

Approved As Written
PLANNING COMMISSION MINUTES
August 21, 2019
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

Not present: Duncan Pendlebury

Also present:

Lisa Bryer, AICP – Town Planner

Wyatt Brochu – Town Solicitor

Cinthia Reppe – Planning Assistant

Patrick Freeman – PE - American Engineering Inc.

William McCaffrey – applicant

Christian Infantolino

II. Approval of Minutes August 7, 2019; review, discussion and/or action and/or vote

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

Page 1, last paragraph - Commissioner Pendlebury said he was the representative for the TRC and he has seen this product before and it is very nice and much better than the older style vinyl shingles.

So unanimously voted.

III. Correspondence

1. FYI – Memo – Jamestown Ad Hoc Committee for Public Art memo to Town Council. Received

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

V. Old Business – nothing at this time

VI. New Business

1. William McCaffrey – Plat 16, Lot 70 - 232 Beacon St., Jamestown RI – Zoning Ordinance Section 314 – High Groundwater Table and Impervious Overlay District Sub-district A review – Recommendation to Zoning Board of Review - discussion and/or action and/or vote

Patrick Freeman, PE American Engineering was accepted as an expert witness on a motion made by Commissioner Smith seconded by Commissioner Pfeiffer and gave a brief synopsis of the application.

Commissioner Cochran asked is the current septic in the house a 2 bedroom? Yes. Commissioner Enright asked What are sonotubes? It is a form put into the ground for a footing.

Commissioner Swistak asked Mr. McCaffrey if he is aware that the driveway must remain impervious? Yes he is. And the rain garden has a maintenance agreement. Yes it does. Mr. McCaffrey waived the motion being read in its entirety.

A motion was made by Commissioner Swistak and seconded by Commissioner Pfeiffer Stating the Planning Commission voted unanimously to recommend to the Jamestown Zoning Board, approval of the application of William McCaffrey: AP 16, Lot 70; 232 Beacon Avenue, 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 William McCaffrey, located at 232 Beacon Avenue, Jamestown, RI Sheet 1 of 1. Dated, 07/31/2019, 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 21,600 sf in area.
2. The applicant is proposing to demolish an existing two bedroom dwelling and rebuild the same on the existing foundation with a 10' x 10' addition on sonotubes, and a new covered porch.
3. The existing site is developed with a house, pervious driveway, well, and an advanced treatment OWTS (RIDEM permit #1515-0479). The inspection on that OWTS is up to date but the Town database indicates that it is due for an inspection in October 2019; Existing impervious cover is 1354 square feet or 6.5% of the total buildable area of 20,921 square feet.
4. The site contains 679 square feet of wetland area as flagged
5. Four (4) soil evaluations were conducted on the property. The results indicate a 12-18 inch seasonal high water table and 48-60" 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 9%.
6. The proposed impervious cover is 7.4 percent.
7. The applicant's representative Patrick Freeman, PE, American Engineering, represented the applicant as an expert witness before the Planning Commission on 8/21/19.
The applicants engineer has submitted a Water Volume Calculations Report dated July 31, 2019 which addresses stormwater treatment by a rain garden. The runoff from the new rooftop will be directed to a rain garden with an approximate area of 86 square feet (bottom area) and a storage volume of approximately 89 cubic feet. The proposed rain garden exceeds the required

storage volume of 83 cubic feet. The rain gardens provide treatment for the 1” water quality volume and provides storage for the increased 200 square feet of impervious area and storm water runoff associated with a 10-year frequency storm event.

8. Jamestown Engineer Jean Lambert provided correspondence to Chris Costa, Building Official and Lisa Bryer, Town Planner dated August 1, 2019 regarding the McCaffrey application (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 as well as 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.

So voted:

Michael Swistak – Aye

Rosemary Enright – Aye

Mick Cochran - Aye

Bernie Pfeiffer - Aye

Dana Prestigiacomio – Aye

Michael Smith – Aye

Motion carries 6-0

2. Louis & Noreen Bachetti – Plat 1 Lot 113 – 67 Orient Ave., Jamestown RI - Zoning Ordinance Section 314 – High Groundwater Table and Impervious Overlay District Sub-district A review - Recommendation to Zoning Board of Review - discussion and/or action and/or vote

Attorney Christian Infantolino representing the Bachetti’s said the applicant is proposing to remove the existing cabin, and the existing impervious coverage will be reduced from 14.5% to 12.1%. He introduced Patrick Freeman, engineer from American Engineering who updated the Planning Commission and said he would answer any questions they have. They are proposing a rain garden for a 25-year storm. The regulations require handling a 10 year storm.

Christian Infantolino said, that the site is 1600 sq. ft short of being 40K sq. ft and they would not need to be here if it were 40,000 square feet. It is bordered by paper streets. There is an existing garage that encroaches the property line which will be removed.

Commissioner Pfeiffer asked if the current septic is going to be moved and Patrick answered yes it will be. You are reducing the impervious coverage so why couldn't you make it 12% and not 12.1% asked Commissioner Enright. The applicant has gone through different designs and has settled on this one. The applicant tried to go through the process of abandoning the paper street and was not successful. He is using the paper street as a driveway. It is maintained currently by the property owners. Swistak asked if the neighbors use it, no they don't. The applicant is under a P&S for 3 lots.

In Jean Lamberts memo she makes note of the 12.1 impervious not meeting the standards. Swistak noted that she does not give an opinion. Lisa noted that the Town Engineer, Jean Lambert reviews applications to determine whether it meets the town standards or not. Lisa said it will need a variance as is. There are also some setback variances they will be asking zoning for. Enright asked about the setbacks.

Chair Swistak asked that we forward along a plan with setbacks shown. He asked are the other setbacks variances needed in our purview? No just the standards of Section 314, meaning the 2000 sq ft standards and the special use permit. 12.1%

A motion was made by Commissioner Swistak and seconded by Commissioner Pfeiffer to recommend to the Jamestown Zoning Board, approval of the application of Louis and Noreen Bachetti, Owners David W. Murdock, Kathryn Anne Murdock, and David Martin as trustees of the Murdock Family Trust: AP 1, Lot 113; 67 Orient Avenue, 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 Louis and Noreen Bachetti, located at 67 Orient Avenue, Jamestown, RI Sheet 1 and 2 of 2. Dated, 07/30/2019, 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 38,405 sf in area.
2. The applicant is proposing to demolish an existing 3-bedroom dwelling, deck, garage and shed and construct a three bedroom dwelling, garage, OWTS and crushed stone driveway.
3. The existing site is developed with a house, garage, driveway, well, and a conventional OWTS. The Town database indicates that it is overdue for maintenance, however the existing house has been vacant and a new OWTS is proposed as a new Ax-20 Filter to Bottomless Sand Filter OWTS; permitted by RIDEM permit # 0515-2027. Existing impervious cover is 5568 square feet or 14.5% of the total area.
4. Two (2) soil evaluations were conducted on the property. The results indicate a 26 inch seasonal high water table and 27" 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 proposed impervious cover is 4654 or 12.1 percent.
6. The applicant's representative Christian Infantolino, Esq. represented the application and Patrick Freeman, PE, American Engineering, represented the applicant as an expert witness before the Planning Commission on 8/21/19.

7. The applicants engineer has submitted a Water Volume Calculations Report dated July 30, 2019 which addresses stormwater treatment by a rain garden. The runoff from the new rooftop will be directed to a rain garden with an approximate area of 840 square feet (bottom area) and a storage volume of approximately 1252 cubic feet. The proposed rain garden exceeds the required storage volume of 1235 cubic feet. The rain gardens provide treatment for the 1” water quality volume and provides storage for the impervious area and storm water runoff associated with a 10-year frequency storm event.
8. The rain garden was evaluated for a 25-year frequency storm event. An overflow weir has been included in the design of the rain garden to provide a location for runoff greater than the storage volume to safely pass through the stormwater basin and discharge to an existing swale downstream of the subject site.
9. Jamestown Engineer Jean Lambert provided correspondence to Chris Costa, Building Official and Lisa Bryer, Town Planner dated August 5, 2019 regarding the Bachetti application (attached) which notes that the proposed project exceeds the allowable area of impervious cover. A variance is required for the 12.1 percent impervious cover and being in excess of 2,000 square feet where 12 percent is permitted and the ordinance states that no structure shall exceed 2,000 square feet;
10. This application requires setback variances; North Front proposed 15’ where 40’ are required, South Side proposed 20’ where 30’ are required and East Front proposed 20’ where 40’ are required;
11. This subject site is 38,405 square feet; 1,595 square feet short of the 40,000 square feet, which would make the lot exempt from Section 82-314;
12. Attorney Infantolino confirmed that the existing garage encroaches the property line to the south;
13. Access to the lot will continue to be by Lippitt Street, location of the existing driveway.

Recommended Conditions of Approval

1. A Special Use Permit for Section 314 and Zoning Variance 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 as well as 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.

So voted:

Michael Swistak – Aye

Rosemary Enright – Aye

Mick Cochran - Aye

Bernie Pfeiffer - Aye

Dana Prestigiacomo – Aye

Michael Smith – Aye
Motion carries 6-0

VII. Adjournment

A motion to adjourn was made by Commissioner Enright and seconded by Commissioner Smith
At 7:48 p.m, So unanimously voted.

Attest:

Cynthia L Reppe
Planning Assistant