. Ms Bryer asks to start the meeting at 7:00 p.m.

A motion to continue this application until the November 19, 2014 meeting was made by Commissioner Cochran, Commissioner Enright seconds. So voted:

Duncan Pendlebury – Aye

Rosemary Enright – Aye

Mick Cochran – Aye

Michael Jacquard - Aye

Bernie Pfeiffer - Aye

Motion carries 5-0

The audience would like to make comments on this application so a motion to reopen was made by Commissioner Cochran and second by Commissioner Enright. So unanimously voted.

Melody Durnach - 10 Union St.- fully appreciates that the applicants Ben and Amy invited them over to show them what it is they will be doing. Nobody addressed the southern side, she is concerned about the wall and would like them to extend the wall.

Ken Shane - Conanicus Ave. – he likes that since Ben has taken over it has been great with regards to parking and the design and what they have done so far is so beautiful. There is no issue of noise from the restaurant. To him adding a sloped roof or peaked roof it would look more massive. He believes that everything they are proposing to do will make it better.

Jennifer Stans - 10 Narragansett Ave she loves the view from her place and thinks it beautifies it. There is no noise and the view is beautiful.

A motion to continue this application until the next meeting was made by Commissioner Cochran with a second by Commissioner Enright. So unanimously voted.

Commissioner Swistak came back to the table.

2. Proposed Zoning Ordinance Amendment to Article 14 – Accessory Family Dwelling Units – Recommendation to Town Council

Town Planner Lisa Bryer explained this was brought to her attention from Fred Brown who has had several people inquiring about Accessory Family Dwelling Units but because of the wording it needed to be changed.

A motion was made by Commissioner Swistak and second by Commissioner Cochran to accept the changes to amend Article 1400 Sec. 82-1400 Description as written. So voted:

Michael Swistak – Aye

Duncan Pendlebury – Aye

Rosemary Enright – Aye

Mick Cochran - Aye

Michael Jacquard - Aye

Bernie Pfeiffer - Aye

Motion carries 6-0

## VII. Old Business

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

Lisa Bryer took all the changes made at the last several meetings and amended everything that was discussed. The Planning Commission went through all the changes. Solicitor Brochu added a change in 82-1101 C.

Everything other than demolition is fine. Don Powers will be at our next meeting at that time there might be additional changes made.

Demolition – Brochu brought up the rational relationship between the purpose, generally speaking it deals with health safety and welfare issues, green, hazardous material, dust etc. rationally related to what is being achieved. He brought up the question of what is taking its place if there is a review and approval of that and it being a condition of approval. He questions achieving that. Stepping outside a generic perspective of this. He cautions the commission on this standard. The town has a right to know what is going to go there, he thinks that is a noble statement. Privacy rights by the property owner. What happens if someone wants to take the structure down?

Pendlebury says as we now sit we have no right to ask for this and as a cautionary tale if we care about the commercial district then we should be talking further about it. This

will be an interesting discussion to have with the consultant. Maybe he can provide us with some examples. Leave it on hold Swistak said until after our meeting. Ms. Bryer can talk to Powers about it. Solicitor Brochu explained to the planning commission what his views are with respect to what models are out there so we can draft these tools for this commission.

Barbara Herrmann – said substantial modification needs to be addressed in the definition regarding altering a façade 50%

Betty Hubbard – relative to that issue she did not understand what was happening to Chopmist Charlies.

#### VIII. **Adjournment**

A motion to adjourn at 10:00 p.m. made by Commissioner Cochran and second by Commissioner Enright. So unanimously voted.

Attest:



Cynthia L. Reppe

*This meeting was digitally recorded*