

Approved As Written
PLANNING COMMISSION MINUTES
August 17, 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

Not present: Dana Prestigiacomio

Also present:

Lisa Bryer, AICP – Town Planner
Wyatt Brochu – Town Solicitor
Cinthia Reppe – Planning Assistant
Deb Foppert – Esq.
Steve Perry – Dutch Harbor Development, LLC.; AMS Development
Michael Darveau – Darveau Land Surveying
Dan Cotta – American Engineering
Bob Bailey – Lila Delman Real Estate
Robert Powers – HOA president Westwind Dr.

II. Approval of Minutes August 3, 2016

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

Preliminary Public Hearing- continued from July 20, 2016

(Withdrawn due to plan Design Change)

Dutch Harbor Development - This project consists of a three-lot subdivision being accessed by both Arnold Avenue and developing a portion of the paper street, Pemberton Avenue, a public street off Westwind Drive. The project is comprised of Tax Assessors Plat (AP) 8 Lot 68. Said lot proposed for subdivision is a through lot

between Arnold Avenue and Westwind Drive and begins approximately 1/10th of a mile west of North Road on Arnold Avenue and approximately 1/10th of a mile west of North Road on Westwind Drive.

Since this plan was withdrawn, no further action is needed from the Planning Commission.

III. New Business

1. **Dutch Harbor Development, LLC** – Plat 8 Lot 68, Arnold Avenue, Westwind Dr., Pemberton Avenue and Lawn Avenue – Three Lot Minor Subdivision – Preliminary Plan Review and Approval

Deb Foppert Esq. representing Dutch Harbor Development and the current owners of the lot will make the presentation.

The developers have met with the TRC a few times already in the last year or so. They have redesigned this development a few times based on the neighbors and TRC comments.

It is currently 1 lot and they will develop 2 additional lots for a total of 3. They have received the needed water and sewer approval that they asked for. The two lots on Westwind Drive will have private wells. This will be an attractive development. She explained the easement and tonight the HOA has released the 1 foot strip easement and in September it will be added to Westwind Dr.

Mike Darveau, Darveau Land Surveying Professionals- This is a 5.6 acre lot that will be divided into 3 lots. Arnold Ave will have 1 lot with frontage and the other 2 lots will front on Westwind Dr. It will be bordered by two unimproved paper streets (Lawn Ave and Pemberton Avenue). The two lots on Westwind Drive will be connected to the public sewer system through a force main with a sewer easement area through Pemberton Avenue to Lot 109. The 2 homes on Westwind Dr. will have pump stations. Parcel C will have public water Parcels A&B will have private wells. This is a 3 lot minor subdivision that meets all of the requirements for a subdivision. This plan was drawn with 51 feet of a public road which assumes the 1 foot strip owned by the Town is merged into the 50 ft. right of way which will be done after tonight at the Town Council. The adjacent paper streets are currently owned by the town but not accepted by the town.

Commissioner Pendlebury asked where the force main is for the sewer. Does it end at the ROW line? He is curious about responsibility. Homeowners will have responsibility. The town responsibility is at the ROW.

Mr. Darveau met with the property owners and discussed where the driveway entrances will be and is partly based on where the existing landscaping is so it will not disturb the neighbors.

At the TRC Dan Cotta said they discussed about paving more than 20 feet of the driveways and the capacity to meet a 100 yr storm. They located the wells in the center of the lot for plenty of separation. Mr. Cotta explained the drainage.

Commissioner Swistak asked Mr. Darveau if after the council approves this do you have to update the plan? No the drawings are already updated. These plans are accurate for recording.

At the TRC meeting Mr. Perry agreed that he will leave money on deposit for the town to construct sidewalks when they want to on Arnold Ave. They did not go with the conservation easement but instead will be paying the FILO land dedication.

Attorney Deb Fopert mentioned that there will be a self imposed restriction for further subdivision on the properties and that restriction is in the legal documents.

Robert Powers – 30 Westwind Dr. – He is the president of the HOA and he is in favor of this subdivision. There is concern about the paper streets, they do not want the paper streets turned into regular streets. He was told this is up to the town council. Bryer said the town has never accepted them they are created on a plat and not developed, they were dedicated to the town but never accepted by the town. So in order for the town to allow an easement they have to accept it but it is not for a roadway. The applicant brought up the fact that maybe they can give up the right but Bryer noted that this was discussed and the PW director does not want to do this yet. They could as a HOA approach the town. Bryer said the Town does not want to give up the ROW because of drainage issues in that area.

Commissioner Swistak made a motion that was seconded by Commissioner Pfeiffer 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 Dutch Harbor Development, LLC; Assessors Plat 8 Lot 68; Arnold Avenue, Jamestown, RI; prepared by Darveau Land Surveying, Inc., P.O. Box 7918, Cumberland, RI 02864; dated August 5, 2016** 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. The application is proposing that all three lots connect to the public sewer system;
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, Arnold Avenue and Westwind Drive. Lot frontage on a public street without physical access shall not be considered compliant with this requirement;
7. The subdivision provides for safe circulation of pedestrian and vehicular traffic, and for a suitable building site that contributes to the attractiveness of the community;
8. The design and location of building lots, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion;
9. All lots in the subdivision have access to sufficient potable water for the intended use as long as Condition of Approval #2 is adhered to. The subject lot is outside of the Urban Service District Area. The District line and the water line runs down Arnold Avenue. The lot on Arnold Avenue, with water frontage, was granted a water hookup by right. The two lots on Westwind Drive will have private wells;
10. The approval is for a total of 3 lots, one existing and two new lots;

11. The applicant has submitted results of the archaeological investigation dated October 2, 2014; and
12. Westwind Homeowners Association, represented by Robert Powers testified that the HOA agrees with the subdivision as proposed.

D. Conditions of Approval

1. That payment of a fee in-lieu-of land dedication shall be required for this subdivision for the two new lots in the amount required by Article IIID of the Jamestown Subdivision Regulations. This fee of \$12,678 shall be paid prior to recording of the final plan.
2. Two potable wells must be installed and tested to insure sufficient quantity and quality of drinking water for the intended use prior to final approval;
3. The following Legal Documents shall be reviewed and approved by the Solicitors Office prior to being recorded. They shall be recorded prior to or simultaneously with the final record plat in the Office of the Town Clerk:
 - a) Declaration of Restrictive and Protective Covenants;
 - b) Utility Easement for Stormwater on Lawn Avenue and Sewer Easement on Pemberton Avenue;
 - c) Creation of Homeowners Association.
4. Prior to Final Approval, the Applicant shall petition and receive approval from the Town Council to:
 - a) Merge the one foot strip on the south side of Westwind Drive into Westwind Drive, for the purpose of providing frontage for these subdivision lots;
 - b) Accept the unaccepted portions of Lawn Avenue and Pemberton Avenue in between Arnold Avenue and Westwind Drive for the purposes of utility easements.
5. Granite monuments, or where granite monuments are not suitable, other suitable survey markers, other than concrete shall be placed at all corner points at the new property line prior to final approval;
6. The Planning Commission delegates final plan review to the Town Planner with the signature of the Planning Chair to appear on the Final Record Plat;
7. This approval shall be recorded with the Town Clerk within 20 days of receipt of approval;
8. This approval shall expire one year from the date of approval by the Planning Commission unless final approval is received within that time; and,
9. The applicant shall be responsible for either funding or constructing sidewalks in the ROW along AP 8 Lot 886 through AP 8 Lot 68 along Arnold Avenue.

So voted:

Michael Swistak - Aye
Rosemary Enright - Aye
Bernie Pfeiffer - Aye

Duncan Pendlebury - Aye
Mick Cochran - Aye
Michael Smith – Aye

Motion carries 6-0

2. **AMS Development Corp.** – Plat 16 Lot 185 - Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table Impervious Overlay District 314 – Recommendation to Zoning Board

Deb Fopert is representing AMS Development, they are proposing a 2 bedroom home. This application was given a positive recommendation from the Town Engineer office. A motion was made by Commissioner Swistak and seconded by Commissioner Pendlebury to accept Michael Darveau as an expert witness. So unanimously voted.

This is a little bit deeper than a normal lot in the shores it is 9505 sq ft. A class one survey was done. This lot is close to North Main Rd. This is a sub-district A application he worked with Jean Lambert on this. They tried to disburse the drainage so he put a rain garden in the middle of the u shaped driveway. They have proposed a 992 sq ft footprint which is still well under the allowed 12% lot coverage. The septic system is approved by DEM a bottomless sand filter system. There will be a well on the property.

Commissioner Enright asked about the distance between the well and septic systems, it is greater than 100 feet. He has the stamped copy from DEM it is 107 feet south of the property and he showed the wells on the other lots.

Commissioner Pendlebury said this lot is in an area where it is a classic blind spot and he wants language added into the conditions.

Bob Bailey asked about what they can and cannot do as far as taking trees down. He discussed the blindness factor of the lot and people leaving the property. Lisa does not know if we can make a condition about planting on a town ROW, technically you are not supposed to do that. Pendlebury asked should the applicant petition the town to clear the ROW area? They can put it as a condition to clear and maintain.

A motion was made by Commissioner Swistak and seconded by Commissioner Cochran to recommend to the Jamestown Zoning Board, approval of the application AMS Development Corp, Plat 16, Lots 185, Frigate Street, review under Zoning Ordinance Section 82-314 – High Groundwater and Impervious Layer Overlay District, Sub-district A – review in accordance with the plan entitled **Proposed Site Plan for AMS Development Corp, Plat 16 Lot 185, Frigate Street, Jamestown, RI (sheet 1 of 1), dated Revised Aug. 9, 2016**. The recommendation for approval is based on the following findings of facts as amended:

Findings of Fact Section 314

The applicant is proposing to construct a 2 bedroom 992 footprint dwelling on Lot 185 totaling 9,505 square feet.

1. Applicant has obtained RI DEM approval for an ISDS/OWTS for a two-bedroom dwelling;
2. The applicants OWTS permit from RIDEM and the Town of Jamestown Worksheet for Zoning Section 314 indicates the OWTS is a Bottomless Sand Filter with Septi-tech Processor Tank system;
3. The applicant's representative Septic Designer, Michael Darveau, of Darveau Land Survey Inc. has submitted expert testimony before the Planning Commission in this matter;
4. Jamestown Town Engineer Jean Lambert, PE provided correspondence to Lisa Bryer, Town Planner and Chris Costa, ZEO dated August 9, 2016 regarding the application with respect to Zoning Section 314 (attached);
5. There are no wetlands on the subject property nor are there any wetlands within 150 feet from the applicable components of the OWTS per Zoning Ordinance Section 82-308;

6. Based on soil evaluation reports, the subject lot is in sub-district A of the High Groundwater Table and Impervious Overlay District;
7. AMS Development is authorized as the applicant in this matter based on terms of the Purchase and Sales Agreement with the current owner – Master Pizzi Holdings, LLC;

Conditions of Approval

1. The Operation and Maintenance (O & M) requirements for pervious driveway, rain garden and OWTS shall be recorded in the Office of the Town Clerk with the Zoning Approval and evidence of such shall be provided to the Zoning Enforcement Officer.
2. The proposed driveway, shall be constructed as shown on the plan and shall be maintained as a pervious surface and not be paved at any time in the future. The O & M shall indicate that driveway shall remain pervious in perpetuity. Any change in this requirement will require additional approval by the Zoning Board of Review.
3. For visibility purposes – all brush shall be cleared from the Town right-of-way, and the ROW shall continue to be maintained to ensure view clearance.
4. An as-built plan shall be provided by the Engineer to ensure constructed grades match the approved development plan.

So unanimously voted.

IV. Adjournment

A motion was made by Commissioner Enright and seconded by Commissioner Smith to adjourn the meeting at 8:49 p.m. So unanimously voted.

Attest:



Cinthia L Reppe
Planning Assistant