

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

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

The meeting was called to order at 7:00 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  
Nate Kelly – Horsley Witten  
Jeff Davis – Horsley Witten  
Dan Cotta – American Engineering  
Mike Cabral  
Mark Boyer

**II. Approval of Minutes January 17, 2018;** review, discussion and/or action and/or vote

A motion was made by Commissioner Enright and seconded by Commissioner Smith with the following changes:

Page 2 first paragraph: ~~She handed out~~ The original findings of fact were handed out as they were originally presented to the town council in 2003.

Page 3 bottom of the page: ~~Should it only pertain to sheds? Or should we go to a number and say it all counts.~~ The Planning Commission wants to stick with 120 sq. ft. exemption and not increase it to 200.

**III. Correspondence – nothing at this time**

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

**V. Reports**

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

4. Sub Committees

**VI. Old Business**

**1. Zoning Ordinance Update – Horsley Witten**

The consultants have read through the ordinance in a very detailed manor, they are thinking strategically and want to present what they think they want to take on first.

Nate Kelly started out by addressing what he calls Housekeeping items ie: formatting, restructuring, easier to read and navigate. Our ordinance is in pretty good shape. Subsections can be grouped together in our ordinance. Clean up the use table and definitions to start.

They will be proposing new articles for different things in our ordinance that should be grouped differently. They will make some standards more definite and clear. Connecting the dots is important.

Development Plan Review, TRC is established in the ordinance. We do not have an article called DPR. They would like to change that. Lisa noted that Article 11 used to be just that.

RR – 200 needs to be clearer, re-organize etc.

Use Conditions, there are performance standards that need to be met. Some by right, some special use.

Jeff Davis was hoping to go through the topics (articles) in the RFP as to what the goal is to changes in these sections, what is and what is not working now. We need help to identify what needs to be addressed. He opened the discussion up to the Planning Commissioners for issued that need to be addressed:

Enright – difference between B&B and temporary rentals

Pendlebury - Use table could be structured graphically, there are really only 2 areas, residential and commercial.

Swistak – when a use pops up when not in the table what happens, it is assumed prohibited and is up to the Building Official?

Cochran – violation concerning Jet Ski rentals going on but it is prohibited and nothing is being done so it is not enforced.

Jeff Davis said when we have our first work session with the public we will need this information.

Signage needs to be compliant with Superior Court decision and they will go through this.

Lisa Bryer – Sandwich board signage needs to be addressed.

Swistak - Home Businesses/Daycare from use table.

Parking will be a big one in Jamestown, Jeff asked what are the key issues? Smith says the zoning board ignores the parking requirements. Swistak said it is hard to be balanced and fair with new applicants when so many are grandfathered. Smith said our parking ordinance should reflect reality. If you change hands and no use change it is still grandfathered. What needs to change and what needs to stay. If no business can ever meet the parking standards why should it be there. Where is the line? What do we stick with and what needs to change.

Multi Family Dwellings – how many have you had to deal with? Asked Jeff. 1 Ms. Bryer said. How could anyone ever conform with this? Jeff said. What do you want or not want changed, this is something we need to deal with. We need to make distinction between multi family dwelling and accessory. What are the “must have” provisions? It is very restrictive. Parking is an issue here as well. Need definition of what a “unit” is: Kitchen, range, bathroom. Relates to guest houses. Related to rental of units also. Short term rental a big issue.

Village Special Development what needs to be changed. Pfeiffer integration and enforcement of the guidelines he said. Commissioner Smith disagrees with the guidelines for the village district. Bryer said there has to be guidelines. Jeff said what can we bring into the standards without tying peoples hands.

Commissioner Swistak said what triggers people to come in for DPR, we relaxed it and now we do not see as much as we had prior.

Accessory Family Dwelling Units – Swistak said this is new and onerous. Bryer said previously they were only permitted in town only for Affordable Housing. We determined there is a tremendous need for this and have permitted about 8 of them. People have been asking to build a separate structure and some are very large. We need to change the definition of size of structure. Also, detached structures have been problematic. Would be easy to tweak.

Pfeiffer noted that the Use table has 9 subdivisions. We only have regulations for residential and commercial. Why do we need all the other categories?

Conservation Development – we have developed language for both Subdivision Regs and Zoning Ordinance, this is all set and needs to be incorporated.

Low and moderate income housing. Project segmentation is an issue, such as subdividing a lot and then putting two duplexes on it. It should trigger affordable housing since it is over 4 units but it is really only 2 units on each lot. A loophole that we had with the last project that has come before us, if it were kept as one lot with 4 units then affordable housing would have been triggered.

HGWTO – we discussed this at the last meeting. Needs to incorporate stormwater and OWTS regulations at a minimum. We asked them to simplify this if possible. We are a model to other towns.

Horsley will also look at Cottages and tiny homes, farm related retail and uses, aquaculture, solar and wind use.

Commissioner Swistak wants all municipal projects to be reviewed by the Planning Commission.

The next step will be to work on the first deliverable including definitions use table and all the house keeping elements, and possibly parking. They will work with staff. Website will not go live yet.

**VII. New Business**

**1. David & Janice Martin/Cabral – Plat 15 Lot 268 - Section 82-314, High Groundwater Table and Impervious Overlay District -Sub-District A – recommendation to Zoning Board; review, discussion and/or action and/or vote**

Michael Cabral is purchasing the property from the Martins. He is working with American Engineering, Dan Cotta, PE. Two lots are similar but two separate applications.

A motion to accept Dan Cotta as an expert witness was made by Commissioner Swistak, and seconded by Commissioner Enright. All in favor.

Dan Cotta presented the project. The applicant received approval for a 4 bedroom OWTS and a three bedroom house is being proposed. Dan Cotta went through the application with the board. They have a copy in their packet of the approved septic system.

Commissioner Swistak wanted Michael Cabral, applicant added to the motion and that he testified on the behalf of the applicant.

A motion was made by Commissioner Swistak that was seconded by Commissioner Pendlebury to recommend to the Jamestown Zoning Board, approval of the application of David and Janice Martin, owners, Michael Cabral, applicant: AP 15, Lot 268; P-6, Stanchion Street, Jamestown, RI; being reviewed under Zoning Ordinance Section 314 - High Groundwater Table and Impervious Overlay District Sub-district A review in accordance with the plan entitled **Town Submission for David and Janice Martin, located at Pole #6 Stanchion Avenue, Jamestown, RI Sheet 1 of 1. Dated, 01/18/2018, by American Engineering, Inc., Daniel R. Cotta, Professional Engineer/Professional Land Surveyor, 400 South County Trail – Suite A 201, Exeter, Rhode Island 02822.** The recommendation for approval is based on the following findings of facts as amended:

Findings of Fact Section 314

1. Property is 14,400 sf in area and is located in an R-40 Zoning District;
2. The applicant is proposing to construct a 1713-square foot dwelling with a crushed stone driveway;
3. The existing site is undeveloped. Existing impervious cover is 0 sf;
4. Four (4) soil evaluations were conducted on the property. The results indicate a 24 inch seasonal high water table and 24” inches to category 9 soils. The site falls under Sub-district “A” requirements of the High Groundwater Table and Impervious Overlay District. The maximum impervious cover allowed is 12%;
5. The applicant proposes to construct a 3-bedroom house, garage, crushed stone driveway, well, and an 4-bedroom advanced treatment OWTS (RIDEM permit #1615-0957: Septi-tech to a geomat);
6. The proposed impervious cover is proposed to be 11.99 percent;
7. The applicant’s representative Dan Cotta, PLS, PE, represented the applicant before the Planning Commission on 2/7/18. The applicant and prospective buyer Michael Cabral was

present at the meeting and has provided an owner authorization form from the owners, David and Janice Martin;

8. The applicants engineer has submitted a Water Volume Calculations Report dated January 5, 2018 which addresses stormwater treatment by two rain gardens with an approximate area of 1000 square feet and a storage volume of approximately 573 cubic feet. The proposed rain gardens exceed the required storage volume of 564 cubic feet. The rain gardens provide treatment for the 1” water quality volume and provides storage for the increased storm water runoff associated with a 10-year frequency storm event; and
9. Jamestown Engineer Jean Lambert provided correspondence to Chris Costa, Building Official and Lisa Bryer, Town Planner dated January 24, 2018 regarding the Martin application with respect to Zoning Section 314 (attached) which notes that, the proposal, in her professional judgement, the requirements for development within 82-314 of the Zoning Ordinance have been met.

### **Recommended Conditions of Approval**

1. A Special Use Permit for Section 314 is required from the Zoning Board of Review;
2. An as-built plan should be provided at the completion of construction to the Building Official depicting the size and location of the house, size and location of the rain gardens, and verifying the elevations and grading shown on the proposed site plan.
3. The OWTS must be inspected and maintained as required by the Town Onsite Wastewater Management Program. A maintenance contract must be recorded in the land evidence records and a copy of the recorded document shall be submitted to the Planning Department.
4. The Operation and Maintenance (O & M) Plan (reproduced in 8.5” x 11” for the stormwater mitigation (rain gardens) 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. and a copy of the recorded Operation and Maintenance requirements shall be submitted to the Planning Department.
5. An erosion and sediment control permit will be required from the building official prior to commencement of construction. Erosion and sediment controls shall be installed at the down gradient limit of disturbance as shown on the site plans. Erosion controls shall be maintained until final stabilization is achieved on the site.
6. The proposed gravel driveway will remain as such in perpetuity unless Zoning Board approval is granted for a change in the future.

So unanimously voted.

Michael Swistak – Aye

Rosemary Enright – Aye

Dana Prestigiacomo – Aye

Michael Smith - Aye

Duncan Pendlebury – Aye

Mick Cochran - Aye

Bernie Pfeiffer - Aye

2. **David & Janice Martin/Cabral – Plat 15 Lot 278 - Section 82-314, High Groundwater Table and Impervious Overlay District -Sub-District A – recommendation to Zoning Board; review, discussion and/or action and/or vote**

Dan Cotta represented the applicant. This application is on the corner of Backstay and Stanchion. He discussed the drainage. No variances were required for the OWTS design. The raingarden flows through the site maintaining existing flow. All separations have been met. He has included the maintenance requirements.

Houses will be zero energy homes with solar.

A motion was made by Commissioner Swistak, and seconded by Commissioner Cochran to recommend to the Jamestown Zoning Board, approval of the application of David Martin, owner, Michael Cabral, applicant: AP 15, Lot 278; P-6, Stanchion Street, Jamestown, RI; being reviewed under Zoning Ordinance Section 314 - High Groundwater Table and Impervious Overlay District Sub-district A review in accordance with the plan entitled **Town Submission for David Martin, located at Pole #6 Stanchion Avenue, Jamestown, RI Sheet 1 of 1. Dated, 01/18/2018, by American Engineering, Inc., Daniel R. Cotta, Professional Engineer/Professional Land Surveyor, 400 South County Trail – Suite A 201, Exeter, Rhode Island 02822.** The recommendation for approval is based on the following findings of facts as amended:

Findings of Fact Section 314

1. Property is 14,400 sf in area and is located in an R-40 Zoning District;
2. The applicant is proposing to construct a 1727-square foot dwelling with a crushed stone driveway;
3. The existing site is undeveloped. Existing impervious cover is 0 sf;
4. Four (4) soil evaluations were conducted on the property. The results indicate a 24 inch seasonal high water table and 24” inches to category 9 soils. The site falls under Sub-district “A” requirements of the High Groundwater Table and Impervious Overlay District. The maximum impervious cover allowed is 12%;
5. The applicant proposes to construct a 3-bedroom house, garage, crushed stone driveway, well, and a 4-bedroom advanced treatment OWTS (RIDEM permit #1615-0958: Septi-tech to a geomat);
6. The proposed impervious cover is proposed to be 11.99 percent;
7. The applicant’s representative Dan Cotta, PLS, PE, represented the applicant before the Planning Commission on 2/7/18. The applicant and prospective buyer Michael Cabral was present at the meeting and has provided an owner authorization form from the owner, David Martin;
8. The applicants engineer has submitted a Water Volume Calculations Report dated January 5, 2018 which addresses stormwater treatment by two rain gardens with an approximate area of 1035 square feet and a storage volume of approximately 569 cubic feet. The proposed rain gardens exceed the required storage volume of 564 cubic feet. The rain gardens provide treatment for the 1” water quality volume and provides storage for the increased storm water runoff associated with a 10-year frequency storm event; and
9. Jamestown Engineer Jean Lambert provided correspondence to Chris Costa, Building Official and Lisa Bryer, Town Planner dated January 24, 2018 regarding the Martin application with

respect to Zoning Section 314 (attached) which notes that, the proposal, in her professional judgement, the requirements for development within 82-314 of the Zoning Ordinance have been met.

**Recommended Conditions of Approval**

1. A Special Use Permit for Section 314 is required from the Zoning Board of Review;
2. An as-built plan should be provided at the completion of construction to the Building Official depicting the size and location of the house, size and location of the rain gardens, and verifying the elevations and grading shown on the proposed site plan.;
3. The OWTS must be inspected and maintained as required by the Town Onsite Wastewater Management Program. A maintenance contract must be recorded in the land evidence records and a copy of the recorded document shall be submitted to the Planning Department;
4. The Operation and Maintenance (O & M) Plan (reproduced in 8.5” x 11” for the stormwater mitigation (rain gardens) 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. and a copy of the recorded Operation and Maintenance requirements shall be submitted to the Planning Department;
5. An erosion and sediment control permit will be required from the building official prior to commencement of construction. Erosion and sediment controls shall be installed at the down gradient limit of disturbance as shown on the site plans. Erosion controls shall be maintained until final stabilization is achieved on the site;
6. The proposed gravel driveway will remain as such in perpetuity unless Zoning Board approval is granted for a change in the future.

So unanimously voted:

Michael Swistak – Aye

Rosemary Enright – Aye

Dana Prestigiaco – Aye

Michael Smith - Aye

Duncan Pendlebury – Aye

Mick Cochran - Aye

Bernie Pfeiffer - Aye

**3. Bryer Avenue Plat 8 Lot 212 – 2 lot Minor Subdivision without street creation - R-20 Village Special Development District - review, discussion and/or action and/or vote**

Mark Boyer represented the application. Commissioner Smith sat in on the TRC. The only condition suggested was to limit access to Conanicus Ave.

Mark Boyer went over his credentials. A motion was made by Commissioner Smith, seconded by Commissioner Pfeiffer to accept Mr. Boyer as an expert witness. Boyer followed through on the request at TRC to straighten the lot line and Mr. Christopher wanted to leave his options open and that crooked lot line is more to his benefit. There were no objections from the Planning Commission.

Boyer indicated that he has no intention to develop the property but some day he will build on the new lot and give the existing house to his kids. Rosemary indicated that the houses on both sides were historic and Boyer indicated that the applicant is sensitive to his neighbors views etc.

Commissioner Swistak made a motion that was seconded by Commissioner Pendlebury to Grant Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Preliminary Subdivision, Being: ASSESSORS PLAT NO. 8 LOT NO. 212, Comprehensive Survey – Proposed Minor Subdivision, Bryer Avenue Plat, Location 9 Bryer Avenue, Jamestown, RI 02835; prepared by Boyer Associates, 1071 Main Street, West Warwick, RI 02893, (401) 821-8872; dated Jan. 12, 2018** based on the following Findings of Fact and subject to the following Conditions of Approval:

**A. Findings of Fact**

The Planning Commission 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 property is zoned R-20 and both lots will be over 20,000 square feet in size and the existing house meets the required setbacks for that zone. 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 lots will be serviced by public water and sewer;
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, Bryer Avenue;
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;
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 in the subdivision have access to sufficient potable water for the intended use. Both lots will be serviced by public water;
9. Mark D. Boyer, PLS, testified as an expert witness on behalf of the applicants; and,
10. Kevin Fetzner, Principal, Ecotones, Inc. submitted a letter dated January 18, 2018 stating that no evidence of freshwater or coastal wetlands was discovered on the property.

**B. Conditions of Approval**

1. The approval is for a total of 2 lots;
2. That payment of a fee in-lieu-of land dedication shall be required for this subdivision for the new lot only in the amount required by Article IIID of the Jamestown Subdivision Regulations. This fee shall be determined at the time of filing of the final plat and paid prior to recording of the final plan.
3. Granite monuments or where granite monument are not suitable, other suitable survey markers other than concrete, shall be placed at all corner points at the new property line;



4. The Trash Shed which is located on the new vacant lot near Bryer Avenue shall be removed/relocated prior to final approval;
5. Vehicular access to Conanicus Avenue shall be prohibited in the future due to safety concerns;
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 30 days of signature; and,
8. This approval shall expire one year from the date of approval by the Planning Commission.

**So unanimously voted:**

**Michael Swistak – Aye**

**Rosemary Enright – Aye**

**Dana Prestigiacomo – Aye**

**Michael Smith - Aye**

**Duncan Pendlebury – Aye**

**Mick Cochran - Aye**

**Bernie Pfeiffer - Aye**

**VIII. Adjournment**

A motion to adjourn was made at 9:00 p.m. by Commissioner Enright and seconded by Commissioner Cochran. So unanimously voted.

Attest:

Lisa W. Bryer