

Approved As Amended
PLANNING COMMISSIONMINUTES
June 4, 2014
7:30 PM
JamestownTown Hall
93 Narragansett Ave.

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
Joe & Suzanne Jachinowski
Bill Bottis
Sav Rebecchi
Carol Hopkins
Victor Bell
Rusty Sallee
Bo Zimmerman
Todd ~~Merrell~~ **Merrill**
David & Jennifer Clancy
Ginny Prichett
Ron & Wendy Fagnoli
Ray Bazzano
Steve ~~Frayer~~ **Frery**
Shelly Widoff
Steve Mecca
Alexandra de Koranyi
Paul Stanley
Shahin Barzin

I. **Approval of Minutes May 21, 2014**

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

Page 1- ad **Craig Amerigan** to Also present.

Page 4 – second paragraph last sentence - He does not want to see the village stuck in the 10th~~19~~th century.

So unanimously voted.

II. Correspondence – nothing at this time

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

IV. Reports – nothing at this time

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

V. Old Business

1. Historic and Community Character Preservation – continued

a) Amendments to Article 11

b) Design Guidelines for Buildings of Value

Commissioner Swistak, chair of the Planning Commission said since there are so many new faces here we will start with some questions after Lisa Bryer Town Planner gives an update.

Commissioner Swistak said he wants to address the talk at the coffee shops and emails and talk going around town.

Town Planner Lisa Bryer explained how the Planning Commission gets appointed and read from our charter to explain to the audience so they have an understanding of the Planning Commissions authorities and role. The Town Council also gives them direction.

I am not going to go over all the statistics from two decades of community surveys, the Comprehensive Plan, the Village Charrette or even the Historic Workshop the Planning Commission hosted in January, but I can say definitively that Jamestown's Rural Character is the key value and driving theme in our Comprehensive Plan and that Jamestown History is vital to our character as a community.

In 2007 we had a Charrette that happened over a week which involved 20 meetings and over 200 people. We have had the Development Plan Review Process since 1995 in the Commercial District, this has been very successful over the years. The community has benefited from this process. It was not as prescriptive as it could have been. The applicant would say "just tell us what to do". We completely overhauled the zoning ordinance in 2009. The Technical Review Committee (TRC) was created at that time and it has helped tremendously.

It became clear through this process that culminated in the updated Zoning Ordinance that the primary goal coming out of the Village Charrette was to protect the character of the village. As a response to that we went to form based zoning. Looking at the form of the structure, how they address the street, has become the focus of Zoning in the village rather than what use is in the buildings.

I think what we are all interested in is what is the Planning Commission doing?

Part of the language in the updated zoning ordinance addressed “buildings of value”. There is ambiguous language that relates to the Buildings of Value provisions. The Planning Commission was tasked to clean up the language of Article 11, Sections 1105 and 1106. As part of this process the Planning Commission is required by ordinance to create and adopt Design Guidelines or regulations that give the applicant guidance and the Planning Commission standards for review of applications. The last thing that Planning is working on to complete the regulation of Buildings of Value is a list and map of which buildings the regulations apply to.

The Planner then discussed the proposed changes to 1105 as proposed by the Solicitors office as well as Section 1106.C.3. Summary of Residential Design Guideline elements for undersized lots in the R-8 and R-20 Zoning Districts. This section utilizes the Village Pattern Book and Design Guidelines and it is the only instance where that guide is codified. In addition the Planner described the Draft Design Guidelines.

Commissioner Swistak said let’s get to the heart of the matter going back to 2007. There are indeed some classic homes. There are 50 or 60 historic districts across the state. We are trying to come to some agreement as to what those buildings are in Jamestown. Hi personal opinion for instance “The Three Sisters” most everyone appreciates what they are and what they look like. There is a list of homes in the Purple Book. It is a comprehensive list of all of the buildings that might be buildings of value. We might use this book. The Planning Commission may possibly make the list smaller. As property owners most of you think we have enough regulations. How do we balance this? If you think you are already regulated as a building of value, you are not. We have not written a regulation yet. We are trying to listen and steer to something more permissive to maintain your home that is already so beautiful. We are trying to be economic. Many people are equating the previously proposed Shoreby Hill Historic District to this. It is not that. It has been on the Planning Commission agenda since 2009. Actually we put it on hold during the whole Shoreby proposition for Historic District Zoning. All Planning Commission members as of 2 weeks ago want to clarify the language related to buildings of value and identify the important historic buildings of our village. Making the regulations more prescriptive for the applicant is our goal.

Joe Jachinowski – Why the moratorium? The Planning Commission requested this he was told. The Planner responded that there was somewhat of a fear that when talking about regulations people often go out and make changes. The Planning Commission wanted a chance to come up with fixing the language related to buildings of value without the fear or pressure of historic buildings being demolished or significantly altered.

Suzanne Jachinowski – can we get a copy of the design guidelines that should have been given to us. She was told they are on line under the Planning page.

Commissioner Cochran –He voted for the moratorium because we needed time to complete our work.

Victor Bell – 23 Ocean Ave. – Narragansett Ave.– from purple book to the 97 houses how did that get narrowed and how will it be narrowed down to 50 people? What is the public process? Why did we not get a notice? Can you outline your times dates etc. so we know.

Commissioner Swistak answered his questions. The purple book has always been the list of candidates that we are working with. We do not notify you when you are already regulated. Do we make the final cut and then send notice to all of them? Maybe 50 wind up on the list or do we try to make a cut and then send notice out? We decided to come up with the final list first and then notify those it would be affecting. You are already identified by being in the book.

Commissioner Cochran said this has all been discussed at our meetings and are in the minutes.

Bill Bottis - Walcott Ave. – Can you hide it in plain site?

Wyatt Brochu, Town solicitor said it is important to understand the Planning Commission does not make the final list, it is up to the town council and at that point the town council will send out notice to all affected parties.

Sav Rebecchi – Sail St – at one time 3 or 4 meetings ago rather than using the purple book 2 Planning Commissioners looked at the list of those houses 50 years or older and it was 500 homes. At the next meeting they decided it should be reduced and narrowed down. The past 3 meetings they have talked about it.

Commissioner Swistak answered Mr. Bottis's questions. If there is a proposed regulation it is all done here the first and third Wednesday evenings of the month. Once it is finished it then is brought to the Town Council at which point the property owners are notified for public hearing.

Commissioner Smith said the purple book is what we are looking at and culling this list. Smith thinks it will wind up with about 50 on it. This is a discussion.

Carol Hopkins - 5 Center St. -who wrote the purple book? Commissioner Enright said this book came from the state, they performed the research and we have that research in our vault. Other towns have this book and there is also a green book (that addresses historic landscapes). Ms. Hopkins thinks her clients have the right to do what they want. The goal is to not keep homes frozen in time, this is part of the reason we want to live in Jamestown. We are individuals and each house can be individual. Ferry Wharf was changed in 1970 do we keep that character or when it was first built?

Commissioner Pendlebury explained that when the zoning ordinance was updated and adopted in 2009 the design guidelines handbook talks a lot about the character, roof shape etc. The guidelines for preservation is to maintain the character of the town. If someone has a building and they have to tear it down, we want to see an equal dose of character get rebuilt. Character defining elements, this is what is preferred in order to maintain the community character.

Rusty Selee -20 Lincoln St. – where can I go to study the criteria? Commissioner Cochran said he trusts that the research that was done in that book is good. It was done by professionals.

Victor Bell – time frame when will it be done? Commissioner Swistak said we will not be done until we are done. Mid September is when they think it will be done.

Bo Zimmerman – if the regulations do get in place how do you plan on enforcing these regulations? The Zoning Enforcement Officer he was answered.

Commissioner Smith said one of the things to talk about is purposeful neglect and whether there will be funding put in place too.

Todd ~~Mereh~~ Merrill – 2 questions is it only residences? No commercial buildings are currently regulated as well he was answered.

David Clancy - 382 North Rd. – are there any on the list that are definite yet? The Chair responded that we do have some that are on the candidates list. Clancy, When this goes further than the downtown district, wouldn't you want to contact these people before? You are deciding on houses island-wide and he thinks they should be included. There was a comment last meeting about buyer beware. The people that own homes already don't have a choice but the new buyers do have a choice.

Ginny Prichett – part owner of East Ferry Wharf – she worked for RI historic preservation, it was a snapshot that was done in the 70's including design features that are unique. Looking around at the many projects that went on in this town and they look wonderful. All those that are here moved her for a specific reason and that is why she moved here, because of the diversity.

Ron Fargnoli– 10 Hawthorne – moratorium what is it on how can it be lifted?

It was put into effect in December 2013.

The Planner responded that it was recommended to cover all demolition if you are on the national register list or district. This would include Windmill Hill, Shoreby Hill was accepted in 2011 into the National Historic District. The moratorium initially was covering those houses as being identified on the National Historic Register. The Town Council narrowed it down to lower Shoreby Hill.

Mr. Fargnoli asked what can you do during the moratorium? He was answered that emergency repair, inside work and maintenance can all be done.

Solicitor Brochu said the commission has not made a decision. Ms. Bryer said the moratorium was put into place because of the ambiguous language.

Jennifer Clancy – North Rd. - the guidelines are going to give suggestions of what you what you can do with your home or will they be mandatory regulations? Chair Swistak responded that the Planning Commission is doing that now. Are they guidelines or regulations? We are discussing this now. There will be levels of regulations.

Ray Bazzano - 10 Narragansett – he feels there is little new over the last 15 years, this is his understanding going through abuilding permit. The DPR and Technical Review Committee process are supposed to fine tune the regulations to make it a simpler process right?

Commissioner Swistak said yes. Mr. Bazzano has always wanted to maintain the character but make it better. Pendlebury said article 11 governs that and if you make something better it is ok. Mr. Bazzano said he feels it has always worked through all the years the way it is right now. Commissioner Swistak said the review process is not proposed to be changed.

Bo Zimmerman – Walcott - owns one of three sisters – he grew up with them and as of now, he says they are 2 daughters and a pregnant mother, he does not think the historic value is there now since the one has changed.

Steve ~~Fraye~~ **Frary** - 105 Bayview Dr. –Onarock- he is for historic preservation, it is impossible to be fair when you are only talking about 50 – 100 properties. You are talking about more money and time. This could create tensions between property owners and towns. It is also highly subjective. He thinks that regulations should be proposed to fix a problem. He is not aware of a widespread problem in town at this time. In most cases things are done right, rather than restrict why not celebrate and encourage with recognition and support. When he bought the house he asked if it was in a historic district. They have put tremendous effort into the house to make it emblematic to make it special, he thinks Nantucket is boring and over regulated. We have wonderful historic properties and he hopes all will do the same and he hopes that those in charge encourage and support.

Jim Burgess - 29 Longfellow Rd. - read his letter which is attached to these minutes.

Ginny Prichett – read a letter from Andrew and Susan Roose, Hawthorne Rd. – attached to these minutes.

Suzanne Jackinowski – Thank you for all you are doing it is an enormous task. Thanked everyone for speaking up.

Shelly Widoff - 27 Standish Rd. – she feels it is unfortunate that the way we had to welcome the Jachinowski's was with a moratorium. This fear has invaded the whole community, those of us that have bought buildings of value want to preserve them and she thinks that is what they want to do too.

Victor Bell – one of the things they like about Jamestown is the diversity and it is part of the character he thinks that they could not do that now if these new overlays were there. This is an extremely hard task and he appreciates it.

Steve Mecca – 5 Green Lane – there is not a problem so don't fix it, this is an impossible task and he feels it is unnecessary. We do not need to do what we are doing now. He found it important to preserve rural character in Jamestown. He thought we were referring to open space. For the health, safety and welfare of this town pass a noise ordinance and enforce parking regulations downtown. He thinks this is a waste of time.

Alexandra Dekoranyi - 55 Longfellow Rd. – most want to preserve but the next generation may not preserve. She thinks regulations are important.

Joe Jachinowski – the lucky 50 should get to vote on this.

Jim Burgess – this is full of subjective language.

Steve ~~Fraye~~ **Frary**– he is in favor of getting rid of the moratorium now.

Paul Stanley - Whittier Rd. – has anyone asked if they want this? Make it voluntary.

Wendy Fargnoli – she feels confused but thanked everyone. Confused about what the town is trying to do for the character of the island. The home that was built across the street from them she does not like it but she has to live with it but does not want regulation. She wants the moratorium lifted.

Commissioner Swistak brought this portion of the meeting to a close and thanked everyone. There is not enough time to deliberate. The next meeting is June 18th and it is a joint meeting with the town council and the Planning Commission. They are hoping to put this on the agenda. It may be a night for the Planning Commission and to bring them up to date and may not allow for public comment.

The failure to send notices and the approach he is sorry about this and apologizes, they were trying to get through the process first.

c) **Review List of Buildings of Value**- nothing discussed

VI. New Business

1. Former Bank of America Building – 29 Narragansett Ave. - Plat 9 Lot 63 – Development Plan Review, per Zoning Ordinance Article 11, Jamestown Special Development District

Architect Shahin Barzin will be presenting this application on behalf of the owner Carolyn Rafaelian. Shahin Barzin of S Barzin Architect, Rhode Island said the property on Narragansett Ave. changed hands a few months ago. At the moment they are exploring what to do with the property, they are looking to rent it out as a store and then they will come back after a year. Commissioner Swistak asked if they know what the new or temporary use would be, a store or retail space.

Commissioner Pfeiffer said at the TRC meeting they went through several parameters. It is available for some kind of a store or something along those lines. There are 17 parking spaces. It was suggested that the approval be for 1 year or less. It is a better use than letting it stand empty.

Town Planner Lisa Bryer would like to give them a chance to proceed with this temporary use, it is better than having it empty and that is the thought of the TRC. Then work with going forward with the permanent use of the property. In terms of use, there are some things that are special use and she feels that the applicant should stick with the permitted uses for a temporary use. So anything with a Y should be OK. Main objective is to not leave the building vacant.

Commissioner Swistak asked if they had a time frame on what they will be doing. Mr. Barzin said, not at the moment, a feasibility study is being done right now. TRC prepared a list of 11 items take this list and use as our motion. He thinks it addresses all of the issues. He does not see an issue with the timeline. Mr. Barzin said you will see us within the next year. This is a temporary change of use, we should not put any other restrictions on it.

Commissioner Pfeiffer made a motion that was seconded by Commissioner Cochran to provide a temporary change of use approval for a period of 1 year subject to the following findings of fact and conditions of approval:

1. The lot is an existing lot of record
2. The building was constructed in 1958.
3. The lot is zoned CD (commercial downtown) and is within the Village Special Development District.
4. Water and sewer hookups currently exist for the existing building. The water comes from Green Lane and the sewer comes from Narragansett Avenue.
5. The site has 17 parking spaces, 10 are required for the size of the building for a retail use. They are not considering restaurant use at this time or a liquor license.
6. No exterior changes are proposed at this time.
7. It is beneficial to have the building occupied for the short term while the future of the site is considered more carefully.

Conditions of Approval

8. The owner will attempt to rent the building for a “permitted” use within the Zoning Ordinance. They were made aware that some uses require a special use permit from the Zoning Board.

Conditions of Approval

1. Board and Water and Sewer approval will be required for a “change of use” as defined by their regulations.
 2. All new signage must comply with Article 13.
 3. Lighting must comply with the Zoning Ordinance and should be reviewed if changes are proposed.
 4. It is a permitted use.
- So unanimously voted.

2. CDBG – Endorsement of Application PY 2014

Commissioner Smith recused and left the table.

Every year at this time we apply for the Community Development Block Grant (CDBG) from the State. It is HUD funds that are filtered down through the State and funds are rewarded to those towns that have continuous need. In Jamestown we are in a pool of about 33 communities. We solicit applications from sub recipients for the funds. The most we can apply for is \$150,000 this year and that is our cap Ms. Bryer explained to the Planning Commission. We usually receive partial funding and it is the states decision on the awarding of the grant and the projects. We prioritize our projects but they still pick which projects are funded. The greenhouse project will benefit those that want to start their own business but may not have the money to start up.

Commissioner Enright asked about the Bridges project asking for money for drainage. That area is notorious for drainage problems, building the building did not help it and they are trying to solve it as a neighborhood issue, Lisa Bryer said. Our public works department has tried to take care of this previously and there is not anything else the town can do. There is high groundwater in that area and it is at the bottom of the hill. Commissioner Pendlebury says there is some responsibility to the project engineer.

A motion was made by Commissioner Enright and seconded by Commissioner Pfeiffer that states:

Planning Commission Minutes

June 4, 2014

Page 9

The Jamestown Planning Commission hereby certifies that the proposed PY2014 Community Development Block Grant activities are in compliance with local development policy as set forth in the 2002 Jamestown Comprehensive Community Plan as amended in 2004 and with the Jamestown Subdivision and Land Development Regulations and Jamestown Zoning Ordinance. So unanimously voted.

A motion to adjourn was made by Commissioner Cochran and seconded by Commissioner Enright at 9:55 p.m. So unanimously voted.

Attest:



Cynthia L. Reppe
Planning Assistant

**Susan & Andrew Roos
18 Hawthorne Road
Jamestown, RI 02835**

June 4, 2014

VIA EMAIL

Jamestown Planning Commission
c/o Lisa Bryer, Town Planner

Jamestown Town Council
c/o Kristine Trocki, President

Town of Jamestown
93 Narragansett Avenue
Jamestown, Rhode Island 02835

RE: Draft Preservation Guidelines for Village Special Development District

Dear Ms. Bryer & Ms. Trocki,

Our family has owned and lived at our home at 18 Hawthorne Road for approximately 17 years after inheriting it from my late sister. We have spent our summers here, watched our children and their friends grow up and also use this home throughout the year. We love Jamestown, Shoreby Hill, and being part of this community. We also enjoy the bucolic surroundings and its authentic atmosphere. Our house was built around 1840 and has been identified as a "building of value".

We never received notice from the Planning Commission or the Town that our property was being considered for such designation. As such, we never were given an opportunity to comment on and/or object to this designation being placed on our property. We are very concerned about this lack of notice given the Draft Preservation Guidelines for Village Special Development District ("Draft Guidelines") now being considered/reviewed by the Planning Commission and, by extension, the Town Council. We understand these Guidelines would be imposed on our property as a Building of Value.

Over the years we have meticulously maintained and improved our home. We have also expanded and modernized it in a way most people think is tasteful and seamless. Shoreby Hill and in particular Lower Shoreby is comprised of families like our own that use our property as second homes and for others it is their primary and lifelong residence. In many cases, these homes are multigenerational and represent a significant portion of their family's net worth. The area has thrived and remained relatively unchanged without the type of draconian regulations now proposed.

The original referendum to apply for designation as a "historic district" was very controversial, and contentious, with many not fully understanding the totality of the implications being proposed. While we believe most of the residents, like us, would like to maintain the existing feeling of the neighborhood, many of us are very upset and fearful of the financial and operational burdens the

Planning Commission Minutes

June 4, 2014

Page 11

Town of Jamestown

June 4, 2014

Page 2

proposed regulations would have to their property, along with the loss of control over their domain.

It is disingenuous, unfair and subjective to apply these Draft Guidelines only to some homes and not others. It also does not take into account new construction such as the recently built house (now for sale) at 14 Holmes Court, which was not regulated in the same way. It seems that an idea that may have started with the best of intentions may now cause deep divisions, both culturally and financially. The proposed regulations make it difficult, cumbersome and expensive to maintain and install the modern systems necessary to keep our homes both relevant and livable.

As owners of 'buildings of value', we would be governed by the "taste police," enforcing their subjective views regarding the appearance of our homes and property. Ultimately those not in a position to maintain or repair their homes in conformance with the regulations, could be left with few alternatives other than to sell their homes at a potentially reduced value due to the restrictions or take on additional debt in order to comply.

While unable to attend tonight's meeting, we wanted to strongly voice our objections to the proposed regulations, which appear to be nothing more than the result of a small but committed and vocal group of individuals trying to use the town to further their own agenda. Now that most of us are able to understand the significant and far reaching impact it could have on our homes and properties, it is highly unlikely that a majority of residents in Lower Shoreby or other residents who own 'buildings of value' would support these proposals.

Many of our neighbors have expressed their concerns, fears and opposition to us. Unfortunately, much of the public discussion has taken place at times when a lot of people can't be physically be present and whose voices haven't been heard. This has only emboldened the minority, which has persistently and vocally pushed its agenda forward. Our home is really important to us and we plan on maintaining it as a treasure, hopefully passing it on to our children. However, we shouldn't have to worry that every time we want to make a repair or modest improvement we will be subject to a needlessly cumbersome and more expensive process.

We oppose the "Draft Preservation Guidelines for Village Special Development District" and respectfully ask that the Planning Commission and Town not impose these measures.

Very truly yours,



Andrew and Susan Roos

cc: Jamestown Press
Jamestown Record

June 4, 2014

Jamestown Planning Commission
c/o Lisa Bryer, Town Planner

Jamestown Town Council
c/o Kristine Trocki, President

Town of Jamestown
93 Narragansett Avenue
Jamestown, Rhode Island 02835

**RE: Draft Preservation Guidelines for Village Special Development District
and 'Buildings of Value'**

Dear Planning Commission and Town Council

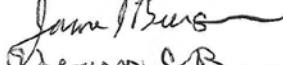
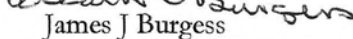
We are the owners of a property that has been identified as a "Building of Value" by you. We objected to the designation in person at a planning meeting, and do so again now with this letter.

We are very concerned about the direction of the proposed ordinance that will impose the equivalent of a historic district, even though the concept of a historic district was strongly opposed earlier this year. The homeowner will be bound to the TRC interpretations of the vague rules in the "Preservation Guidelines for the Village Special Development District." These rules are intended to make my house into a museum piece. Our house is not a collectable rarity; it is a living structure that we have maintained since 1981.

We have always been sensitive to the character of the home. We have engaged in renovations that have preserved and enhanced the home without the need for regulatory oversight by the Town.

We strongly object to and oppose the Draft Guidelines, they are unnecessary, unwarranted, and vague, without basis in fact, and expose the homeowner to the caprice of a committee backed up with "expert" consultants. These rules will result in an economic burden on us if and when significant repairs are required and the assertion of power by the TRC will deprive us of the full utilization and enjoyment of our property.

Sincerely,

James J Burgess
Eleanor C Burgess
29 Longfellow Road
Jamestown, RI 02835