

Approved As written
PLANNING COMMISSION MINUTES
August 16, 2017
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
Mick Cochran	Bernie Pfeiffer
Dana Prestigiacomio	Michael Smith

Not present:

Rosemary Enright

Also present:

Lisa Bryer, AICP – Town Planner
Wyatt Brochu – Town Solicitor
Jamestown Police Chief Ed Mello
Betsy Taylor
Joe Semonelli

II. Approval of Minutes August 2, 2017

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

III. Correspondence

1. FYI – Administrative Subdivision Church Community Housing Corp. Received
2. FYI – Approval letter FM Properties – Preliminary Plan Approval. Received

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

V. Reports

1. Town Planner’s Report
 - a. Report to Town Council
 1. Planning Commission – Town Council would like a verbal report from the Planning Commission at one of their upcoming meetings. They are meeting with all the boards and commissions. They want to know what the Planning Commission has been working on for the last 6 months and what they will be working on in the

future. Ms. Bryer will check to see if the Town Council wants all members there or just the chair. The Commission would prefer a date in the future.

2. Town Planner

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

VI. New Business

VII. Old Business

1. **Betsy Taylor – 45 Dory St. – Plat 3 Lot 147 – High Ground Water Table Impervious Layer Overlay District – Zoning Section 82-314 Sub District A Review – Recommendation to Zoning**

Town staff Lisa Bryer, Jean Lambert and Chris Costa met to review the plan. The applicants developed revised calculations based on removing one of the sheds, The addition of 20 sq. ft. of impervious coverage will require an additional 5 sq. ft. of rain garden. They will be using the 120 square foot exemption provided for in the ordinance and they will be eliminating the 80 sq. ft. shed.

Joe Semonelli said they will be removing the 80 sq. ft. shed. He will have no other structures other than the footprint of the house. They are allowed 11% impervious cover based on the soil evaluation. The proposed addition will be 220 sq. ft. which will be 10.64% in total, and under the 11% maximum.

Commissioner Pendlebury asked for clarification on the impervious surface area is it the outline of the foundation or the roof? It's what the tax accessor has on record. Lisa Bryer stated that in the past, unless there is a significant overhang, we have used that figure. The dimensions are the outside of the framework which is going on an existing deck. They are planning on a rubber lined roof with a gap. A discussion ensued regarding roof overhang.

Commissioner Swistak asked about the raingarden. It will be resized to 55 from 50 that will be an additional condition.

The applicant must revise the plan before going to zoning stated Wyatt Brochu, Town Solicitor.

A motion was made by Commissioner Swistak and seconded by Commissioner Pendlebury to recommend to the Jamestown Zoning Board, approval of the application Betsy Taylor – Assessor's Plat 3 Lot 142; being reviewed under Zoning Ordinance Section Section 314 - High Groundwater Table and Impervious Overlay District Sub-district A review in accordance with the plan entitled **Betsy L. Taylor, AP 3A Lot 147, 45 Dory Street, Jamestown, RI, Site Plan; Sheet 1 of 1 further revised by Kirby Perkins Construction Inc. dated 8-10-17. Dated, December 2016, by Norbert A. Therien, P.L.S.** The recommendation for approval is based on the following findings of facts as amended:

Findings of Fact Section 314

The applicant owns a 7,200-square foot lot with an existing dwelling, two story deck, gravel driveway, well and OWTS. The applicant is proposing to construct an 11' x 16'2"

narrowing to 11'6", 198 square foot two story addition to the rear of the existing house in the location of the existing two story deck.

1. Based on soil evaluation reports, the subject lot is in sub-district A of the High Groundwater Table and Impervious Overlay District.
2. Plat 3A Lot 147 has an existing, conventional OWTS (RIDEM permit #8115-143). The system is up to date on its inspections and maintenance.
3. The existing impervious lot coverage for the subject lot is 10%. The maximum allowable impervious lot coverage for this lot under Zoning Ordinance Section 314 is 11%. The proposed impervious cover is 766 square feet or 10.64% of the site. This application requires a special use permit under Section 314.
4. The applicants designer determined the required Water Volume Calculations based on the State of Rhode Island Stormwater Management Guidance for Individual Single-Family Residential Lot Development Guidance Report. Based on this the applicant is proposing a 55 square foot rain garden which provides water quality treatment and mitigation for the runoff associated with the new impervious surfaces on the site. The proposed BMP's provides treatment for the 1" water quality volume and provides storage for the runoff from a 10-year frequency storm.
5. Jamestown Engineer Jean Lambert provided correspondence to Chris Costa, Building Official and Lisa Bryer, Town Planner dated July 18, 2017 regarding the Taylor application with respect to Zoning Section 314 (attached) which notes that, the proposal, in her professional judgement, except as noted above meets the requirements of the Ordinance.
6. The applicant provided revised impervious cover calculations dated 8/11/17 and a revised plan by Kirby Perkins dated 8/10/17.

Recommended Conditions of Approval

1. A Special Use Permit for Section 314 is required from the Zoning Board of Review;
2. The Operation and Maintenance (O & M) Plan (reproduced in 8.5" x 11" for the stormwater mitigation (rain garden) shall be developed and recorded in the Office of the Town Clerk with the Zoning Approval and evidence of such shall be provided to the Zoning Enforcement Officer;
3. The OWTS must be inspected and maintained as required by the Town Onsite Wastewater Management Ordinance and Program.
4. An As-built plan should be provided to the Building Official at the completion of construction depicting the size and location of the addition, size and location of the rain garden, and verifying any elevations and grading shown on the proposed site plan;
5. The first-floor plan shall be revised to show the correct dimensions to the outside walls; and
6. Revise the site plan to show the new building footprint and the enlarged rain garden prior to submitting to the Zoning Board.

So unanimously voted:

Michael Swistak – Aye

Mick Cochran - Aye

Dana Prestigiaco - Aye

Duncan Pendlebury – Aye

Bernie Pfeiffer - Aye

Michael Smith – Aye

2. Regulation of Marijuana Uses – Discussion with Chief Mello

Chair Swistak noted that Chief Mello is going to give a background regarding the current state of the laws in Rhode Island about marijuana. Chief Mello took the podium. Marijuana is legal in RI to someone with a patient card from a doctor. Less than 1 ounce is a civil violation for someone without a card. There are felony charges for distributing.

The marijuana of today is not the same as it was in the 70's and 80's. 1 ounce of marijuana yields about 40 cigarettes. Currently a patient can grow their own, no more than 12 plants and it has to be registered with the state. You can be a medical provider (caregiver) for those that cannot grow their own and have 12 mature plants total. There are 20 locations in Jamestown where it can be grown which has the potential for 480 plants. Growers used to be able to sell their extra to the compassion centers but that is not allowed anymore. The Chief feels this increases the street drug market.

Commercial grow operations must be licensed and local approval is required. There are 3 compassion centers in the state and they can grow onsite and 1 offsite location. No matter where you stand on this issue, eventually a retail market will be a normal occurrence, it could be 5 years from now but it will happen.

You need to look at this comprehensively. Chief Mello said last April a 36 page report of crimes with regards to legal and illegal marijuana came out in the state. He read some of the crimes committed. Home invasions with weapons in suburban communities. Fires from overloaded electrical.

We do have in Jamestown one State application for a grower noted Wyatt Brochu. Commissioner Pendlebury asked the Police Chief what would be the departments concern if this were approved? Planning and zoning consider it a commercial operation and if they are licensed they have to hire security, electrical upgrades, water usage would all be concerns in a residential area on the north end.

They talked about the compassion centers and what they are allowed to do. A Compassion center would be the lowest crime wise. The state is limited to 3 right now. There are not any Jamestown officers that are trained in marijuana "under the influence" and there is no way of testing like there is for alcohol.

Communities need to take action to regulate the commercial use. There are 13 commercial operations in the state currently. Should we consider putting the residential coops in the zoning ordinance? The safest procedure for Jamestown is to prohibit everything Commissioner Smith said. Building inspectors get involved, for electrical inspections.

Commissioner Cochran asked about the new law and Chief Mello said last year when the proposal was to allow for a retail operation in your community that is when the local zoning discussion came up. If we take action to prohibit retail prior to, its off the table.

Commissioner Smith suggested a blanket No across the board and define residential and commercial operations.

A motion was made by Commissioner Pendlebury and seconded by Commissioner Pfeiffer to have staff and the solicitor develop the language for the Zoning ordinance which prohibits the cultivation processing and sales in Jamestown. So voted:

Michael Swistak – Aye

Duncan Pendlebury – Aye

Mick Cochran - Nay

Bernie Pfeiffer - Aye

Dana Prestigiacomio - Aye

Michael Smith – Aye

VIII. **Adjournment**

A motion to adjourn was made by Commissioner Cochran and seconded by Commissioner Pendlebury at 9:00 p.m.

So unanimously voted.

Attest:



Cynthia L. Reppe