

**Approved As Written**  
**PLANNING COMMISSION MINUTES**  
**June 20, 2018**  
**7:00 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

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

The meeting was called to order at 7:04 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  
Cinthia Reppe – Planning Assistant  
Nate Kelly – Consultant Horsley Witten  
Jeff Davis – Consultant Horsley Witten  
Michael Darveau – Professional Land Surveyor  
Jim Rafferty

**II. Approval of Minutes June 6, 2018;** review, discussion and/or action and/or vote

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

**III. Correspondence**

1. FYI – Hemphill – Administrative Merger of lots. Received
2. FYI – Letter from Richard Boren Zoning Chair Re: High Groundwater Table and Impervious Layer Overlay District. Received we will talk about this when it comes up in zoning changes  
Wyatt said this came up last month at zoning and lots of neighbors showed up and they felt coming at the end of process was useless and it should be at the beginning.

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

**V. Reports**

1. Town Planner's Report - Lisa said 1 meeting in July, it is a HGWO application we have been working on for a month they would like to be on sooner for zoning, can we possibly have a meeting another day. Let's meet at 6:30 on the 18<sup>th</sup> of July.
2. Chairpersons report
3. Town Committees
4. Sub Committees

## VI. Old Business

### 1. Zoning Ordinance Update discussion with Horsley Witten - review, discussion and/or action and/or vote

a. Article 15 - Bed and Breakfast Homes – 2 major points - site plan requirements and develop a check list, a major policy question is removing the regulations for the interior the consultant recommends you remove the requirements for gross floor space. Commissioner Swistak said are the B&B's competing with other short term models? Have you seen other towns do something similar? Jeff Davis said these are commercial uses in residential areas so you do want to have some stipulations. B&B has professional management onsite at all times. Other models do not. Warwick hotels are advertising on Air bnb. The platform is a little different than booking.com. In terms of rules and regulations they have drafted a short term rental ordinance and they will present this at the July meeting. Pendlebury said the state is proposing licensing. Jeff said the Communities can make them pay fees. Swistak asked about taxing on them, Bryer will look into how they are taxed.

#### b. Sample Cottage Ordinance

As an example, Nate Kelly brought up cottages on the green in East Greenwich. It is easier to integrate, stylistically, the affordable and market rate units. These units range from 900-1200 sq ft. with common areas. Where can we do this in Jamestown? Smith asked if this is like cluster zoning that we currently have in our ordinance. Nate Kelly said its different the only open space you have is the courtyard. These cottages are more concerned with design and not lot size. Maybe we should also talk about tiny homes Swistak said. Jeff David said, "If you have ideas after reviewing our information please send it to us."

#### c. Sample Farm Related Business Ordinance

They wanted to step back a bit and look at this issue more holistically. What can be done for local farms to keep them surviving and what do you want to see in terms of uses and also potential definitions. Right now, we have a designation for crops and animals. Commissioner Enright noted that aquaculture is in with agriculture but shouldn't it be separate? Jeff did not think it warranted additional language, Lisa Bryer noted that on and off loading of catch is regulated and fishermen would like to offload on docks and its not allowed. Should this be a conversation? Allowed in residential areas? Pendlebury asked if the right to farm act comes into play? Wyatt said let's wait to see if it passes and we will address it then. Jeff said he does not think it will pass. Should we spend time on this will it be worth it. Jeff thinks you should think about this regardless. Jeff handed out dots for a matrix of options for farm related retail uses and the commissioners put dots where they thought the use was appropriate and were able to comment on potential elements for regulation.

Retail - how do you feel in general about it on the farms?

As long as it is fair and not out of balance. You put in your definitions. So you only want what is produced onsite? .Let's talk about weddings and parties? Is it a wedding venue? The town can make rules for it as far as how many per year etc. Commissioner Swistak said do I have to have a permit if I am having a party? Jamestown is not an enforcement town like some other towns, Wyatt said and he gave examples of other towns.

What is the difference between vineyard and winery? Lisa Bryer would like to see a very defined list of things that can occur; we want our farms viable and it says it very strongly in the comprehensive plan. There are certain things we can target. For instance, someone came in today to talk about wind turbines for the farms but that is a commercial enterprise and currently it is not permitted in Jamestown. But they were not utility scale turbines, but smaller ones that may not be offensive to the majority of residents.

The consultant will update the draft they shared with the planning commission. As long as it can be regulated and if it can't be maybe it should be off the table and we can find something else. Commissioner Swistak said there are farms but some of them are open space and events happen on those parcels as well. Nate said these are meant to be accessory uses. Smith would like to see farms as farm and see the open space instead of all the bushes and trees that obstruct views.

d. Policy Discussion – Article 8 – RR–200 Zoning District  
To be discussed at another meeting

e. Policy Discussion – Section 82-314 High Groundwater Table and Impervious Overlay District  
To be discussed at another meeting

## VII. New Business

### **1. 91 Carr Lane, Plat 4 Lot 52, James T. and Lisa M. Rafferty and Town of Jamestown - Minor 2 Lot Subdivision with Variances to be used for conservation and affordable housing. Preliminary Plan - review, discussion and/or action and/or vote**

Lisa Bryer said we are in severe need of affordable housing in Jamestown and we are very fortunate that Jim and Lisa Rafferty are willing to do this project with the Town of Jamestown. This is a 6.7 acre property preserving 5.5 acres, it's located in an RR 200 zone and is adjacent to other watershed property. The lot directly to the east of property the town purchased from the Ryng family. DEM will put a conservation easement on it. We have been in contact with CCHC, the town will purchase the property then CCHC will purchase from the Town for affordable housing. We were not aware that we had to subdivide this property prior to acquisition until recently.

The report shows the zoning variances that are required. The conservation lot will have only a 10 ft frontage instead of 200 ft which is required, and it does not meet the requirement of 200,000 sq. ft. of upland. The overall lot size for the house lot is smaller than what is required; the residential lot it is required to be 200,000 sq. ft and it is 59,119 square feet. There is a temporary easement for the OWTS on the conservation lot, which will go away when the OWTS is relocated further away from the wetlands. No new lots are being created for development so there will not be a Fee in lieu of land dedication. Mike Darveau came up with plan for the configurations of the lots. The

existing house will now meet rear and side setbacks after the subdivision. Mike Darveau said the back part of lot is contiguous with the wetland and reservoir.

Commissioner Pendlebury asked when they come for renovations will they be challenged by the building official for the existing setback that is non-conforming? Only if they are proposing to change it but not for interior renovation. If they demolish and start over they will have to stay within setbacks.

Commissioner Swistak asked how sure is this with CCHC? They have looked at the lot and they are confident they can make it work as affordable housing. It would be in the land trust program. Town Solicitor Wyatt Brochu said the way the closing will be structured is the town will be the owner. Once we buy it if nothing else happens the town still owns it.

Mike Swistak asked Jim Rafferty what he thought of the project. He said he thinks this is a great project.

The TRC reviewed this today and they recommended approval of the application. Commissioner Smith who was the representative from the Planning Commission thinks it is a win win situation affordable housing and watershed protection.

Commissioner Swistak said the location of affordable housing should be located in the downtown area he thought. Comprehensive Plan states that we should have affordable housing integrated all over the island.

The Town Council has approved a purchase and sales agreement authorized contingent upon subdivision approval and grant funding release.

A motion was made by Commissioner Swistak and seconded by Commissioner Cochran to Grant Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Subdivision Plan for James T. & Lisa M. Rafferty, Plat 4 Lot 52, 91 Carr Lane, Jamestown, RI**; prepared by **Darveau Land Survey, Inc., P.O. Box 7918, Cumberland, RI 02864, Phone 401-475-5700; dated June 14, 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. This application proposes to subdivide a 6.8929 acre (300,256 square foot) parcel with an existing house in the RR-200 (minimum lot size 200,000 square feet) with frontage on Carr Lane into 2 lots.
2. The Town of Jamestown is the Co-applicant with James T. and Lisa M. Rafferty, owners of 91 Carr Lane. The Town has an active purchase and sales agreement with the Rafferty's, for the purpose of protecting approximately 5.5 acres (241,133 square feet) of vacant drinking water watershed property as well as selling the house lot, approximately 1.36 acres (59,119 square feet) to Church Community Housing Corporation for the purpose of affordable housing.
3. The existing house on Carr Lane has an existing garage. The existing house and garage will remain on a separate lot and a new conservation lot will be created. The conservation lot

will be protected through a RIDEM conservation easement, supported by a RIDEM grant for 50% of the value of the land. For access purposes, required by RIDEM, the Town desires to create the conservation parcel as a potentially developable lot which will require a lot frontage variance.

4. The subdivision is consistent with the requirements of the Jamestown Comprehensive Plan;
5. Neither lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance and are seeking relief from the Zoning Board of Review for the following elements:
  - a. Lot Size: Parcel A 59,119 square feet (1.36 acres), where 200,000 square feet (4.59 acres) are required, and,
  - b. Frontage: Conservation Parcel (10 feet where 300 feet are required)
6. 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. The Conservation Parcel has 241,133 square feet (5.5 acres) including approximately 90,000 square feet of upland and approximately 151,133 square feet of freshwater wetland;
7. All subdivision lots have adequate and permanent physical access to a public street, namely, Carr Lane;
8. 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;
9. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion;
10. The only lot in the subdivision intended for building has access to sufficient potable water for the intended use through a private well;
11. Michael Darveau, PLS, testified as an expert witness on behalf of the applicants; and,
12. James Rafferty testified that he approves of the project.

**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 not be required for this subdivision since no new lots for development are being created.
3. Suitable survey markers other than concrete, shall be placed at all corner points at the new property line;
4. The temporary easement for the OWTS shall be extinguished once approval is granted for the new OWTS on the house lot;
5. Approval shall be granted by the Zoning Board for the following variances prior to final Planning Commission approval:
  - a. Lot Size:
    - 1) Parcel A 59,119 square feet, where 200,000 square feet are required, and,
    - 2) Conservation Parcel (meets lot size but does not have 200,000 square feet of upland)
  - b. Frontage for the Conservation Parcel (10 feet where 300 feet are required)
6. This approval shall be recorded with the Town Clerk within 30 days of signature; and,

7. This approval shall expire one year from the date of approval by the Planning Commission unless final approval is granted.

So unanimously voted:

Michael Swistak – Aye

Rosemary Enright – Aye

Bernie Pfeiffer - Aye

Michael Smith - Aye

Duncan Pendlebury – Aye

Mick Cochran - Aye

Dana Prestigiacomio - Aye

### VIII. Adjournment

A motion to adjourn was made by Commissioner Cochran and seconded by Commissioner Enright at 9:20 p.m. So unanimously voted.

Attest:



Cynthia L. Reppe  
Planning Assistant