

Approved As Written
PLANNING COMMISSION MINUTES
October 5, 2016
7:30 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 7:34 p.m. and the following members were present:

| | |
|------------------------------|--------------------------------|
| Michael Swistak – Chair | Duncan Pendlebury – Vice Chair |
| Rosemary Enright – Secretary | Mick Cochran |
| Bernie Pfeiffer | Michael Smith |
| Dana Prestigiacommo | |

Also present:

Lisa Bryer, AICP – Town Planner
Wyatt Brochu – Town Solicitor
Deb Foppert – Esq.
Michael Darveau – Darveau Land Surveying

II. Approval of Minutes August 17, 2016

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

III. Correspondence

1. Memo to ZB – Re: AMS Development - Received

IV. Citizen's Non Agenda Item

No one spoke under this item.

V. Reports

1. Town Planner's Report

The changing time of meeting back to 7:00 was discussed. A motion by Chair Swistak to approve this change was made, Second by Commissioner Cochran.

2. Chairpersons report
3. Town Committees
4. Sub Committees

VI. Old Business

1. **Sustainable Jamestown**– Discussion of Project and Consultant
Town Planner Bryer reported that the Planning Commission subcommittee made a recommendation to hire Horsley Witten Group of Providence and the Town Council approved hiring them on October 3rd at their meeting.

Swistak recused from this application and left the Dais.

VII. New Business

1. **Marshall**–32 Dumpling Dr. Plat 10 Lot 97 – Zoning Ordinance Section 82-308 Variance
Request for Development within the 150 foot freshwater wetland setback –
Recommendation to the Zoning Board

Vice Chair Pendlebury assumed the Chair position.

Deb Foppert representing the applicant. Seeking a dimensional variance from Section 308 of Zoning Ordinance. Purpose of the application is to replace the existing OWTS and putting an addition on the house. Turned the application over to Mike Darveau, professional land surveyor. The site is uniquely shaped with no frontage on Dumpling Drive. The existing septic system is from mid 1980's. He estimates that it is into the water table or at least at the water table due to the high water table in the area. The proposed OWTS is in the higher area of the lot. It meets the separation requirement to the water table. Has 42 feet to the wetland. The wetlands are lateral and not downhill to the site. Estimated that existing water table in the area of the existing septic system is about 1.5 feet. Ledge was found at about 4-5 feet. Vice Chair Pendlebury asked questions about the proposed OWTS and the existing OWTS.

Commissioner Cochran asked about why the new OWTS was not relocated in the same location. Primarily because of the high water table and the soils are more favorable in the new area.

Vice Chair Pendlebury asked procedural questions about notification and the answer was that neighbors will not be notified until the Zoning application is processed. He then asked about how an OWTS operates. Mike Darveau explained the difference between a conventional system and an advanced treatment system.

Vice Chair Pendlebury asked if the 150 foot buffer was instituted before the approval of alternative systems. Bryer gave an explanation of when Section 308 was adopted and the wastewater management program was adopted at the town level in approximately 2000. A discussion ensued regarding the new state regulations.

Commissioner Pfeiffer asked about what the difference between the last application and this one. He was answered by Rosemary that this is an existing house and they are making it better.

Bryer asked if a bedroom count was assigned to the existing system. Darveau believed yes and it is either 3 or 4 and believes it is 4. DEM only approves an alteration for increase of one bedroom.

A motion was made by Commissioner Enright, Seconded by Commissioner Smith to recommend to the Jamestown Zoning Board, approval of the application for Lucia and John Marshall – 32 Dumpling Drive, AP 10, Lot 97– Zoning Ordinance Section 308 Setback to Freshwater Wetland in

accordance with the plans entitled **Proposed Site Plan for Lucia Marshall Plat 10, Lot 97, 32 Dumpling Drive, Jamestown, Rhode Island; dated September 22, 2016.** The recommendation for approval is based on the following findings of fact and subject to the following conditions of approval:

Findings of Fact:

1. The lot is 43,996 square feet;
2. The applicant is proposing to construct an addition to an existing house with a proposed covered front porch;
3. The application has an approval for an advanced treatment 4 bedroom septic system from RI DEM approved as an alteration to an existing OWTS based on the proposed improvements to the existing house;
4. There are wetlands on the property as shown on the site plan;
5. The applicant has addressed the standards of 82-308 through a written narrative by Natural Resource Services, Inc. signed by Edward J. Avizinis, Soil Scientist and Wetland Biologist;
6. In order to mitigate increased runoff from the proposed improvements, the applicant has proposed the use of rain garden which is connected to the roof leaders;
7. It is noted that “the rain garden is appropriately sized” for the proposed development to provide treatment for the 1” water quality volume;
8. Deb Foppert, Esq. presented on behalf of the applicant; and,
9. RIDEM requires maintenance of all storm water mitigation systems by the owner, which is critical to continued mitigation of runoff.

Conditions of Approval:

1. The applicant shall provide an 8 ½” x 11” written Operations and Maintenance (O &M) recommendation for the stormwater mitigation and OWTS; and,
2. The O&M sheets as referenced in #1 above shall be recorded with the Zoning Approval.

So voted:

Duncan Pendlebury - Aye

Rosemary Enright - Aye

Bernie Pfeiffer - Aye

Dana Prestigiacomio - Aye

Mick Cochran - Aye

Michael Smith – Aye

Motion carries 6-0

Swistak returned to the Chair position at the Dais.

VIII. Adjournment

Motion to adjourn by Commissioner Enright and seconded by Commissioner Cochran.

All in favor.

Attest:

Lisa W. Bryer, AICP – Town Planner