

**Approved As Written**  
**PLANNING COMMISSION MINUTES**  
**June 15, 2016**  
**7:30 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

**I. Call to Order and Roll Call**

The meeting was called to order at 7:30 p.m. and the following members were present:

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

Also present:

Lisa Bryer, AICP – Town Planner  
Wyatt Brochu – Town Solicitor  
Cynthia Reppe – Planning Assistant  
Douglas DeSimone – Douglas Enterprises - Jamestown Terrace Applicant  
Christian Infantolino – Esquire - Jamestown Terrace  
Dan Cotta – P.E - American Engineering  
Brian Poor – Presbrey Architects  
John Dumaliang – Presbrey Architects  
Alma Davenport

**II. Approval of Minutes June 1, 2016**

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

Page 2, 6<sup>th</sup> paragraph, 2<sup>nd</sup> sentence - A green grate **material covering the trench around the building.**

Page 3, last paragraph, last sentence - Pendlebury said but for this project it is measured from the porch roof line **which is the most protruding part of the building.**

So unanimously voted.

**III. Correspondence**

1. FYI – Letter – J-Town Main Street, LLC – Development Plan Review Approval. Received
2. FYI – Letter – Nilsson – Final Approval. Received

A motion was made to open the Public Hearing by Commissioner Cochran and seconded by Commissioner Enright. So unanimously voted.

A motion was made by Commissioner Cochran and seconded by Commissioner Enright for the Jamestown Planning Commission to sit as the Local Review Board. So unanimously voted.

#### IV. Old Business

##### The Planning Commission Sitting as the Local Review Board pursuant to RIGL 45-53 Low and Moderate Income Housing Act

#### **Preliminary Public Hearing**

- 1. Jamestown Terrace, 138 Narragansett Avenue, Assessors Plat 8 Lot 79, owned by the Holy Ghost Society, Applicant Douglas Enterprises, LTD. The application consists of a Comprehensive Permit for low and moderate income housing, a Major Land Development Project for 16 Units (4 are low and moderate income restricted units), 2 buildings, Special Use Permit for Multi-Family Development Proposal with Variances**

Commissioner Pendlebury said we have reviewed this project at our last meeting so we can hopefully move forward tonight for approval. The additional information we have received in our packet has to do with the maintenance of the stormwater system.

Christian Infantolino is here representing Douglas Enterprises, LTD. He went over the need for affordable housing in Jamestown. As discussed in the master plan conditions he asked to waive the open space and recreation fees and that at preliminary they will be asking for the final approval to be administrative. He introduced the expert witnesses.

Mr. DeSimone said unfortunately George Gifford is out of town so Mr. DeSimone walked the Planning Commission through the Landscape Plan. The green wall cannot be done on the western property line as it was discovered that there is too much shade there with the canopy trees after the survey was done. He is proposing a cedar fence along the west property line. He discussed the solar lights placement and they will be 3 feet tall. He showed the Planning Commission where the plants will be and that they will be adding some flowers to the plan too.

Commissioner Pendlebury confirmed that the trash bins are 4 yard containers that they pick up. Mr. DeSimone said during the summer months trash will be picked up twice during the week. The fence surrounding the trash area is the same as the west side fence.

Brian Poor from David Presbrey architects showed the plan. There are two buildings, A & B. Building A has 4 units which consist of 1 affordable unit and 3 two bedroom units at market rate. Building B are all 2 bedroom units, 3 of them are affordable. Shingle style architecture, red cedar shingles and contrasting trim. Since the last meeting they have incorporated the railings. Building B has 3, 2 bedroom units that are affordable. Commissioner Prestigiaco asked if the second building will have the same railing as Building A on Narragansett Ave. No Mr. Poor answered.

She was under the impression that it would be more of a porch. Commissioner Pendlebury agrees with Mr. Poor. There is no prohibition to the 24 inch overhang Mr. DeSimone talked to Chris Costa about that after Commissioner Enright questioned him.

Engineer Dan Cotta showed the drainage plan and explained the maintenance agreement. He made a presentation to the board reviewing the things they have asked for during the last meeting. They did connect the access road to Pemberton and it is a 13 foot wide exit only. The notes were put into the maintenance regarding rain gardens, as were recommended by Jean Lambert and he did speak to her today regarding her memo. He will incorporate all the comments in the conditions and into the maintenance agreement. He has no objection to adding this. The surface for the driveway will be the chipped sealed stone.

Commissioner Pendlebury asked about the sidewalks, is it concrete or a pebble finish (exposed aggregate) and Doug responded that he planned on concrete. Pendlebury wants a note on the landscape plan stating concrete. They are proposing cisterns. Pendlebury asked about lawn watering DeSimone said there is a well on the property and once he is out there he can see what is going on and possibly can use the well to water as well. Commissioner Pfeiffer asked is there a benefit to a single line off the main to split? There will be a valve at each building Mr. Cotta said. There will be individual meters for water. Town Planner Lisa Bryer asked about the operation and maintenance of the cisterns. Dan Cotta will make sure it is in the Plan and Operation of the Maintenance System.

Mr. Infantolino none of the variance requests have changed. If there are no other questions they are done with their presentation.

Commissioner Pendlebury asked if anyone in the audience wanted to speak.

Alma Davenport 99 Clinton Ave. Jamestown – She doesn't mean to be a Johnny come lately, she might be entirely too late or at the wrong place. She is going to ask some questions that she has since she went over all the files today and said to please stop her if she has misinformation. With existing zoning 2 houses would be possible on this lot. DeSimone is asking for approx 375000 sq ft. of relief. She questioned the open space requirement being waived and thinks this would be a \$100,000 fee. He is also requesting a waiver of the building fees. As far as she could tell originally their parking was adequate and now they are requesting relief. She is looking at how things will look in reality there seems to be a lot more green space than the way the picture looks and she thinks it is not being represented appropriately. Given the height of the buildings they will be very prominent in her opinion. Regarding affordable housing being affordable at least 20% the 4 is the absolute minimum in her estimation. These are condo units and for the people that can afford the units through Rhode Island Housing, assessments can come up at just about any time and after 3-4 years they could possibly go up.

Commissioner Pendlebury gave Mr. DeSimone a chance to respond.

Mr. DeSimone told Ms. Davenport that he has experience with for profit affordable housing. The state statute requires 25% of the units be affordable which is what he is presenting. The Planning Commission working with the affordable housing committee wanted more 2 bedroom units so they switched it to more 2 bedroom. This has been a remarkably open procedure that has been going on

for about a year. The town has hired a finance expert to go over the projects finances and everything was in order. In the R20 zone in the village there are no pieces of land that will support a project this large. With the zoning ordinance/comprehensive plan there is a desire that affordable housing be in the village. Even though this property is in the R20zone it abuts CL. What you are seeing here tonight is a culmination of a year's worth of meetings. They have spent a great deal of time meeting with the neighbors, the purpose of a rendering is to demonstrate what the building will look like and it is not to scale with the setbacks etc.

She is not a neighbor and she questioned the amount of money that he will charge for the market rate units and thinks that if he can get more than the 450K he says that he will. DiSimone noted that the final affordable units price will be set by RI Housing and the price may change a very small amount and he has to send them the assessment which has gone up and they will give the final price, it is very close to what has been represented. They will sell for exactly what RIMFAC says as far as the affordable units go. His anticipated costs have gone up.

Pendlebury noted that we have a draft memo motion which we have a number of things that need to be added into this. The Planning Commission discussed all the additional conditions of approval to be added to the motion. This will be incorporated into the approval.

Mike Swistak 143 Narragansett Ave.- does this draft motion take into consideration the waiver of the fee? Are you approving the waiver of the fee and does the draft motion say what the fee would be? Mr. Brochu noted that the Planning Commission agreed to waive the fee for open space. Mr. Swistak lobbied to keep it in the requirement. Commissioner Pendlebury is comfortable with waiving it. Commissioner Cochran asked about it and interesting enough condo's in the CD district would not pay this fee. They are required to because this is in the R-20. Those trade-offs for affordable housing are minimal Commissioner Cochran said. Town Solicitor Brochu was asked "is there a precedent with regards to this?", he responded No.

Commissioner Enright asked about 30 year restriction being permanent. Bryer noted that it is a minimum of 30 years that is required and the State determined that that is considered "permanent".

A motion was made by Commissioner Pendlebury that was seconded by Commissioner Pfeiffer "To grant Comprehensive Permit/Preliminary Plan approval for the project titled "Jamestown Terrace" in accordance with the Town of Jamestown Zoning Ordinance including Article 17 – *Low and Moderate Income Housing* and Subdivision Regulations, RIGL 45-23-37 and the plans entitled:

- 1) **"1000' Radius Plan for Jamestown Terrace located at 138 Narragansett Avenue, Jamestown, Rhode Island, Sheets 1 of 5, dated 5-5-16** by American Engineering, Inc., 400 South County Trail – Suite A 201 Exeter, Rhode Island 02822;
- 2) **"Existing Conditions for Jamestown Terrace located at 138 Narragansett Avenue, Jamestown, Rhode Island, Sheets 2 of 5, dated 04/13/16** by American Engineering, Inc., 400 South County Trail – Suite A 201 Exeter, Rhode Island 02822;
- 3) **"Site Plan for Jamestown Terrace located at 138 Narragansett Avenue, Jamestown, Rhode Island, Sheets 3 of 5, updated 06/07/16** by American Engineering, Inc., 400 South County Trail – Suite A 201 Exeter, Rhode Island 02822;

- 4) **"Layout Plan for Jamestown Terrace located at 138 Narragansett Avenue, Jamestown, Rhode Island, Sheets 4 of 5, updated 06/07/16** by American Engineering, Inc., 400 South County Trail – Suite A 201 Exeter, Rhode Island 02822;
- 5) **"General Details for Jamestown Terrace located at 138 Narragansett Avenue, Jamestown, Rhode Island, Sheets 5 of 5, updated 06/07/16** by American Engineering, Inc., 400 South County Trail – Suite A 201 Exeter, Rhode Island 02822;
- 6) **Elevations Drawing No. A1, A2 and A3, Owner Jamestown Village, dated Apr. 8, 2016** by David Presbrey Architects, 810 Eddy Street, Providence, Rhode Island 02905-4808;
- 7) **Preliminary Submission, Landscape Plan, Drawing 1 dated May 2016**, by The Gifford Design Group, Inc., Landscape Architecture, Environmental Planning, 4096 Mendon Road, Cumberland, Rhode Island 02864. This approval is based on the following Procedural History, Project Description, Findings of Fact and is subject to the following Conditions of approval:

**A. PROCEDURAL HISTORY**

1. An application for Comprehensive Permit was received on November 16, 2015 and, subsequent to additional checklist items being submitted on December 9, 2015, the receipt of the Letter of Eligibility, the application was certified as complete on December 15, 2015. The application is for 16 condominium dwelling units located in 2 buildings; 12 in one building and 4 in another. The project is entitled "Jamestown Terrace".
2. The applicant, Douglas Enterprises, Ltd. is a for-profit developer. The applicant controls the site by virtue of a purchase and sales agreement dated May 12, 2015. Douglas Enterprises, Ltd. is eligible to pursue a Comprehensive Permit pursuant to R.I. Gen. Laws § 45-53 and a letter dated October 26, 2015 from Eric Shorter, Director of Development, Rhode Island Housing which states that Douglas Enterprises, Ltd. is "eligible to pursue a Comprehensive Permit application in the Town of Jamestown to develop 138 Narragansett Avenue. Modifications to this proposed development resulting from the local review process do not require an additional letter of eligibility."

Other materials entered into the record through application to the Local Review Board/TRC during the Preliminary Review Phase include:

Exhibit 1: Letter to Lisa Bryer, Town Planner, dated May 3, 2016.

Exhibit 2: Letter to Jamestown Planning Commission, dated May 1, 2016.

Exhibit 3: Relief Requested amended May 20, 2016

Exhibit 4: Water Volume Calculations for Jamestown Terrace dated May 5, 2016

Exhibit 5: Abutters List

Exhibit 6: Letter of Eligibility from Rhode Island Housing, dated October 26, 2015.

Exhibit 7: Affordability Deed Restriction Template.

Exhibit 8: Financial Pro Forma

Exhibit 9: Photo of Existing Site

Exhibit 10: Public Offering Statement, Jamestown Terrace Condominium

Exhibit 11: Rental Restriction (within Condominium Declaration)

Exhibit 12: Restrictions on Exterior Appearance of Building (within Condominium Declaration)

3. The application states that four of the 16 dwellings will be low and moderate income units that will remain affordable through a deed restriction. These units are proposed to consist of three 2-bedroom and one 1-bedroom units. The ownership condominiums will provide ownership opportunities to households whose incomes do not exceed 100% area median income.
4. This application was heard by the Local Review Board for pre-application on September 16, 2015 and October 7, 2015. A Master Plan Informational Public Meeting was held on January 6, 2016 and closed on January 20, 2016: The Planning Commission sat as the Local Review Board for this application pursuant to RIGL 45-53 Low and Moderate income Housing Act. Notice of the public hearing was sent to the abutters within the required notice area, published in the December 3 and December 24, 2015 Jamestown Press, posted at the Town Hall, the Police Station and the Jamestown Philomenian Library and also posted on the Town of Jamestown web site and the RI Secretary of State's public meeting web site. The Local Review Board reviewed the Preliminary Plan on June 1, 2016 and a Preliminary Public Hearing was held June 15, 2016. This hearing was duly advertised on May 26, 2016, notice was sent to abutters within the required notice area, and the notice was posted at the Town Hall, The Police Station and the Jamestown Philomenian Library and also posted on the Town of Jamestown web site and the RI Secretary of State's public meeting web site.
5. Christian S. Infantolino, Esq. of Morneau and Murphy appeared as legal counsel on behalf of the Applicant.
6. During the Local Review Board meetings and Public Hearing, the Board received comments and reports from the Town Planner. The Planning Commissions legal counsel, Wyatt Brochu advised the Board as well.
7. Neighbors (abutters) were also present at the public hearing and submitted additional information to the Board for their consideration. The concerns of the abutters were discussed by the Board and given consideration during the review process and included:
  - a. Amount of relief needed
  - b. The cost of the LMI units
  - c. 30 days is too short a time to allow the condos to be rented
  - d. The Open Space requirement and what the fee would have been if required
  - e. The condo fees and how they need to be kept down for the affordable units
9. The Preliminary Plan application was reviewed at a Technical Review Committee (TRC) Meeting on May 20, 2016 and proceedings of that meeting were prepared (Exhibit 1)

**B. PROJECT DESCRIPTION and FINDINGS OF FACT**

1. The proposed project is described on the plans by American Engineering, Inc. as indicated above, and made a part of the record. The Applicant has submitted architectural renderings by David Presbrey Architects, as indicated above and made a part of the record. The

applicant has submitted a landscaping plan by Gifford Design Group, as indicated above, and made part of the record.

2. The property on which the project is proposed is located at 138 Narragansett Avenue and shown on Assessor's Map 8 Lot 79. The property contains approximately 40,801 square feet (.94 acres) and is presently developed with the Portuguese American Citizens Club building, built in approximately 1945.
3. The property is cleared with several trees present and is gently sloping to the south. It is located in an R-20 district where 20,000 s.f. is required for a single family house and 200,000 s.f. is required for multi-family dwellings. The Zoning directly across Pemberton Avenue to the east and south is CL – Commercial Limited. Zoning to the north and west is R-20.
4. The proposed development is consistent with local needs as identified in the Jamestown Comprehensive Plan - Affordable Housing Element which states the following:

**Goal:** *Create a diversity of housing types (such as homeownership, rental, employee preference, etc.) to meet the needs of Jamestown's low-moderate income residents, employees, and special populations while maintaining Jamestown's unique mixture of village and rural character.*

**Policy 3:** *Identify potential locations for affordable housing development: recommended actions.*

**Action Item a:** *Target appropriate parcels for Infill development of affordable housing.*

4. The local concerns do not outweigh the State and Local need for affordable housing. The Local Review Board approves granting the necessary Zoning Ordinance relief as follows.
  - a) Deviation from (formerly Dimensional (variance)) from Article 3, Section 82-302, Table 3-2, minimum lot size for multifamily project within the R-20 zone of the Village Special Development District.

Relief requested = 376,199 square feet.

Calculations:

Minimum required = 200,000

Additional required = 31 (bedrooms) X7,000 square feet = 217,000 s.f.

Total required = 417,000 s.f. – 40,801 s.f. (provided) = 376,199 s.f.

- b) Deviation from front yard setbacks pursuant to Table 3-2:

Relief requested = 8.5 feet along both Pemberton and Narragansett Avenue.

Setback required = 30 feet

Setback provided = 21.5 feet

Setback relief = 8.5 feet

- c) Special use permits for multifamily dwellings in R-20 zone; Table 3-1 permitted uses.
  - d) Variance for open space requirement: Article 10 Section 82-1006.5

Relief requested: 20,682

Open space required: 40,192

Open space provided: 19,510

Open space relief requested: 20,682

5. The application, as described in the plans, is for 16 multi-family dwelling units in two buildings on one lot. All units will be offered for purchase and 4 of those units will be for sale as “affordable units” with a permanent deed restriction to remain affordable. The two buildings are proposed to be 2.5 story units, both within the 35 foot height requirement per the Zoning Ordinance. The 12 market rate units will have two-bedrooms each and the 3 of the Low-Moderate (LMI) units will have 2-bedrooms each and the 4<sup>th</sup> affordable unit will have 1-bedroom. The units are compatible in scale to the existing senior housing on Pemberton Avenue and are compatible in architectural style to the surrounding units in the neighborhood as amended.
6. The Local Review Board has been presented with no facts evidencing significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions of approval. The Technical Review Committee reviewed the plans at a meeting on May 20, 2016. The outstanding issues noted at that meeting have been addressed.
7. There will not be significant negative impacts on the health and safety of current or future residents of the community. The proposed development has a reduction in impervious cover over what exists today on site. The applicant has indicated that stormwater runoff will be further mitigated by roof leaders, cisterns, a rain garden and drainage trench.
8. The proposed Major Land Development Project has adequate and permanent physical access to a public street in accordance with the requirements of § 45-23-60(5). Narragansett Avenue and Pemberton Avenue are the public roads to which the project will have access. Narragansett Avenue is a State Road. Pemberton Avenue is a local road in Jamestown and is in adequate condition to service the project. The proposed dwelling units will have access to said public roads via driveway access. The development will construct new concrete sidewalks on Pemberton Avenue to and Narragansett Avenue to Lawn Avenue
9. The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. The buildings have been designed by David Presbrey Architects specifically for this lot.
10. The Major Land Development Project has adequate water for the intended use and adequate provision for wastewater disposal. The Applicant proposes public water and sewer for all dwelling units and has received approval from the Jamestown Board of Water and Sewer Commissioners.
11. The required subsidy for this affordable housing development is proposed by the developer to include:



Local Subsidy: Building Permit Fee waivers for LMI units only

12. The local review board makes the following findings as required per RIGL45-53-4, on each of the following standard provisions, where applicable:
  - a. The proposed development is consistent with local needs as identified in the local comprehensive community plan with particular emphasis on the community's affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies.

The Jamestown 2015 Comprehensive Plan notes that all affordable housing is in need but in particular family, elderly, special need and workforce housing are particular needs. The developer intends to target empty nesters. This could mean elderly. But with two bedrooms and proximity to the schools and the village, the affordable units would be attractive to small families or single parent households also. The Comp Plan Housing Element states:

*Island Families: It is a priority of the Town to provide housing opportunities that allow for the intergenerational continuity of island families. However, with escalating housing prices, people who grew up in Jamestown often cannot afford to live there as adults.*

*It is especially difficult for young families to find starter housing in Jamestown. With single-family home prices so high, rental housing is the only alternative for many families. Average rents in Jamestown are beyond what many working families can afford to pay.*

*Island Elderly: With fixed incomes and specific housing needs, it can be a challenge to provide appropriate housing for the elderly. Jamestown's elderly population is growing, which places demands on the housing market for smaller homes, condominiums and townhouses, and one level homes, all of which are scarce on the island. The population of residents over 65 years of age has increased by 344, or 35 percent between 1990 and 2010 and has increased 166, or almost 17 percent in the ten year span between 2000 and 2010, during a time that our overall population decreased by 217 persons.*

*The 2000 CHAS data indicate that there are 114 low-income elderly households with housing problems in Jamestown. For many elderly homeowners, staying in their large homes is no longer an option, for financial and/or maintenance reasons. Skyrocketing property values have created property-tax burdens elderly homeowners cannot afford. These residents could downsize, but there is not enough appropriate housing available. There are no assisted-living facilities in Jamestown. The Jamestown Housing Authority has a 2-to-5 year wait for its 47 subsidized elderly-housing units.*

- b. The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance and subdivision regulations, and/or where expressly varied or waived local concerns that have been affected by the relief granted do not outweigh the state and local need for low and moderate income housing.

The property is zoned R-20 permitting various residential, government, education, institutional, water related and home office uses. The proposed use (multi-family) is permitted by special use permit and requires 200,000 square feet for the use (3-12 units). This parcel is 40,801 square feet and does not comply with the size requirement. The Local Review Board has determined that the relief requested outweighs the local concerns, which have been meaningfully addressed through design, and the state and local need for low and moderate income housing.

- c. All low and moderate income housing units proposed are integrated throughout the development; are compatible in scale and architectural style to the market rate units within the project; and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units.

The LMI units are integrated throughout the development with one in the 4 unit building and 3 units in the 12 unit building. According to Architect Donald Powers "Given the prior use on the site (PAC) and the mixed pattern of single family and multi-family already existing on Pemberton, this intensity of use seems reasonable. Further, based on professional and personal experience with the community and a general understanding of the challenges to affordability, the stated desires of a large part of the community (Jamestown Visions) the specific needs of this housing market, and cost of services as they relate to housing type, the proposed use seems warranted. Furthermore the site plan and ratio of open space to lot coverage seems acceptable."

- d. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.

Flood Zone X occurs on the south-west corner of the subject site. A portion of Building B is located within the X Zone and will require special design considerations. On site stormwater drainage will be handled at the Preliminary Stage of review.

- e. There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical or cultural features that contribute to the attractiveness of the community. Health and Safety is of primary concern to the Town of Jamestown. The following elements have been reviewed, discussed, and addressed to the satisfaction of the Local Review Board and it has been determined that there will be no significant negative impacts to the health and safety to current or future residents of the community:
  - Vehicular circulation and traffic
  - Pedestrian traffic through and by the proposed development
  - Emergency Services

- Sewerage disposal
  - Availability of potable water
- f. The proposed land development project has adequate and permanent physical access to a public street in accordance with the requirements of § 45-23-60(5).

See Finding of Fact #8 above.

- g. The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- h. See Finding of Fact #9 above.

**C. CONDITIONS OF APPROVAL**

1. The approval is for a total of 16 condominium units; 12 market rate and 4 affordable (LMI). The LMI units will consist of 1 one-bedroom unit and 3 two-bedroom units evenly dispersed throughout the proposed project;
2. The project shall be built in strict accordance with the final approved site, building and landscape plans and these conditions of approval;
3. That payment of a fee in-lieu-of land dedication is waived as the open space provided on the site has been determined to be adequate for this development and the full open space requirement is hereby waived by variance;
4. The monitoring agent for this affordable housing development will be the Narragansett Housing Authority;
5. The vehicular, exit only egress onto Pemberton Avenue will be increased from 12 feet wide to 13 feet wide and the construction of this egress shall be coordinated with the Fire Chief to insure adequacy for emergency services;
6. Once approved by the Local Review Board this approval shall be recorded by the applicant with the Office of the Town Clerk and the Planning Office shall post the approval outside the Planning Office within 30 days of the date of approval;
7. The Plan and Maintenance of the Stormwater System, including the plan showing the system and site grading shall be recorded with the Office of the Town Clerk prior to final approval;
8. An as-built of the final grading and stormwater system shall be submitted to the Director of Public Works for approval and subsequently recorded in the Office of the Town Clerk prior to the Certificate of Occupancy for the 12 unit building.

9. The applicant has agreed to off-site improvements which consist of constructing sidewalks along Pemberton Avenue to Narragansett Avenue and along Narragansett Avenue to Lawn Avenue. The applicant shall provide security in the amount of \$8940 plus the cost of necessary curbing replacement on Pemberton Avenue prior to Final Approval;
10. The developer shall give notice to the Director of Public Works prior to installation of the sidewalks to allow for inspection of such during and after construction;
11. Building in the Flood Zone is regulated by the Building Code and shall be reviewed during the building permit phase of this project;
12. All lower level porches shall be fully enclosed by railings and approved by the Planning Office prior to building permit approval. Lawn will replace the concrete under the balcony facing Narragansett Avenue on Building A;
13. Adequate lighting shall be added to illuminate the dumpster area;
14. The proposed Trench Drain shall have a green resin grate and not a steel bar grate and this change shall be shown on the final plans by American Engineering;
15. The following changes shall be made to the Plan of Operation and Maintenance of Storm Water System:
  - a) The three comments from the Memo from Jean Lambert, P.E., Environmental Scientist, shall be incorporated into the Plan of Operation and Maintenance as follows:
    - The site plan shows a gravel trench surrounding Building A. The O&M Plan references Dura Trench. Either add "Dura Trench" to the site plans or remove from the O&M Plan.
    - The specific rain garden maintenance notes #7-12 from sheet 4 of the site plans should be incorporated into the O&M Plan;
    - The snow removal section should also specify that snow shall not be disposed in the rain garden area;
  - b) The maintenance requirements of the cisterns should be added to the Plan;
  - c) The Stormwater calculations shall be revised to reflect the entire roof area and provided to the Environmental Scientist.
16. Sheets 3, 4 and 5 by American Engineering dated revised 6-7-16 shall be updated to show the enlarged dumpster enclosure, consistent with the final Landscape Plan by Gifford Design Group dated 5-25-16;
17. Final Approval shall be granted administratively. This Preliminary Plan approval shall expire one year from the date of approval by the Local Review Board unless the Final Approval is granted, or an extension is granted per Article V. C. 4. q. of the Subdivision Regulations;
18. Prior to recording the Declaration of Condominium the developer shall submit such to the Planning Director. The Declaration of Condominium may not be recorded prior to the Planning Director granting approval of the Condominium Declaration to confirm its compliance with the terms of this approval and including the following provisions:

- a) Prohibiting any alteration from the site and grading plan without review and approval by the Town;
- b) including the requirements of the Stormwater Operation and Maintenance Plan;
- c) Prohibiting rental of units for less than 30 days;
- d) Prohibiting the placement and use of barbeque grills on porches and balconies.”

So voted:

Duncan Pendlebury – Aye

Dana Prestigiacomio - Aye

Rosemary Enright – Aye

Mick Cochran - Aye

Bernie Pfeiffer - Aye

*Motion carries 5-0*

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

A motion was made to return to the Planning Commission from the Local Review Board by Commissioner Cochran and seconded by Commissioner Enright. So unanimously voted.

There is a possibility of not having any applications for the July 6<sup>th</sup> meeting, we will let the Planning Commission know if we cancel the meeting.

**V. Adjournment**

A motion was made by Commissioner Enright and seconded by Commissioner Cochran to adjourn the meeting at 9:15 . So unanimously voted.

Attest:



Cynthia L. Reppe  
Planning Assistant