

**Approved As Amended**  
**PLANNING COMMISSION MINUTES**  
**February 5, 2020**  
**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  
Cinthia Reppe – Planning Assistant  
Christian Infantolino - Attorney  
Michael Darveau – Professional Land Surveyor - Darveau Land Surveying

**II. Approval of Minutes January 15, 2020;** review, discussion and/or action and/or vote  
A motion was made by Commissioner Enright and seconded by Commissioner Pendlebury to approve the minutes with the following change:

Page 2 paragraph 1, The Planning Commission has heard about these applications previously as presented by their representatives; Clarke St. and Westwind Dr.

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

**IV. Reports –Town Planner’s Report**

1. Future Agenda Items; review and/or discussion  
We have 2 minor subdivision applications and we will be having a TRC meeting on Monday morning.
2. Town Council Meetings, review and/or discussion of Planning Commission related and/or delegated items

V. New Business

**1. Rose Natale - Plat 3, Lot 75 15 Lugger St. Jamestown RI - Zoning Ordinance Section 314 – High Groundwater Table and Impervious Overlay District Sub-district A review - Recommendation to Zoning Board of Review – review, discussion and/or action and/or vote**

Attorney Christian Infantolino is representing the applicant Rose Natale. He is here for a recommendation to zoning. Jean Lambert approved the design and representatives from Architect Ron DiMauro's office are here if there are any questions.

A motion was made by Commissioner Pfeiffer and seconded by Commissioner Enright to accept Michael Darveau as an expert witness. So unanimously voted.

This application falls in Subdistrict A because of Category 9 soils. This lot is a bit bigger than a typical double lot; it is 16,000 sq. ft. compared to a typical double lot of 14,400. They are proposing a raised ranch home about 2000 sq. ft. There is an existing 3-bedroom home that will be torn down and replaced with a 3 bedroom 2000 sq. ft. home.

Mr. Darveau has proposed an infiltration system which takes up less of a footprint than a rain garden as well as a rain garden.

Commissioner Pendlebury asked about the separation of the wells **and OWTS** being less than 100 feet. ~~Mr. Darveau said DEM has approved the plan.~~ Some of the neighboring wells are within the 100 feet. Mike Darveau said **the OWTS was approved** ~~as this was approved~~ as an alteration at RIDEM. They came up with the best possible system for this site. Possibly if there was not a house currently there it would have been hard to get a 3 bedroom. Town Planner Lisa Bryer said we do not see this situation where they approved less than 100 ~~feet to~~ **between the OWTS and** adjacent wells. They will on occasion approve less than 100-foot separation from the applicant own well, but DEM does not often approve that for adjacent wells unless it is an existing situation and you are making it better. Commissioner Swistak asked "does DEM give them a variance?" ~~This new system Darveau~~ **Mr. Darveau testified that the OWTS** is an alteration not a new system and he believes will improve what is there currently.

A motion was made by Mike Swistak and seconded by Bernie Pfeiffer to approve the application of Rose Natale: AP 3, Lot 75; 15 Lugger 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 Proposed Site Plan for Rose Natale, Plat 3, Lot 75, 15 Lugger Street, Jamestown, RI, by Darveau Land Surveying, Inc. P.O. Box 7918, Cumberland, RI 02864. The recommendation for approval is based on the following findings of facts as amended:

Findings of Fact Section 314

1. Property is 16,000 sf in area;
2. The existing site is developed with a house, pervious driveway, well and an OWTS;
3. The Town database indicates that the OWTS is current for inspection.
4. Topography on the lot slopes from east to west.
5. There are no freshwater wetlands on the property.

6. Existing impervious cover is approximately **850 sf or 5.3%**.
7. Five (5) soil evaluations were conducted on the property. The results indicate a 38-inch seasonal high water table and 33" 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 13% or 2000 sf.
8. The applicant is proposing to demolish an existing three bedroom dwelling and rebuild a new 2,000 square foot dwelling.
9. The total impervious cover is 2,000 square feet or **12.5%** impervious cover. The maximum allowable impervious coverage for this site is 2,000 square feet;
10. The existing well will remain. A new 3-bedroom advanced treatment OWTS is proposed. RIDEM has issued an approved OWTS – RIDEM permit #1815-1279 – as an alteration with no increase in flow. Mike Darveau, PLS testified that the proposed OWTS is an improvement over existing conditions;
11. For stormwater mitigation, runoff is split between a subsurface infiltration system and a rain garden. Approximately 1117 sf of rooftop is directed toward the infiltration system (with a bottom area of 624 sf) and 883 sf of rooftop is directed toward the rain garden (with a bottom area of 695 sf).
12. The applicant was represented by Attorney Christian Infantolino and expert witness and professional land surveyor, Mike Darveau, PLS before the Planning Commission on 2-5-20;
13. The proposed best management practices (BMP's) provide treatment for the 1" water quality volume and provide storage for runoff from a 10-year frequency storm event for the proposed impervious surface on the site.
14. Jamestown Engineer Jean Lambert provided correspondence to Chris Costa, Building Official and Lisa Bryer, Town Planner dated January 27, 2020 regarding the Natale 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. The proposed infiltration area and rain garden area must be physically delineated on the site prior to the commencement of construction to prevent compaction of the soil by heavy equipment;
3. 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;
4. 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; and,
5. The Operation and Maintenance (O & M) Plan shall be amended to include the rain garden operation and maintenance. This plan, reproduced in 8.5" x 11" for the stormwater

mitigation (both infiltration and rain garden), 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.

6. 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 unanimously voted:

Michael Swistak – Aye

Rosemary Enright – Aye

Bernie Pfeiffer - Aye

Michael Smith – Aye

Duncan Pendlebury – Aye

Mick Cochran - Aye

Dana Prestigiacomio - Aye

Motion Carries 7-0

## **2. Short Term Rental; review, discussion and /or action and/ or vote**

Town Planner Lisa Bryer gave a power point presentation. Horsley Witten did a draft ordinance in the last year while we were updating the zoning ordinance as did the town council also in 2016. The council put this on hold a few years ago. Ms. Bryer supplied the planning commissioners with many different options of local towns that have the ordinances.

The information given to the Planning Commission from Host compliance is very interesting with regards to Jamestown and the surrounding area. Ms. Bryer's preference of the ordinances would be to go with Portsmouth's. We have options, do nothing or registering or something in between.

Commissioner Swistak asked about the 2016 ordinance committee. The ordinance committee which included the President and Vice President recommended a registration process and the Town Council decided not to do anything at that time with it. The Opposition was to regulation not registration. This was not an onerous ordinance. Commissioner Enright said the biggest objection was posting all the rules similar to hotels that was an issue.

Commissioner Cochran sent an email with a study from URI that might be interesting to read. Commissioner Enright said we are number 6 in the state with percentages for rentals.

Is there anything that we cannot regulate Lisa asked Town Solicitor Wyatt Brochu, he is not sure.

Prohibition of this Commissioner Enright said creates illegal and dishonest doings.

The Planning Commission discussed whole house rentals in absence of the owner or renting a room, is there a difference. It is not as much of an impact if the owner is in the house.

Commissioner Enright showed the Planning Commission there is a history of renting out houses dating back to the late 1800's. There are a few local Jamestowners that move to Fort Getty and rent their homes out during the summer. There needs to be some codes and regulations regarding insurance etc. More insurance would be needed.

The Building Inspector/Zoning Enforcement Officer does not have time to enforce this therefore an outside firm would have to be hired. Newport pays 29k per year to monitor. A certification system would be needed and for police officers to enforce they need the tools on scene to address the problem.

Commissioner Prestigiacomo said goals need to be set. Health and safety is very important. A discussion ensued regarding who stays at the rentals and the difference between family rentals. Commissioner Smith said we would drive people underground. Consequences for not meeting the standards and rules should be very stiff.

Town Planner Lisa Bryer has received complaints via email. Most of these rentals are in town, some in the shores. She read some letters of complaint.

The Planning Commission agrees something needs to be done. Ms. Bryer will send a memo to the Town Council letting them know what was discussed. Commissioner Pendlebury wants the memo emailed to the Planning Commission members before it goes to the council.

#### **VI. Old Business**

##### **1. Zoning Ordinance Update – Final Draft; review, discussion and /or action and/ or vote**

Ms. Bryer is compiling the final draft and will send it out to the Planning Commission.

#### **VII. Adjournment**

A motion to adjourn was made by Commissioner Cochran and seconded by Commissioner Enright at 9:05 p.m. So unanimously voted.

Attest:



Cynthia L Reppe  
Planning Assistant