

Approved As Written
PLANNING COMMISSION MINUTES
May 4th, 2016
7:30 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 7:35 p.m. and the following members were present:

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

Also present:

Lisa Bryer – AICP – Town Planner
Wyatt Brochu – Town Solicitor
Cynthia Reppe – Planning Assistant
Michael Darveau – Professional Land Surveyor
Christian Infantolino - Attorney
Noreen Drexel
Shahin Barzin – S. Barzin Architects
Jimmy Tzimkas - Chef

II. Approval of Minutes April 20th, 2016

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

Page 2, second to the last paragraph:

A motion was made by Commissioner Swistak that was seconded by Commissioner Pendlebury to send a recommendation to the Jamestown Zoning Board, approval of the application Andajo, LLC
So unanimously voted.

III. Correspondence

1. FYI – Letter Administrative Subdivision – Izzi.
Town Planner Lisa Bryer explained this subdivision to the Planning Commission.
2. FYI – Memo to Zoning Re: Andajo LLC. Received

IV. Citizen’s Non Agenda Item – nothing at this time

V. Reports

1. Town Planner's Report – in the past we have asked the commissioners if anyone is taking any vacations this summer and to let us know.
2. Chairpersons report
3. Town Committees
4. Sub Committees

VI. Old Business – nothing at this time

VII. New Business

1. **William J. O'Farrell and Noreen E.M. Drexel Minor Subdivision** –Plat 11 Lot 44 – Two Lot Minor Subdivision - 951 and 953 Fort Getty Rd. and Administrative Subdivision between Plat 11, Lots 7,44 and 45 – review and approval

Christian Infantolino attorney for the applicant addressed the Commission. They decided that the existing lot lines between the existing lots would benefit from amendment and so they will be doing an Administrative Subdivision first and then they will record the minor subdivision approval. They did get their OWTS approval as noted in the conditions and we have a copy in the file.

A motion was made by Commissioner Cochran and seconded by Commissioner Smith to acknowledge Mike Darveau as an expert witness, All in favor.

Mr. Darveau said some of the existing lot lines done a few years ago did not line up correctly with what is out in the field when he went out there to set the bounds. They decided to do the administrative subdivision first and then the minor, and they adjusted some of the lot lines around the yellow house. Mr. Darveau explained the changes to the Commission to show the features he was referencing.

Commissioner Pendlebury asked about the easement to the cemetery and Mr. Darveau said it runs only on one lot now. Are we going to do this all in one motion asked Commissioner Swistak, Ms. Bryer said no you have two motions in front of you; the Administrative and the Minor Subdivision. The Administrative subdivision will be recorded first so the Minor subdivision assumes that the Administrative is already in place. There were a few changes made, they have received water approval for Lot 7 and the septic approval for Lot 44.

Commissioner Enright made a motion that was seconded by Commissioner Smith to grant Administrative Subdivision approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**2016 Administrative Subdivision Plan for William J. O'Farrell and Noreen E.M. Drexel, Plat 11 Lots 7, 44 and 45, Fort Getty Road and Beavertail Road, Jamestown, Rhode Island;** prepared by **Darveau Land Surveying, Inc.;** dated **April 13, 2016** based on the following Findings of Fact and subject to the following Conditions of Approval:

A. Findings of Fact

1. The subdivision is consistent with the requirements of the Jamestown Comprehensive Plan and/or shall satisfactorily address the issues where there may be inconsistencies. Jamestown's Comprehensive Community Plan encourages maintenance of active farmland such as is deeded for the subdivision property;
2. 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 future proposed systems are located further than 150 feet from the edge of any wetland on lot 7;
3. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions for approval;
4. 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;
5. All subdivision lots have adequate and permanent physical access to a public street, namely, Fort Getty Road and Beavertail Road. Lot frontage on a public street without physical access shall not be considered compliant with this requirement;
6. The subdivision provides for safe circulation of pedestrian and vehicular traffic, for adequate surface water runoff, for suitable building sites and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community. All lots in the subdivision have access to either Ft. Getty Road or Beavertail Road and no new streets are being created through this subdivision;
7. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion;
8. All lots are located in the rural service area where public water, when available, is regulated by the Jamestown Board of Water and Sewer Commissioners. Lots 7, 44 (both houses) and 45 are connected to town water.
9. The subdivision parcels are subject to conservation easements by The Nature Conservancy, the Conanicut Island Land Trust and the Audubon Society. The applicant and the applicant's attorney have stated that this subdivision does not effect the existing conservation easements on this property;
10. In reference to the farms on both the north and south side of Ft. Getty Road, The Historic Landscape of Rhode Island book by RIHPHC states that:
Farmed since the settlement of Jamestown, these two farms were one parcel originally owned by the Arnold Family. – *The Law Farm's building complex (Beaverhead Farm) forms a rough quadrangle, including a mid-18th century farmhouse, wood-shingled barn with three wooden silos, and shingled outbuildings; rectangular fields spread to the south and west. **This rural landscape is one of the finest on the island;***
11. The RIHPHC's Historic and Archaeological Resources of Jamestown RI lists the Jonathan Law Farmhouse (mid-18th century): along the south side of Ft. Getty Road is a shingled residence with a large, off-center brick chimney and a 1 story ells on the east side. Nearby is a large, wood shingled barn, another shingled outbuilding is located near the road. Governor Arnold's grandson Benedict left the farm to his nephew Jonathan Law in 1733. It was later the property and residence of Hazard Knowles, then was owned by several other families. Benedict Arnold is buried on a small plot on the farm, as are a number of his siblings, his father, Josiah Arnold, and Josiah's two wives;

12. This application was reviewed by the Technical Review Committee (TRC) meeting on April 26, 2016 at which time they voted to recommend approval of this subdivision to the Planning Commission.
13. Attorney Christian Infantolino represented the applicant;
14. Michael Darveau, PLS, Darveau Land Surveying Inc., represented the applicant as an expert witness, and provided a detailed explanation of the subdivision plans, prepared by him; and,
15. A new OWTS was designed and approved by RIDEM on April 28, 2016 to replace the cesspool located at 951 Ft. Getty Road (AP 11 Lot 44)

B. Conditions of Approval

1. This subdivision is for the purpose of modifying lot lines between three existing lots. No new lots are being created.
2. This subdivision approval does not supersede any previous zoning approvals;
3. It is the intent of this subdivision that all recorded easements, and the rights and restrictions appurtenant thereto, shall continue in full force and effect, irrespective of the changes made to lot lines as a result of this Administrative Subdivision;
4. That payment of a fee in-lieu-of land dedication shall not be required for this subdivision as required by Article IIID of the Jamestown Subdivision Regulations because “no new lot for development” is being created;
5. The access easement over lot 45 in favor of lot 24 (the Arnold Burial Ground) shall be created and recorded by the applicant contemporaneously with the Final Plat;
6. Any new proposed house on Lot 7 will require a new OWTS;
7. The Plans shall be amended to show the following:
8. This approval shall be recorded with the Town Clerk contemporaneously with the Final Plat; and,
9. This approval shall expire three months from the date of approval unless the Final Plat is signed by the Administrative Officer and recorded in the office of the Town Clerk of the Town of Jamestown.

So voted:

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

Duncan Pendlebury – Aye
Mick Cochran - Aye
Dana Prestigiacomio - Aye

Motion carries 7-0

At a meeting of the Planning Commission on May 4, 2016, the Planning Commission voted to Grant **AMENDED** Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled " **Minor Subdivision Site Plan for William J. O’Farrell and Noreen E. M. Drexel; Assessors Plat 11 Lot 44; 6 Ft. Getty Road and Beavertail Road, Jamestown, RI**; prepared by **Darveau Land Surveying, Inc., P.O. Box 7918, Cumberland, RI 02864; dated April 14, 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. The purpose of the amended plan is to allow an administrative Subdivision Plan to be recorded, which modifies the lot lines between Lots 7, 44, and 45 as well as to provide an amended lot line between the proposed subdivision lots, and provide the necessary easements to make each lot self-sufficient and legal;
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 since the new OWTS appears to be a significant distance from any wetlands to the west. Parcel B contains an existing cesspool. Cesspools are required to be replaced by January of this year by Town regulation;
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with the required conditions for approval to remove and replace the cesspool;
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, Ft. Getty Road and Beavertail Road. 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 with all required conditions of approval;
8. The design and location of streets, 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. Both existing houses are connected to Town Water and are located in the Rural Water District. Parcel B contains the well for 955 Ft. Getty Road (the main farm house);
10. The approval is for a total of 2 lots, with two existing homes;
11. The Planning Commission finds that it is the intent of this subdivision that all recorded easements, and the rights and restrictions appurtenant thereto, shall continue in full force and effect, irrespective of the changes made to lot lines as a result of this subdivision;
12. Water approval was granted for 955 Ft. Getty Road (AP 11 lot 45) on March 7, 2016 and recorded April 26, 2016;
13. A well easement to the existing well located on Parcel B (AP 11, Lot 44) was granted in favor of AP 11 Lot 45; recorded in the office of the Town Clerk on April 28, 2016;
14. A new OWTS was designed and approved by RIDEM on April 28, 2016 to replace the cesspool located at 951 Ft. Getty Road (AP 11 Lot 44); and,
15. Michael Darveau, PLS, was accepted and testified as an expert witness before the Planning Commission on May 2, 2016.

D. Conditions of Approval

1. This amended approval supersedes the approval granted by the Planning Commission on March 4, 2016 and attached to this approval;

2. That payment of a fee in-lieu-of land dedication shall not be required for this subdivision for either lot per Article IIID of the Jamestown Subdivision Regulations. This fee shall not be required since both lots will be developed with existing homes.
3. There shall be no occupancy of the existing house 951 Ft. Getty Road (AP 11 Lot 44) or a new house in that location until the cesspool is replaced by the approved OWTS referenced in Finding of Fact #14 above;
4. 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;
5. The following easements shall be recorded with the final record plan:
 - a. Access and utility easement over Lot 44A for the Benefit of Lots 44 B and 45
 - b. Access and utility easement over Lot 44 B for the benefit of Lot 45
 - c. Access easement over Lot 45 for the benefit of Lot 24
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; and,
8. 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

Bernie Pfeiffer - Aye

Dana Prestigiaco - Aye

Michael Smith - Aye

Motion carries 7-0

2. J'town Main Street LLC – Plat 9 - Lot 63, 29 Narragansett Ave. - Jamestown, RI. – Development Plan Review – Change of Use

A motion was made by Commissioner Smith and seconded by Commissioner Cochran to accept Mr. Barzin as an expert witness. So unanimously voted.

Mr. Barzin said they will be preparing food here in the kitchen for different events and locations. It will be more of a grab and go sale on site and not a restaurant with seats. He explained the outside of the building and what materials they are going to use. The siding will be epei.

They will bring the mechanical system up to date and they will maintain 9 parking spaces on the west side. The curbcut on Narragansett Ave. stays as is but the one on Green Lane they will eliminate but still want the right to have it back in the future. In respect to the number of parking spots the Building Official calculated it based on 5 spaces per 1000 sq. ft. The building is 1700 sq. ft. so that equates to 8.5 or 9 spots. Commissioner Prestigiaco asked about the hours of operation. They will not be open in the evenings. Possibly 8-9 in the morning until 5-6 in the evening.

Jimmy Tsimkas, the chef,said they will be making sandwiches, wraps, cheese platters all wrapped all ready to grab and go and the drinks will be premade and pre bottled. Cooking will be in the

morning maybe 6:30-7 then 8 am opening. They will be preparing salads, sandwiches with lunch meats and cheeses, and cooking turkeys and such.

Commissioner Pendlebury clarified that this kitchen is central to various operations that the owners have. How often will the deliveries go out? Probably by 10 a.m. possibly 2 runs with a van. Commissioner Enright asked about other places off island, are they trying to centralize all the cooking? Yes, the Sakonnet Vineyard is the biggest recipient of the food made here in addition to a few other locations.

The HVAC system is pretty big Commissioner Smith said. Are you going to shield it? Yes, Mr. Barzin said they will be replaced with smaller units and pushed to the back of the building. Will there be any visual block for that? They did not plan on it but yes they could Barzin said. Commissioner Swistak said in the past we have made this a requirement. Commissioner Pendlebury said it can probably be a low profile system and then will stay out of everyone's perspective, he thinks it might be complicated to fit it into the village guidelines because of the flat roof. Once you have a design Commissioner Swistak said can it come back to TRC? Yes Lisa said.

Kitchen exhaust is going up Swistak asked? Yes it is Mr. Barzin answered. Commissioner Swistak asked about seating and parking, if we go back to other business in town with regards to seating, they were counted for parking calculations. Ms. Bryer said this use is not technically a restaurant that's why they used square footage and Chris Costa (Building Inspector) decided it was more of a catering thing making the food and delivering it out. Costa decided it was a permitted use and there are no inside seats, similar to a retail office. There are no inside seats. This is Chris Costa's call not ours as a finding we should state that clearly as a use.

Will there be umbrellas? No it is under the pergola. There should be no advertising on the umbrellas if you have them noted Swistak. The applicant is agreeing that the picnic tables are under the pergola. No picnic table on grass area. Commissioner Pendlebury said the village guidelines show if we had our way and if possible we would love to have storefronts right at the sidewalk, but if you look there are pre-existing conditions that have grass in the front and it kind of formalizes it and puts it in the category of the other buildings.

The neighbor Preppy Pig will be putting 4 bollard lights so it should serve as parking lighting for this area too. The pole lighting will shut off automatically at a certain time. There will be solar lights too. Town Planner Lisa Bryer reminded Mr. Barzin, they need to be shielded.

Commissioner Enright asked about the van; will it be using the back door. Yes all deliveries will be loaded from the side/back door from the parking lot. The loading zone is in the parking lot. It is not marked on the plan. There will be 3 employees at the same time working in the building, 6 total

Commissioner Pendlebury stated we discussed the front door and hopefully changes. Mr. Barzin thinks there is a space that may allow them to take the door off and shift it so it will swing and then they can change it to wood.

Commissioner Swistak said the final design will be reviewed by the TRC for the equipment screening. Looking for a condition that says the exhaust goes vertical through the roof no walls. All seating will be under the pergola and no seating in the lawn area. The Planning Commission discussed the motion and made additions.

Commissioner Swistak made a motion seconded by Commissioner Pendlebury to grant Development Plan approval based on the following finding of fact and subject to the following conditions of approval:

Findings of Fact:

1. The application was reviewed under the standards of Zoning Article 11;
2. This application has been reviewed by the TRC on April 11 and April 26, as required. (See attached Memos from TRC);
3. The applicant has provided the following information for the current application (attached):
 - Proposed Schematic Site Plan, , J-Town Main Street Commissary Kitchen, Page 2 of 2, 3-26-2016
 - Proposed Elevations, J-Town Main Street Commissary Kitchen, Page 1 of 2, 4-20-2016
4. The revised plans show the following improvements:
 - a. Epay board or similar cedar board siding in dark color as presented to cover the cinder block side walls;
 - b. Wood trim around the windows;
 - c. An enclosure for the gas tank and trash;
 - d. A walkway from the sidewalk to the front door;
 - e. Keeping the brick front façade;
 - f. The pergola will be stained to match the siding and the brick;
 - g. Signs on the building front and at the street that meet the Zoning Ordinance sign code; and,
 - h. Solar lighting along the walkway.
5. This property is located in the Commercial Downtown (CD) District. Retail and Restaurant use is permitted in the CD District;
6. The loading zone will be located along the driveway off Narragansett Avenue;
7. The use proposed is catering, which has been classified as a mix of restaurant and personal service;
8. No zoning relief is necessary;
9. The existing sign on the west side of the property will be removed and the sign on the east property line will be replaced;
10. The existing light towards the rear west side is remaining but is being replaced with an LED lamp;

11. The Building Official has determined that there is adequate parking on site for the proposed use; 9 on site and one on street are provided. The parking is calculated based on 5 spaces per 1,000 square feet of GLFA. The building's GLFA has been determined to be 1700 square feet which requires 8.5 (9) parking spaces;
12. Shahin Barzin, Architect, was recognized as an expert witness and testified on behalf of the applicant.

Conditions of Approval:

1. The proposed improvements, as shown on the plans referenced in Finding of Fact #4, shall be constructed in strict conformance with the approved plans including:
 - a. The applicant's architect will make an effort to either cover the aluminum frame or replace the front door and frame with a more appropriate door to be approved by the TRC;
 - b. All exhaust will be vertical and above the roof; and,
 - c. The final equipment on the roof will be reviewed by the TRC and may require appropriate screening.
2. The curb cut on Green Lane will be removed and replaced by a concrete sidewalk. The property owner retains the right to the curb cut if it is needed in the future;
3. No tables will be placed on the grass area and all seating will be located under the pergola;, and,
4. Provide additional planting along the stone wall.

So voted:

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

Duncan Pendlebury – Aye
Mick Cochran - Aye
Dana Prestigiacomio - Aye

Motion carries 7-0

3. CDBG Endorsement of Application PY 2016

Town Planner Lisa Bryer explained the CDBG application and priority list was approved by the Town Council. The applicants show how many Jamestowners are serviced by their different organizations and that is how they are ranked.

A motion was made by Commissioner Swistak and seconded by Commissioner Enright that the Jamestown Planning Commission hereby certifies that the proposed PY 2016 Community Development Block Grant activities are in compliance with local development policy as set forth in the 2015 Jamestown Comprehensive Community Plan and with the Jamestown Subdivision and Land Development Regulations and Jamestown Zoning Ordinance.

Town of Jamestown
2016 COMMUNITY DEVELOPMENT BLOCK GRANT PRIORITY LIST

- 1) Public Facility: Funding for the Jamestown Housing Authority to replace roof and add insulation at the 35 unit Pemberton Apartments elderly and disabled housing development.
Amount: \$60,300
- 2) Public Facility: Provide funding for the Jamestown Senior Center to replace subfloor and tile, rubber non-skid treads and mats on stairs and entryways, install ADA compliant signage, restore hardwood floors, and replace electrical and install energy efficient light fixtures at their facility.
Amount: \$ 44,500
- 3) Public Services: Provide operating support for the Community Housing Resource Board/Housing Hotline of Newport County to provide housing counseling, referral services, and education and outreach to affirmatively further Fair Housing in Newport County.
Amount: \$ 3,000
- 4) Operating Costs: Church Community Housing Corp to administer the Regional Revolving Loan Fund for home rehabilitation, Homeownership Assistance, and RI Housing Loan programs in Jamestown.
Amount: \$ 15,000
- 5) Public Facility: Provide funding for repairs to the Women's Resource Center's Touro Street facility which provides services for battered women and children.
Amount: \$ 5,000
- 6) Public Services: Provide funding for East Bay Community Action Program's East Bay Skills Alliance to support the technical skills training aspect of the CNA program.
Amount: \$2,550
- 7) Planning Activity: Provide funding for the Town of Jamestown to conduct a study to locate lots which can support additional affordable units, prepare a mailing list for owners of these lots, and prepare an affordable housing communication plan and information packet for the community.
Amount: \$ 9,700
- 8) Public Services: Support for the Women's Resource Center to provide services for battered women and children.
Amount: \$3,000
- 9) Public Facility: Provide funding for the repairs to the exterior windows of the Boys & Girls Clubs of Newport County's 95 Church Street facility in Newport, RI, 02840.
Amount: \$ 3,000

- 10) Housing Development: Provide funding to acquire single family homes or other properties to then be resold to home buyers under CCHC's Land Trust program.

Amount: \$ 0

- 11) Administration:

Amount: \$3,950

Total: (amount subject to \$150,000 cap) \$150,000

TOTAL \$150,000

So unanimously voted.

VIII. Adjournment

A motion was made by Commissioner Enright and seconded by Commissioner Cochran to adjourn the meeting at 9:03 p.m. So unanimously voted.

Attest:



Cynthia L. Reppe