

Approved As Written
PLANNING COMMISSION MINUTES
July 30, 2014
7:30 PM
Jamestown Town 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
Michael Jacques	Bernie Pfeiffer
Michael Smith	

Also present:

Lisa Bryer, AICP – Town Planner
Cynthia Reppe – Planning Assistant
Wyatt Brochu – Town Solicitor
Quentin Anthony – Attorney
Michael Darveau – Land Surveyor
William Smith
Jack Heelan
Jack & Mary Brittain
David Clancy
Shelly Widoff
James Burgess

Jack Heelan presented the Planning Commission with a letter that was signed by several Shoreby Hill residents regarding Buildings of Value. This item will be put on the next agenda.

Planning Chair Michael Swistak opened the Public Hearing.

I. Preliminary Public Hearing

1. Norton H. Reamer 2002 Trust – Plat 12, Lot 29 - Hull Cove Farm Rd. & Beavertail Rd. –2 lot Minor Subdivision

Attorney Quentin Anthony represented the Norton Reamer 2002 Trust. They have received approval from the Water and Sewer Board to install a 6 inch water line. The road owners Association is in effect. The manager of the Association is here tonight, William Smith. A 2/3

vote is required for all decisions within the road owners association. Mike Darveau Professional Land Surveyor is here to present the subdivision plan and the road construction plan.

Mike Darveau, Professional Land Surveyor since 2007 gave his credentials to the Planning Commission. A motion was made by Commissioner Cochran and seconded by Commissioner Smith to accept Mr. Darveau as an expert witness. So unanimously voted.

Mr. Darveau presented the subdivision. Mr. Reamer owns approximately 80 acres called Short Point, which includes 1200 feet of frontage on Beavertail Rd. This subdivision will come out of that property. At the end of Hull Cove Farm Rd. there will be a cul-de-sac that will provide a terminus, turn around and will prevent expansion of Hull Cove Farm Rd. Soil testing has been done. There are adequate wells on the properties, a bottomless sand filtration system is being proposed, and more than likely a fairly significant home approximately will be built. The septic system will support a 6 bedroom home.

Drainage calculations have been prepared by an engineer. They will ensure that the roadway is 12 feet wide at all spots. They will grade the road out. Vegetation will be cut and cleared and the road will remain cleared above head to at least 13 feet and 4 feet on each side of the roadway. Commissioner Cochran asked about ditching on the side of the road, a few feet of gravel in the middle will quickly dissipate to the edges. Darveau said that there are no provisions on the sides of the road, there is no major flooding in the area. The TRC asked for small modifications that Town Planner Lisa Bryer put in the motion of approval. The only change in the plan that was handed out tonight is the widening of the cul-de-sac. Commissioner Cochran asked about the vegetation which Mr. Reamer will take care of, as owner of the lot, initially and then the homeowners association will be responsible. Reamer or his successor will be part of the homeowners association. Have the current homeowners been responsible? Will this affect anything? Mr. Smith will speak to that later. Wyatt Brochu stated that this is a private road so any responsibility is a matter among the members of the association. The council wants the water line town owned, so they will be an easement. A road maintenance agreement was proposed by the planning board originally back in 2007. "Bushes will be kept clear" Mr. Anthony read from the agreement. A concern of the town is that it has not been maintained currently. Is there a connection between maintenance and the bond? Ms. Bryer said you bond for the cost of the road, the town inspects it. A maintenance bond is normally 5% of the cost of the road. Mr. Anthony said as a condition of approval they will clear the road. Hypothetically how will town react 20 years from now if the road has not been maintained? Again, it is a private road and they should be keeping it passable for their own safety. The agreement is recorded in the Clerk's office. Each land owner signed off on this agreement.

Commissioner Pfeiffer asked is the 6 inches of gravel sufficient? Yes he was answered by Mr. Darveau. Public Works Director and Town Engineer Mike Gray needs to see the plan that was presented tonight; that will be a condition of approval. The final comments from the fire department Ms. Bryer said they were concerned about the outside radius of the cul-de-sac so they made it 43 feet instead of 40.

Mr. Smith - 244 Hull Cove Farm Rd. he is the road association manager, he is speaking tonight for himself not for the association. They made an agreement with Reamer in 2007 that there would be no more than 2 additional lots. He has constructed a second entrance to his lot for construction of these new lots and he is requesting they go through his lots instead of Hull Cove Farm Rd. In

some ways the existing residents are caught in the middle. They understand the need for access to the road for emergency vehicles. They like that the road is not 20 feet wide and paved. This road was never an engineered road. North side of road was excavated to replace the pipe and handle the runoff from Reamers land and that is why it drops off. The culvert takes all the runoff from Reamers property. Bit of disconnect in agreement, you are not a member until your home is occupied. Once Goodman home is constructed the vegetation will be taken care of. Currently the work is done once a year. He reminded the town of the prohibition of the heavy vehicles on Hull Cove Farm Rd. That is a private agreement.

A discussion ensued regarding the CRMC designation. Commissioner Pendlebury asked what the water classification is. Mr. Darveau said it the most pristine, the greatest setback is 200 feet. We are staying out of it completely with this plan.

This is the public hearing for the preliminary plan it will have final approval granted by the Planning Commission unless they authorized staff. All Conditions of approval must be met before they get final.all conditions have to be done. Mr. Darveau thinks they will be ready for final approval within 3 weeks.Mr. Brochu town solicitor said he hesitates for the planning commission to get involved in the road construction issue, it is an issue between the homeowners. Will we be getting an easement plan? Mr. Anthony will provide that.

Chair Swistak asked the audience if anyone else had any comments on the proposal. No responses.

A motion was made by Commissioner Swistak and seconded by Commissioner Cochran to Grant Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Minor Subdivision Property Line Plan for Norton H. Reamer 2002 Trust; Assessors Plat 12 Lot 29; Hull Cove Farm Road and Beavertail Road, Jamestown, RI; Prepared for NortonH. Reamer 2002 Trust, Situated in the Town of Jamestown, Rhode Island; prepared byDarveau Land Surveying, Inc., P.O. Box 7918, Cumberland, RI 02864; dated revised 6/17/2014**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 as long as the proposed system is located within 150 feet from the edge of any wetland;
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, Beavertail Road from Hull Cove Farm Road (private). Lot frontage on a public

- street without physical access shall not be considered compliant with this requirement. Extension of a private road (Hull Cove Farm Road) is proposed;
7. The subdivision provides for safe circulation of pedestrian and vehicular traffic with the proposed road improvements, for adequate surface water runoff with the proposed drainage improvements, and for a suitable building site that contribute 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. The applicant will provide engineer certification that the road and road extension is adequate for public safety purposes;
 9. All lots in the subdivision have access to sufficient potable water for the intended use. The application received approval by the Jamestown Board of Water and Sewer Commissioners on July 7, 2014 to extend the water line from Beavertail Road on Hull Cove Farm Road in addition to 2 new fire hydrants.
 10. The approval is for a total of 2 lots, one existing and one new lot;
 11. Any additional new lots which utilize Hull Cove Farm Road shall require appropriate upgrade of the roadway with respect to width, base and surface treatment and shall be approved by the Planning Commission in the subdivision approval process;
 12. Any further subdivision of AP 12 Lot 29 will be considered a subdivision of 4 or more lots.
 13. The Jamestown Fire Department has participated in the Technical Review Committee process and reviewed the plans and roadway specifications. Suggestions were made for amendment.
 14. Technical Review Committee meetings were held on May 27, 2014 and July 21, 2014 (minutes attached).

D. Conditions of Approval

1. That payment of a fee in-lieu-of land dedication shall be required for this subdivision 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 shall be placed at all corner points at the new property line prior to final approval;
3. The Coastal Resource Management Council shall be notified if any clearing of vegetation or disturbance is to occur within the jurisdictional limit of the CRMC;
4. The drainage report shall be reviewed and approved by the Director of Public Works;
5. Updated plans shall be provided prior to final approval.
6. The outside radius of the cul-de-sac shall be expanded from 40' to 43' based on comments at the Technical Review Committee meeting on July 21, 2014
7. The Town will own the new water line along Hull Cove Farm Road. An easement to the Town shall be provided for the water line and hydrants along Hull Cove Farm Road. Prior to Final Approval, the applicant must provide this legal document, which shall be reviewed and approved by the Town Solicitor;
8. The applicant shall 1) complete the required improvements prior to Planning Chair endorsement of the Final Plat or 2) submit a letter requesting that security be established sufficient to cover the cost of required improvements, The amount of security shall be

established by the Town utilizing the process outlined in Article VII –Guarantees of Public Improvements.

9. An as-built of the water line, as constructed, shall be provided to the Department of Public Works subsequent to construction and prior to final approval;
10. The Engineering report provided to the Planning Commission at their meeting on 7/30/14 and stamped by Nicholas J. Piampiano, P.E. and Michael R. Darveau, PLS dated July 29, 2014 shall be reviewed and approved by Jamestown Public Works Director and the Jamestown Fire Department prior to final approval;
11. A maintenance bond shall be established utilizing the methodology in Article VII and posted prior to Final Approval;
12. The Planning Commission delegates Final Review to the Town Planner with the signature of the Planning Chair to appear on the Final Record Plan;
13. This approval shall be recorded with the Town Clerk within 20 days of receipt of approval; and,
14. 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	Duncan Pendlebury – Aye
Rosemary Enright – Aye	Mick Cochran - Aye
Michael Jacquard - Aye	Bernie Pfeiffer - Aye
Michael Smith - Aye	

Motion carries 7-0

A motion was made by Commissioner Pendlebury and was seconded by Commissioner Pfeiffer to close the public hearing. So unanimously voted.

II. Old Business

1. Historic and Community Character Preservation – continued

- a) Amendments to Article 11
- b) Design Guidelines for Buildings of Value
- c) Review List of Buildings of Value
- d) Demolition

Commissioner Swistak said if we head off in the educational direction we will be going in the right direction even if it is quirky to do this. Education is not part of the Zoning Ordinance he believes. Solicitor Brochu said education could be done at the staff level and Brochu thinks it would be a more streamlined approach. Commissioner Swistak thinks, however well intended, it might collect dust if we do not force people to do this. It is a trigger for the zoning officer to enforce. Brochu still questions what is the trigger? A building permit? How much work triggers review? Right now we are using the substantial modification criteria. Commissioner Jacquard said they will still get the same information. Enright said we still have to define what a Building of Value is or change 1105.

Brochu stated again if the goal is for an educational process again he thinks that would be more easily accomplished at the staff level.

A discussion ensued regarding how to go about educating. Commissioner Pendlebury said mandatory education has no place in a zoning code. Anyone could educate themselves. How do we do this? Zoning codes are there to protect me from you and you from me, and to develop a town in an organized or economic way. Pendlebury wants the zoning officer to come to planning and say this is what needs to be done to fix it, or take it out. Pendlebury heard the council say they want a holistic approach to 1105 C.

Mr. Brochu said there is still a lack of clarity of what is being achieved, what it could and could not do. Because of the lack of clarity of an end goal there is a lack of consensus and one direction to take is send it back to the council saying there is not clarity of direction. Maybe they can delegate the staff to see what the goals of the residents of the community are. What are Fred Browns goals? It cannot be enforced as it exists today Pendlebury stated. Town Planner Lisa Bryer reminded the Planning Commission that she gave a draft prepared by herself and Zoning Enforcement Officer Fred Brown to the Planning Commission, which addressed how to change 1105 and 1106. The Planning Commission stated that maybe we can be provided with it again.

Smith said nothing will ever change what is going on in Jamestown he thinks 1105 should be modified or deleted. Cochran believes in the educational process. Mr. Brochu said there does not have to be a consensus they can each give their own opinions and they can encourage the council regarding an education process on a trial basis, come to a consensus and go to council. You could send both options to the council. Fix it or erase it; come to the August 20th meeting with your opinion and then a memo can be sent to the Town Council.

Commissioner Swistak said the way DPR is now, under the building form section there are no details for commercial review can we come back and talk about that too.

David Clancy asked can you summarize.

Commissioner Swistak said we either take it out or fix it with a recommendation to Town Council. 3rd thing do not tell council anything and have them fix it through regulation which will take another 9 months.

Shelly Widoff - did they want your individual opinions, what about 2 individual committees who would be on each committee. When discussing education it should not be required. If you are buying a home in Jamestown and there is a pamphlet people could look at.

Jack Brittain - read from the Charettevision report that was done before the zoning ordinance was changed. There was a page at the end that addressed historic districts. If you are going to have it you need to look at volunteering first. There is money involved and enforcement. Volunteering should be exercised first.

Mary Brittain - asked if creating a historical district would help the town acquire grants for other things. Can it still be in effect for volunteering?

James Burgess - voluntary he deems best for education.

Planning Commission Minutes

July 30, 2014

Page 7

2. 2014 – Election of Officers - continued

A motion was made by Commissioner Smith and seconded by Commissioner Jacquard to nominate Commissioner Swistak for Chair, Commissioner Pendlebury for Vice Chair and Commissioner Enright for Secretary. So unanimously voted.

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
Planning Assistant

This meeting was digitally recorded