

Approved As Written
PLANNING COMMISSION MINUTES
February 21, 2018
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Bernd Pfeiffer	Michael Smith

Not present:
Dana Prestigiacomio

Also present:
Lisa Bryer, AICP – Town Planner
Wyatt Brochu – Town Solicitor
Cinthia Reppe – Planning Assistant

II. Approval of Minutes February 7, 2017; review, discussion and/or action and/or vote
A motion was made by Commissioner Pendlebury and seconded by Commissioner Enright to accept the minutes with the following change:
Page 9 at the end of the motion add the vote:

So unanimously voted:

Michael Swistak – Aye	Duncan Pendlebury – Aye
Rosemary Enright – Aye	Mick Cochran - Aye
Dana Prestigiacomio – Aye	Bernie Pfeiffer - Aye
Michael Smith - Aye	

So unanimously voted.

III. Correspondence – nothing at this time

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

V. Reports – nothing at this time

1. Town Planner’s Report
2. Chairpersons report
3. Town Committees

4. Sub Committees

VI. Old Business

Master Plan/Preliminary Public Hearing – Continued – Application Withdrawn

Estate of Jane Alden Scott Subdivision (Scott Michael Scott & Emily Alden Rutherford), Tax Assessors Plat (AP) 10 Lot 40, Highland Drive - 2 lot Subdivision with two existing structures requiring waivers to subdivision regulations for access to the site and zoning variances for Parcel B for being an undersized lot (A variance for size 31,650 sq. ft. where 80,000 sq. ft. is required) and side lot line variance for 19.1 ft. where 30 ft. is required. Parcel A for not having proper frontage (A variance for frontage which is not accessible on Newport St.) nor the required lot size for a multi-family dwelling of 3 units (A variance for size 88,808 sq. ft. where 200,000 sq. ft. is required) in the RR 80 district; review, discussion and/or action and/or vote

VII. New Business

1. Dutch Harbor Boat Yard/ Mains'1 Properties LLC. – 244 & 252 Narragansett Ave. Plat 8 Lots 2 & 463 - Administrative Subdivision with Variances required, Preliminary Approval & Recommendation to Zoning Board - review, discussion and/or action and/or vote

Haley Fraser is here representing the application for Dutch Harbor Boat Yard/Mains'1 Properties. Commissioner Pfeiffer was on the TRC for this application and said there are no objections from the TRC.

Commissioner Swistak asked Ms. Fraser if she had anything to add. She does not have anything to add. There are some variances needed for this project. She is here because Mr. McGrady had to be out of town. The Town Planner noted in response to a question from the Chair that if both lots were becoming more conforming they would not be here. One is becoming more conforming but making the other less conforming.

Solicitor Brochu noted that it is up to the applicant to work with the zoning official to determine the zoning relief required. This is the applicant's responsibility. It appears the shed will need the side yard setback also. The boat shed does not meet side yard setback as proposed.

Commissioner Swistak said he is reluctant to send this to zoning since all the variances are not identified. Ms. Bryer said the applicant has to have all the variances listed before they apply to the Zoning Board. It has to be listed in the advertisement. They are listed in the motion in addition to the shed side yard setback.

Commissioner Swistak asked Ms. Fraser if she had read through the motion. It looks good to her. Commissioner Swistak wants to go through the finding of fact and fine tune some of them.

A motion was made by Commissioner Swistak and was seconded by Commissioner Pfeiffer to grant conditional Administrative Subdivision approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Administrative Subdivision Dutch Harbor Boat Yard, Narragansett Avenue and Avenue "B", Jamestown, Rhode Island; Plat 8 Lots 2 and 463, Owners: Mains'1 Properties, LLC, 244 and 252 Narragansett Avenue,**

Jamestown, RI; prepared by Northeast Engineers and Consultants, Inc., 55 John Clarke Road, Middletown, RI 02842; dated 1/31/18 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;
2. Neither lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance. Both lots are located in the CW- Commercial Waterfront Zoning District where 8,000 square foot lot size and 80 feet of frontage are required. Both lots are existing, non-conforming lots, either by lot size, building lot coverage, and/or setbacks. At a minimum, Lot 463 will require a variance for building lot coverage and building side yard setback and lot 2 will require a front yard setback for the new proposed addition to the house, and possibly for the setback for the hot tub (not shown on plan) since the concrete pad it sits on appears to cross the new property line. The Building Official will work with the applicant to identify all the zoning relief required prior to application to the Zoning Board;
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 as both existing dwellings are connected to public sewer;
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans;
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, Narragansett Avenue and Avenue B. Lot frontage on a public street without the ability for physical access shall not be considered compliant with this requirement;
7. 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;
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 structures are connected to public water.

B. Conditions of Approval

1. This subdivision will add 1,258 square feet from lot 463 to lot 2 for the purpose of adding an addition to the house on lot 2;
2. 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 lots are being created;
3. Zoning Board of Review approval shall be granted for the requested variances prior to final subdivision approval;
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;

5. This approval shall be recorded with the Town Clerk contemporaneously with the Final Plat; and,
6. This approval shall expire one year from the date of approval unless relief is granted by the Zoning Board and the Final Plat is signed by the Planning Board Chair and recorded in the office of the Town Clerk of the Town of Jamestown.

So voted:

Michael Swistak – Aye

Duncan Pendlebury – Aye

Rosemary Enright – Aye

Mick Cochran - Aye

Bernie Pfeiffer – Aye

Michael Smith – Aye

Motion carries 6-0

VIII. Adjournment

A motion was made by Commissioner Enright and seconded by Commissioner Cochran to adjourn the meeting at 7:40 p.m.

Attest:



Cynthia L. Reppe