

Approved As Written  
**PLANNING COMMISSION MINUTES**  
July 9, 2014  
**7:30 PM**  
**Jamestown Philomenian Library**  
**26 North Road, Jamestown, RI**

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
Michael Jacquard	

Also present:

Lisa Bryer, AICP – Town Planner  
Cinthia Reppe – Planning Assistant  
David Petrarca – Assistant Town Solicitor  
Bill Munger  
Walt Wadsworth  
Betsy Moody  
Jim Burgess  
Sav Rebecchi  
Abby Campbell King  
Bill Kelly  
Ellen Winsor

**I. Approval of Minutes June 4, 2014**

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

Change the spelling of Steve Frayer ~~Frayer~~ **Frary** and Todd ~~Merrill~~ **Merrill** through-out the minutes  
Page 1 last paragraph add seconded by Commissioner **Enright** to accept...  
So unanimously voted.

**Approval of Minutes June 16, 2014**

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

**Approval of Minutes June 18, 2014**

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

**II. Correspondence**

1. Buildings of Value Letter – David & Linda Martin. Rec'd.
2. Buildings of Value Letter – Ginny Prichett. Rec'd.
3. Buildings of Value Letter – Roland & Barbara Parent. Rec'd.
4. Buildings of Value Letter – Shelley Widoff. Rec'd.
5. Buildings of Value Letter – Gloria Kurz. Rec'd.
6. Historic Preservation Letter – Abby Campbell-King. Rec'd.
7. FYI – Letter Reamer/Goodman/Henry – Administrative Subdivision Approval. Rec'd.
8. FYI – Letter Percopo – Administrative Subdivision Approval. Rec'd.
9. FYI – Letter Barzin – Development Plan Review Approval. Rec'd.

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

### IV. Reports

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) Discussion of Joint Work Session June 16, 2014
  - b) Discussion of July 7, 2014 Town Council Agenda item:  
Amendment of the Jamestown Code of Ordinances, Chapter 82 Zoning, Sec.82-103 Definitions; Sec. 82-1105 Pre-Existing Conditions; and Sec. 82-1106 Special Requirements; review, discussion, and possible vote to proceed to advertise in the *Jamestown Press* for public hearing on August 4, 2014 at 7:00 p.m.
  - c) Amendments to Article 11
  - d) Design Guidelines for Buildings of Value
  - e) Review List of Buildings of Value
  - f) Demolition

Planning Commissioner Chair Swistak would like to discuss amongst the board and take comments and thoughts about our June 4<sup>th</sup> meeting and the joint work session on June 16th. Any comments about what we heard from the public.

Commissioner Cochran wants to know why it is such a polarized issue. We are walking a line that has been around for a long time, he is trying to rationally look at both sides.

Commissioner Smith is confused by what the Town Council wants. He thinks they sent mixed messages.

Commissioner Swistak says we have a charge from the council to try to come up with an amendment to make Building Enforcement Officer Fred Brown's job easier and on a broader sense the bigger topic is what to do about preservation of historic buildings? We do not have a timetable now since the Moratorium was lifted and we have plenty of time to sort this out. We will go back to the why's and the how's. In terms of why, we heard

expert testimony from Arnold Robinson, and Don Powers at the Charette. We will have a discussion for an hour and then we will hear from the public.

For the past few months we have been working on drafting guidelines that would be approved by the planning commission for applications. Do we still want to go this way or have you heard enough against regulation and maybe we should go through down an education path?

Commissioner Enright, feels the “building of value” terminology is misleading and insinuates that the other buildings are not valuable. With regards to the first sister the surrounding buildings are important and of value, she thinks it is not just a single building at a time. She thinks the surrounding area is important, their context in the larger picture.

Commissioner Pendlebury agrees to a certain extent regarding education and regulation. He also agrees with the people that attended meetings. They bought these homes because they wanted to take care of them and are willing to keep them in shape, however we do not know what future generations will do to the buildings. It is a process that requires education available town wide but that will not be enough if they can ignore was is suggested. There are unique pieces of zoning in every community. It is often difficult for people to come to grips with it and have a comprehensive understanding of why it is necessary.

Commissioner Enright – it takes 50% alteration for this to come into effect; that is a lot. She is not sure how you judge what is 50%. Commissioner Smith thinks the 50% is based on monetary value. It was agreed that it would not affect anything being done on the inside. If you do a 50% modification on the outside this is what is meant. The reason we are sitting here is because the ambiguity of this part of article 11. The definition of significant alteration was developed for commercial structures not residential

Commissioner Smith thinks eliminating 1105 and taking care of it with education is the answer.

Commissioner Pendlebury said there is frustration on all sides people are not sure what is expected of them. The guidelines must be specific and not make judgment calls.

Commissioner Smith said this is a good group (the planning commission) to work with and he hopes we can get to a compromise so he does not have to vote against the proposal.

Cochran wrote criteria of building of value and maybe it is worth looking at it again.

Commissioner Enright said a building should fit within where it is and does not have to be the same or what it was before. This involves regulation or at least guidelines. Regulating certain pieces like we currently have in the special development district like for instance, the garage opening has to be less important to the front of the building. She thinks it is numeric and could be a regulation or it could state it has to meet a certain standard or we want it to look; the way the eaves are built, slant of the roof etc. She is concerned about the demolishing of old buildings and new ones put in that are very different. She is concerned about demolition and rebuilding.

Commissioner Pendlebury said the zoning code cannot be enforced today, it needs to be black and white. Article 11 is here because we created a village district overlay to preserve the character of the village. He thinks the ordinance should be fixed and made workable. Then it is a completed piece and could be debated in its finished state. It has never been enacted or used to its original purpose. Article 11 needs to be finished in his opinion. It went through the amendment process in 2009 and this language is in here, we do not just take it out. The two sides have differing opinions about it. Changes are minimal to fix it the solicitors said. Perhaps there is greater public interest in getting this right.

Commissioner Swistak said on the black and white issue, with the changes to make it enforceable the town council does not want to see that he believes.

Commissioner Pendlebury said personally he does not think we do that; you have a document, it has been through several public hearings and town council passed it. Simply removing it is not ok. We cannot throw away this part. Preserving the character is an integral component to Article 11.

Commissioner Swistak in trying to promote preserving the character of the village; the roadblock is regulation path. Education should be the main component. Conceptualize this, someone is going to make a significant alteration, Mr. Brown says you have to go through the education process. You are then presented with the pattern guide book and once they finish the education piece then they get their permit. Then there are those that say they love the idea of being regulated and they volunteer. In exchange for the willingness maybe the council will give incentive maybe in the form of a tax break. Commissioners Cochran and Pfeiffer said they think if tax break is given then others will sign up. Smith noted that the owners of these historic homes do not necessarily need tax breaks and it may not be an incentive.

Commissioner Enright said she does not think the historical society wants to be involved in regulation. They are responsible for a Preservation easement and it is hard to track. They do not have enough power to do anything about it. Ms. Bryer said when talking about a voluntary program, tracking is problematic. Conservation easements are an issue fortunately we have longevity in our staff to be able to know what is protected.

A lengthy discussion ensued regarding the purple book, which houses should be listed as a building of value and listing neighborhoods as being of value. Commissioner Pfeiffer said what should the process be on how to get on or off the list? The list in the purple book is a bone of contention, some do not want to be on the list. Duncan said it has to apply to everybody or it is not fair. How do we get there? Is the purple book a fair document?

Commissioner Pendlebury said in Jamestown we have non-contiguous historic structures. Structures that speak to the character and qualifies it as a character setting building. The purple book is a credible list Pendlebury said. If we are interested in making Article 11 whole we use the purple book; that is what is stated. The town council wants a holistic approach. Break it into 3 or 4 overlay districts in his opinion. Different districts within the

village district. If this is the way we are going we need to create a work plan. Get input from the public etc.

The quick fix is not the answer in Swistak's opinion. Pendlebury said then we cannot enforce it.

Assistant solicitor Petrarca said the town is not liable with the ordinance as it is now by not having it enforceable. The town is not responsible for not enforcing it.

Commissioner Enright asked are you suggesting as an immediate fix take the list in the purple book and say these are the buildings that come before planning and we adopt guidelines? Or do the overlay? Pendlebury said we need to take out the ambiguity currently in there. We have to create some kind of guidelines. That might work with CD, CL, CW and P. Town Planner Lisa Bryer said in order to make this enforceable we have to send a recommendation to the town council saying we are making these minor changes in order to make it usable.

Commissioner Pendlebury said to Solicitor Petrarca if we make the minor changes suggested by your office does that require a public hearing? Yes he was answered.

Commissioner Pfeiffer said the thing that drove the moratorium was the demolition. We need some kind of ability to review demolitions. Commissioner Swistak suggested adopting language for demolition delay. Development Plan Review has it defined.

Commissioner Smith suggested eliminate that section or gut it. He would like to hear from the audience.

Commissioner Swistak this is not a quick fix, we are still without any formalized guidelines. Commissioner Swistak does not think the council is going to buy it. Whole issue of opting in or out is not a good strategy. Pendlebury said Zoning code is set by the community. If the community cannot get over the threshold of opting in or opting out then we need to get rid of it Commissioner.

Public comment:

BillMunger – there was a property on Cole St., the Castle that was in disrepair for the last 20 years. The individual that lived there had to go into assisted living if the new buyer could not take it down it would not have changed. A developer bought it and preserved the stone wall he put 2 homes that look better than before. He has 2 buildings that are on the list. He wants to be happy and proud to have those. He can take care of the buildings he does not want another layer to go through. He does not support another panel to tell him what to do. Void 1105 is his process, come back and visit and identify those that really are valuable. Keep it voluntary, we have all witnessed beautiful restorations. This is a very controversial topic, the longer it goes and every week the Jamestown Press comes out more controversy.

Walt Wadsworth – owner of the pregnant mother. He is a general contractor and has done historic preservation all over the country, there should be a model that can be used. What struck him as he drove into Jamestown was a sign that said historic Jamestown. You have a responsibility to protect the historic aspect of the village. They consulted several architects before they did their project. They had to tear down the porch and completely rebuild under the current hurricane code. Another thing is the fireplaces were not to code and could not be used. They built 3 stories of fireplaces. They made it handicap accessible. The educational process should be mandatory.

Betsy Moody - 9 ConanicusAve. – supports education for everyone. Each house is an individual case and it is hard to have criteria, they had to do a lot of deconstruction in their house too. They have to have the freedom to do it their way.

Jim Burgess 29 Longfellow – he is not opposed to zoning code what he sees us trying to do is rezoning his property. If you put restrictions on me other than R20 it is a taking. He does not believe this is about history. The public historically does not support it with their own dollars.

Sav Rebecchi – Sail St. – he read some correspondence and is impressed that people want to be on the list. He feels Mr. Wadsworth is an example of someone that cares about their home. Volunteer approach he thinks will work with education.

Abby Campbell King – she is an architect and was interested to find out that she did not know about the TRC. She worked with Al Scartabelloon the house he recently built in Shoreby Hill and thinks the neighbors are happier now. She has now been working with him on future projects. She is grateful for the meeting with the TRC.

Bill Kelly –76 Reservoir Circle – He and his wife bought their house in Jamestown because they love the community. In terms of value it can differ per individual. What may be valuable to him is not necessarily to others. There is a Sears & Roebuck house in Jamestown and a Quonset hut house. This is the dichotomy of Jamestown. He was on the town council and he suggests that the planning commission make a motion on what they are going to do and send it to the town council.

Ellen Winsor – discussed technology and how that has allowed houses to enlarge in the shores area. We have a High Groundwater Table ordinance that provides significant regulation that is important to the community. Buildings of value are important, multiple overlays. There is a book “Why Houses Matter”. There is a way.

Commissioner Swistak said the next meeting will be on July 30<sup>th</sup> at the Town Hall.

## VI. New Business

### 1. 2014 - Election of Officers

Planning Commission Chair Swistak said we will have elections on July 30<sup>th</sup> and instead of a nominating committee he would like anyone interested in being chair to volunteer.

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A motion was made by Commissioner Enright and seconded by Commissioner Smith to adjourn the meeting at 9:40 p.m. So unanimously voted.

Attest:

  
Cynthia L Reppe

*This meeting was digitally recorded*