



**TOWN COUNCIL MEETING**  
**Monday, October 19, 2020**  
**6:30 PM**

**PURSUANT TO EXECUTIVE ORDER NO. 20-05 EXECUTED BY GOVERNOR GINA RAIMONDO ON MARCH 16, 2020, THIS MEETING WILL BE TELECONFERENCED VIA ZOOM:**

The public is invited to observe and participate in the deliberations of this meeting by accessing the meeting link set forth herein. For those without access to video observation platforms, you may also call in to listen to the deliberations of this meeting by using the call in phone number provided herein. To participate during Public Hearing or Public Input you will press \*9 to raise your hand.

**JOIN VIA PHONE: 1-646-558-8656 or 1-301-715-8592**  
**WHEN PROMPTED, ENTER MEETING ID: 813 0378 2471**  
**PRESS # AGAIN TO JOIN THE MEETING**

**JOIN VIA COMPUTER OR MOBILE APP: Meeting ID: <https://zoom.us/j/81303782471>**

**TO VIEW THE MEETING LIVE STREAM WITH NO INTERACTION, PLEASE VISIT THE FOLLOWING**

**LINK: <http://158.123.195.41/OTRMedia/Town2020/Others2020/StreamPrimJtown.html>**

**I. ROLL CALL**

**II. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

**III. TOWN COUNCIL SITTING AS THE BOARD OF WATER AND SEWER COMMISSIONERS**

A) Approval of Minutes; review, discussion and/or potential action and/or vote September 21, 2020 (regular meeting)

B) Open Forum – Water & Sewer Matters

*Comments are not limited to items on this agenda. However, items not on this agenda will only be heard and not acted upon by the Town Council. Note: Section 42-46-6 of the Open Meetings Act, and Department of the Attorney General Advisory Opinions relevant to this item on any public body meeting agenda specifically prohibits the Town Council from discussing, considering or acting on any topic, statement or question presented. The Town Council may, if warranted, refer such matters to an appropriate committee, to another body or official, or post the matter for consideration at a properly-noticed, future meeting.*

- 1) Scheduled request to address – None
  - 2) Non-scheduled request to address
- C) Report of Town Officials - Status Reports; review, discussion and/or potential action and/or vote
- 1) Pumping report
  - 2) Town project reports
    - Town Wells
    - b) Water Treatment Plant
    - c) Transfer Pumping/Reservoir
    - d) Distribution System
    - e) Wastewater Treatment Facility

**IV. Town Council Adjourns from sitting as the Board of Water and Sewer Commissioners**

**V. PUBLIC HEARINGS, LICENSES AND PERMITS**

*The Town Council will review each license application and vote on it individually. All approvals for licenses and permits are subject to the resolution of debts, taxes and appropriate signatures as well as, when applicable, proof of insurance. Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:*

- A) Public Hearings:
- 1) Review, Discussion and Possible Action on Proposed Amendments to the Code of Ordinances, Article III- Noise Ordinance; Sections 22-63C through Section 22-71. These Amendments are proposed to update and modernize the existing Noise Ordinance (Public Hearing Continued from August 17, 2020 & September 21, 2020) with discussion of potential advertisement and scheduling of a Public Hearing on November 2, 2020 at 6:30 pm for a future date.
- B) Renewal of Event License Application
- 1) Applicant: Jamestown Chamber of Commerce
    - Event: Restaurant Outdoor Dining
    - Dates: Extending to November 17, 2020 unless revoked earlier
    - Location: Narragansett Avenue, Narragansett Avenue Municipal Parking Lot & East Ferry Parking Lot
- C) Town Council Sitting as the Alcoholic Beverage Licensing Board
- Notice is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended.
- 1) Renewal of Approval of Requests for Temporary Seasonal Expansion of Existing Liquor License Applications in accordance to R.I.G.L 3-5-17, for service and consumption areas valid with Special Event Application of the Chamber of Commerce for Dine Out Event in response to COVID- 19; with proposed Extension to November 17, 2020 unless revoked earlier .
    - a) KALI LLC dba J22 Tap & Table, 22 Narragansett Ave.
    - b) Jamestown Beer Holdings LLC dba The Generals Crossing- 34 Narragansett Ave.

- c) Jamestown Restaurant Group LLC dba Narragansett Café- 25 Narragansett Ave.
  - d) Johnny Angels Clam Shack LLC dba Angels Kitchen- 23B Narragansett Ave.
- 2) Renewal of Approval of KALI LLC dba J22 Tap & Table for Temporary Seasonal Expansion of Existing Liquor License Applications in accordance to R.I.G.L 3-5-17, for service and consumption areas to include property contingent on lease agreement with REGNUM LLC, located at 20 Narragansett Ave. With proposed Extension to November 17, 2020 unless revoked earlier.
  - 3) Renewal of applications that have been received by the Town Council for licenses under said Act, for the year December 1, 2020 to November 30, 2021 (duly advertised in the Jamestown Press on October 8<sup>th</sup> and October 15<sup>th</sup>). Approval of Applications for Renewal of Class A (Package Store) Retail Liquor License:
    - a) Varsha, Inc. dba: Jamestown Wine & Spirits 30 Southwest Ave
    - b) Tunstall LLC dba: Grapes & Gourmet 9 Ferry Wharf
  - 4) Set the Class A (Package Store) Retail Liquor License Cap at Two
  - 5) Approval of application for Renewal of Class BV Limited Liquor License and/or consideration of a New Class B Victualer Liquor License: Johnny Angels Clam Shack LLC dba: Angel's Kitchen- 23 Narragansett Ave.
  - 6) Approval of application for Renewal of Class BV Limited Liquor License:
    - a) Lucky Ridge Co. LLC dba: Spinnaker's Café- 3 Ferry Wharf:
    - b) Village Hearth Bakery dba: Village Hearth Bakery- 2 Watson Ave.
  - 7) Set the Class B Limited Liquor License Cap at Three
  - 8) Approval of Application for Renewal of Class B Victualer Liquor License:
    - a) New England Golf Course Management, Inc. dba: Jamestown Golf and Country Club- 245 Conanicus Ave.
    - b) Jamestown Restaurant Group LLC dba Narragansett Café- 25 Narragansett Ave.
    - c) ESJ, Inc. dba: Simpatico Jamestown- 13 Narragansett Ave.
    - d) Islandish, Ltd. dba: Chopmist Charlies- 40 Narragansett Ave.
    - e) Slice of Heaven, Inc. dba: Slice of Heaven- 32 Narragansett Ave.
    - f) KALI, LLC dba: J22 Tap & Table- 22 Narragansett Ave.
  - 9) Approval of New Application for New Class B Victualer Liquor License:
    - a) Tallulah's Taqueria, LLC. Db a Tallulah's Tacos- 35 Narragansett Avenue
  - 10) Set the Class B Victualer Liquor License Cap at Eight

- 11) Approval of Application for Renewal of Class D Full Club Liquor License Renewals:
  - a) Conanicut Yacht Club- 40 Bay View Drive
- 12) Set the Class D Full Club Liquor License Cap at One
- D) Town Council adjourns as the Liquor Licensing Board
- E) Renewal Applications for Multi-License (December 1, 2020- November 30, 2021), Victualing License, Holiday License and Entertainment License:
  - a) Conanicut Yacht Club dba: Conanicut Yacht Club
  - b) ESJ, Inc. dba: Simpatico Jamestown
  - c) Jamestown Restaurant Group dba: Narragansett Café
  - d) KALI LLC dba: J22 Tap & Table
  - e) Islandish LTD dba: Chopmist Charlie's
  - f) Village Hearth dba: The Village Hearth
- F) Renewal Application for Entertainment License (December 1, 2020- November 30, 2021):
  - a) Jamestown Beer Holdings LLC dba: Jamestown Beer Holdings
- G) Renewal Application for Victualing License (December 1, 2020- November 30, 2020):
  - a) Live & Learn dba: Live & Learn
- H) Renewal Application for Victualing & Holiday License (December 1, 2020- November 30, 2021):
  - a) Cumberland Farms Inc. dba: Cumberland Farms #1108
  - b) Lucky Ridge Co., LLC. Db: Spinnakers Café
  - c) New England Golf Course Management Inc. dba: Jamestown Golf and Country Club aka: The Caddy Shack
  - d) Tallulah's Taqueria LLC
  - e) TMT Enterprises, Inc. dba: McQuade's Market
  - f) Tunstall LLC dba: Grapes & Gourmet
  - g) Varsha, Inc. dba: Jamestown Wine & Spirits
  - h) A&J, Inc. dba: East Ferry Deli
  - i) Johnny Angels Clam Shack, LLC dba: Angels Kitchen
  - j) Slice of Heaven, Inc. dba: Slice of Heaven
  - k) Walrus & Carpenter Oysters
- I) Renewal Application for Holiday License (December 1, 2020- November 30, 2021):
  - a) Clark Board Yard & Marine Works, LLC dba: Clark Boatyard & Marine Works
  - b) Zeeks Creek Bait & Tackle
  - c) All Ashore Cottage Outfitters
  - d) Secret Garden
  - e) Hodgkiss Farm
  - f) Jamestown Boat Yard

- g) Young Beauty Corp dba: Young Nails & Spa
  - h) Jamestown Beer Holdings, LLC
  - i) McQuade's Laundry
  - j) Jamestown Hardware
  - k) Conanicut Marine Store dba: The Conanicut Marine Store
- J) Approval of Victualing License with extended hours RENEWAL application, upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2020 to November 30, 2021 (duly advertised in the *Jamestown Press*:
- 1) Cumberland Farms, Inc. dba: Cumberland Farms Store #1108- 41 North Main Road
- K) Approval of One Day Event License Application
- 1) Applicant: Jamestown Chamber
    - Event: Holiday Events
    - Dates: December 5, 12, 19<sup>th</sup>
    - Location: Recreation Center & East Ferry Parking

**VI. COUNCIL, ADMINISTRATOR, SOLICITOR, COMMISSION/COMMITTEE COMMENTS & REPORTS**

*Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:*

- A) Town Administrator's Report: Jamie A. Hainsworth-
  - 1) State Funding Grant "Take it Outside" Award- Consent Item
  - 2) Rescind Ex. Order 20-03 Prohibiting the Use of Reusable Bags- Consent Item
  - 3) Lease at West Ferry to Dutch Harbor- Consent Item
  - 4) Halloween Events Cancelled- FYI No Action
  - 5) Charter Referendum Advertisement- FYI No Action

**VII. UNFINISHED BUSINESS**

*Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:*

- A) Upcoming Meetings and Sessions – dates and times
  - 1) Town Council Meeting Schedule: November 2, 2020 and November 16, 2020
  - 2) Swearing In Ceremony for Elected Officials: TBD
  
- B) Review, Discussion and Possible Action to extend the March 16, 2020 Declaration of the Town of Jamestown State of Emergency to November 17, 2020 unless revoked earlier, to curtail the spread of the COVID 19 Virus.
  
- C) Review, Discussion and Possible Action to extend the Executive Order 2020-1, to November 17, 2020, unless revoked earlier; the continuation of the authorization of the Town Administrator to take any and all necessary actions to implement best practices guidance regarding municipal government actions to curtail the spread of the COVID 19 virus.

## VIII. NEW BUSINESS

*Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:*

- A) Request of The Naval Academy Preparatory School to waive the Rembijas Pavilion Fee

## IX. CONSENT AGENDA

*An item on the Consent Agenda need not be removed for simple clarification or correction of typographical errors. Approval of the Consent Agenda shall be equivalent to approval of each item as if it had been acted upon separately for review, discussion and/or potential action and/or vote. A Consent Agenda item or items may be removed by the Town Council for review, discussion and/or potential action and or vote.*

- A) Minutes of Boards/Commissions/Committees
  - 1) Planning Commission (September 2, 2020)
  - 2) Planning Commission (August 19, 2020)
  - 3) Planning Commission (July 15, 2020)
- B) Award of State Grant Funding “Take it Outside” for Improvements to Parking on Narragansett Ave.
- C) Rescinding Executive Order 20-03 Prohibiting the Use of Reusable Bags
- D) Ratification of the Lease Agreement at West Ferry with Dutch Harbor Boat Yard, LLC

## X. COMMUNICATIONS, PETITIONS, AND PROCLAMATIONS AND RESOLUTIONS FROM OTHER RHODE ISLAND CITIES AND TOWNS

*The Council may acknowledge any of the listed Communications and Proclamations and Resolutions. Should any member wish to have a conversation on any of the matters, the item will be placed on a future agenda for review, discussion and/or potential action and/or vote.*

- A) Public Notice Received:
  - 1) Zoning Board of Review: Jamestown as an Abutter  
Application of Esther R. Pedersen & Mark T. D’ Arrezzo  
Hearing Date: October 27, 2020
  - 2) Zoning Board of Review: Jamestown as an Abutter  
Application of SREG Management LLC  
Hearing Date: October 27, 2020

## XI. OPEN FORUM- To participate you will press \*9 to raise your hand. The meeting moderator will coordinate your participation.

*Comments are not limited to items on this agenda. However, items not on this agenda will only be heard and not acted upon by the Town Council. Note: Section 42-46-6 of the Open Meetings Act, and Department of the Attorney General Advisory Opinions relevant to this item on any public body meeting agenda specifically prohibits the Town Council from discussing, considering or acting on any topic, statement or question presented. The Town Council may, if warranted, refer such matters to an appropriate committee, to another body or official, or post the matter for consideration at a properly-noticed, future meeting.*

- A) Scheduled request to address- none
- B) Non-scheduled request to address

## **XII. ADJOURNMENT**

***Pursuant to RIGL § 42-46-6(c) Notice of this meeting shall be posted on the Secretary of State's website and at the Town Hall and the Jamestown Philomenian Library. Notice is also posted at the Jamestown Police Station and on the Internet at [www.jamestownri.gov](http://www.jamestownri.gov).***

ALL NOTE: If communications assistance is needed or other accommodations to ensure equal participation, please call 1-800-745-5555, or contact the Town Clerk at 401-423-9800, via facsimile to 401-423-7230, or email to [eliese@jamestownri.net](mailto:eliese@jamestownri.net) not less than three (3) business days prior to the meeting.

*Posted on the RI Secretary of State website on October 15, 2020*

**TOWN OF JAMESTOWN  
TOWN COUNCIL MEETING  
for  
TOWN, WATER AND SEWER MATTERS**

September 21, 2020

A regular meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners was called to order at the Jamestown Town Hall, Council Chambers, 93 Narragansett Avenue at 6:31 PM by Commission President Michael G. White.

The following members were present:

Mary E. Meagher, Vice-President  
Nancy A. Beye  
William J. Piva, Jr.  
Randall White

Also present were:

Jamie A. Hainsworth, Town Administrator  
Erin F. Liese, Town Clerk  
Denise Carlin-Gamon, Town Clerk's Assistant  
Christina D. Collins, Finance Director  
Michael Gray PE, Public Works Director  
Peter D. Ruggiero Esq., Town Solicitor  
Denise Jennings, Water and Sewer Clerk

**AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS**

(None)

**READING AND APPROVAL OF MINUTES**

Motion was made by Commissioner Meagher, seconded by Commissioner Beye to accept the 08/17/20 regular meeting minutes. So unanimously voted.

**OPEN FORUM**

Commission President White noted that this open forum would be for water and sewer matters only.

1) Scheduled requests to address:



**Robert S. Powers re: Ownership of Westwind Drive Sewer Line** (listed in Communications)- Robert S. Powers of 30 Westwind Drive stated that he was present this evening, representing the Jamestown Estates Homeowners Association/14 lot owners of Westwind Drive and that the homeowners are concerned about the ownership of the sewer line on Westwind Drive. He further stated that discussion was had in 2017 with the Town Engineer Mike Gray and he stated that the sewer line on Westwind Drive is owned by the owners of the subdivision.

Commission President White stated the Town has received Mr. Powers letter and will take his concerns into consideration and will get back to him.

2) Non-scheduled request to address:

(None)

### **REPORT OF TOWN OFFICIALS**

1) **Pumping Report:**

The Public Works Director reported the following:

- Pumping was down slightly for the month August, compared to July and was up compared to August of 2019.
- JR-1 has been in operation and being monitored to make sure that the well pump is in the water column. If groundwater elevations drop below the pump elevation the well pump will need to be turned off.
- Rainfall for the month of August was 13 inches below average. Governor Raimondo has issued a Drought Advisory for the State of RI and has asked all water users to conserve water.
- No water was transferred during the month of August.
- North Reservoir is @ 31MG, usable storage-60MG. We are at 50% capacity, although we are past our peak usage period and consumption has dropped. This reservoir capacity triggers limitations on usage for our customers, which prohibits lawn irrigation, house washing, boat washing and car washing. We have placed a notice on the Town website and will be advertising in the Jamestown Press on Thursday, 09/24/20. Staff will be monitoring for outside usage.
- South Pond is @ 5MG, usable storage-6MG

2) **Town project reports:** *(See attached Project Update Report dated September 2020)*

**Transfer Pumping/Reservoir-**

The Public Works Director reported that there is a small patch of phragmites at the North Reservoir and if the reservoir level continues to drop or remain low, we may be able to remove them for offsite disposal. If we do not remove them, they will continue to expand and eventually take over the shoreline.

Commissioner Randall White asked for clarification regarding the funding for the future watermain replacement project, specifically the bridge crossing on North Road at Great Creek (Zeek's Creek) and as reported by the Public Works Director in his August, 2020 report. The Public Works Director reported that the Town may be eligible for funding through the Transportation Improvement Plan and briefly explained how the plan works.

## LETTERS AND COMMUNICATIONS

- 1) Copy of letter dated July 29, 2020 to the Jamestown Town Council from Robert S. Powers re: Ownership of Westwind Drive sewer line.  
Motion was made by Commissioner Meagher, seconded by Commissioner Beye to accept the communication from Robert S. Powers. So unanimously voted.

## UNFINISHED BUSINESS

- 1) **Review, Discussion and Possible Action regarding Proposed Water Budget FY2020/2021** (cont. from 08/17/20)

The Public Works Director stated that the proposed Water and Sewer Budgets FY2020/2021 were provided to the Board for their review at their 08/17/20 meeting and that no changes have been made since that meeting. He is hoping for an adoption of the budgets, as the next water and sewer bills will be going out the end of September.

The Finance Director reported the following:

- The proposed water budget includes additional expenses totaling \$34,290. or a 2.72% increase in the operating costs for the Water Department, which include costs for personnel, operating expenses and equipment maintenance.
- The proposed water budget will require a 5% increase for metered excess water and also the minimum in advance charge. The minimum in advance charge has not been increased in 5 years.

- 2) **Review, Discussion and Possible Action regarding the Proposed Sewer Budget FY2020/2021** (cont. from 08/17/20)

The Finance Director reported the following:

- The proposed sewer budget includes additional expenses totaling \$50,490. or a 6.56% increase in the operating costs for the Sewer Department, which include costs for personnel, operating expenses and equipment maintenance.
- The proposed sewer budget will require a 10% increase for sewer usage rates.

Mary Lou Sanborn of 21 Bay View Drive asked for clarification regarding the number of residential customers on the municipal water system. The Public Works Director stated there are approximately 1200 residential customers on the municipal water system. Ms. Sanborn asked if the Town had any thoughts on expanding the municipal water district. The Public Works Director said that there are no plans to expand the municipal water district.

Ms. Sanborn stated that former Town Administrator Nota had been working with the University of RI regarding a report/study on the aquifer. Ms. Sanborn asked for the status on this report/study. Commissioner Meagher stated that it was her understanding that the University never reported back to the Town and unfortunately, the Administrator did not pursue.

Following clarification on a few items, Motion was made by Commissioner Meagher, seconded by Commissioner Randall White to approve the proposed Water Budget FY2020/2021 as recommended in the amount of \$1,293,148. So unanimously voted.

Motion was made by Commissioner Meagher, seconded by Commissioner Beye to approve the proposed Sewer Budget FY2020/2021 as recommended in the amount of \$748,444.23. So unanimously voted.

### NEW BUSINESS

- 1) Review, Discussion and Possible Action regarding the **application of Adam et Phyllis Kurzer (Plat 12, Lot 27; Hull Cove Farm Road)** for utility service (water only) connection

The Public Works Director reported the following:

- The applicant is seeking approval for a new service connection to a new residential dwelling on an existing lot of record located in the Rural Water District, which requires approval by the Board.
- The applicant has drilled two wells and was unsuccessful.
- The Board previously approved an extension of water on Hull Cove Farm Road, due to inadequate ground water yield.
- This is the last existing lot of record on this street, that is not developed on this road.

Tyler Zagryn of DiMauro Architects stated the following:

- His client, the Kurzer's are seeking approval from the Board for a new water service connection on their 50,000 sq. foot lot, of which only 25,000 sq. foot is usable space.
- The applicant has drilled two wells and did not have enough yield to support a dwelling.
- This is the last vacant lot on the street.

Following clarification on a few items, motion was made by Commissioner Meagher, seconded by Commissioner Beye to approve the **application of Adam et Phyllis Kurzer (Plat 12, Lot 27; Hull Cove Farm Road)** for utility service (water only) connection, as recommended by the Public Works Director. So unanimously voted.

- 2) Review, Discussion and Possible Action regarding the **application of Church Community Housing Corp. and Owner: Jamestown Center Partners, Inc./Timothy E. Baker, President (Plat 9, Lot 207; 53 Narragansett Avenue)** for utility service change of use

The Public Works Director stated the following:

- He believes that the Board is familiar with the applicant and their proposed project.
- The applicant is seeking approval for change of use from commercial/residential use the existing to all residential units.
- The existing building has 4 residential units and the proposed redevelopment will bring the total residential units to 9.

- The applicant has provided estimated water usage based upon recent per capita demand of 39 gallons per a person/per a day.
- The applicant has anticipated 21 occupants for the 9 units and have estimated 819 gallons per a day and 298,935 gallons per a year.
- He supports the change of use application based upon the average daily usage as proposed and subject to a condition that all clothes washers, dishwashers and fixtures meet the efficiency standards established by the Water and Sewer Commission.

Following clarification on a few items, motion was made by Commissioner Meagher, seconded by Commission Beye to approve the **application of Church Community Housing Corp. and Owner: Jamestown Center Partners, Inc./Timothy E. Baker, President (Plat 9, Lot 207; 53 Narragansett Avenue)** for utility service change of use, as recommended by the Public Works Director. So unanimously voted.

The Public Works Director stated that recent applications before the Board, are on the existing municipal water lines and are not an extension and that the Board may be receiving requests to extend the water service, specifically on East Shore Road.

3) Review, Discussion and Possible Action regarding Municipal Water Restriction

(Previously discussed)

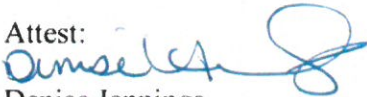
**TOWN BUSINESS**

(None)

**ADJOURNMENT**

There being no further business before the Commission, motion was made by Commissioner Randall White, seconded by Commissioner Beye to adjourn the Water and Sewer meeting at 7:27 PM. So unanimously voted.

Attest:



Denise Jennings

Water and Sewer Clerk

xc: Commission Members (5)  
 Town Administrator  
 Town Solicitor  
 Public Works Director  
 Town Clerk

## Project Update September 2020

### WELLS

JR-1, JR-3

- JR-1 is currently being monitored for drawdown in the well to make sure the pump is in the water column. The well pumps water at a rate of 50 gpm directly into the transmission main feeding the water plant from the reservoir.

### TREATMENT PLANT

- Since Labor Day demand for water has been adjusting to normal levels with pumping returning to averages typical for this time of year. The rainfall deficit continues for the Town of Jamestown with our current total for the year at almost 13 inches below average. As of September 16<sup>th</sup> the reservoir storage has dropped to 42" below the spillway elevation with usable storage at 31 million gallons or half the total at North Reservoir. This elevation triggers limitations on use for our customers which prohibits lawn irrigation, house washing, boat washing, and car washing.

### TRANSFER PUMPING/RESERVOIR

- No water was transferred from South Pond.
- The highway department has returned to the Bike Path project at North Reservoir. Crews have been working on filling and grading the south face of the earthen dam using soil material generated from the bike path construction. Fill and grading should be complete the week of September 21<sup>st</sup>. Crews will spread loam across the dam for seed then install the subsurface drain along the toe of the slope. Once complete work will continue on grading the gravel surface to prepare the entire length of the path for asphalt paving. The last item will be the split rail fencing along the length of the dam to prohibit access to the top of the dam and reservoir.
- I have contacted the RIDEM wetlands program about addressing a small patch of phragmites that have been growing in the north reservoir. If reservoir levels continue to drop and/or remain low into October we may be able to remove the phragmites for offsite disposal with minimal disturbance. If we do not address the phragmites they will continue to expand in area at the northern limits of the reservoir impacting native vegetation and eventually taking over the shoreline of the reservoir. The phragmites have doubled in area just in the past two years.

### DISTRIBUTION SYSTEM

South Pond @ 6 MG

Usable Storage, 5 Million Gallons

North Pond @ 60 MG

Usable Storage 31 Million Gallons

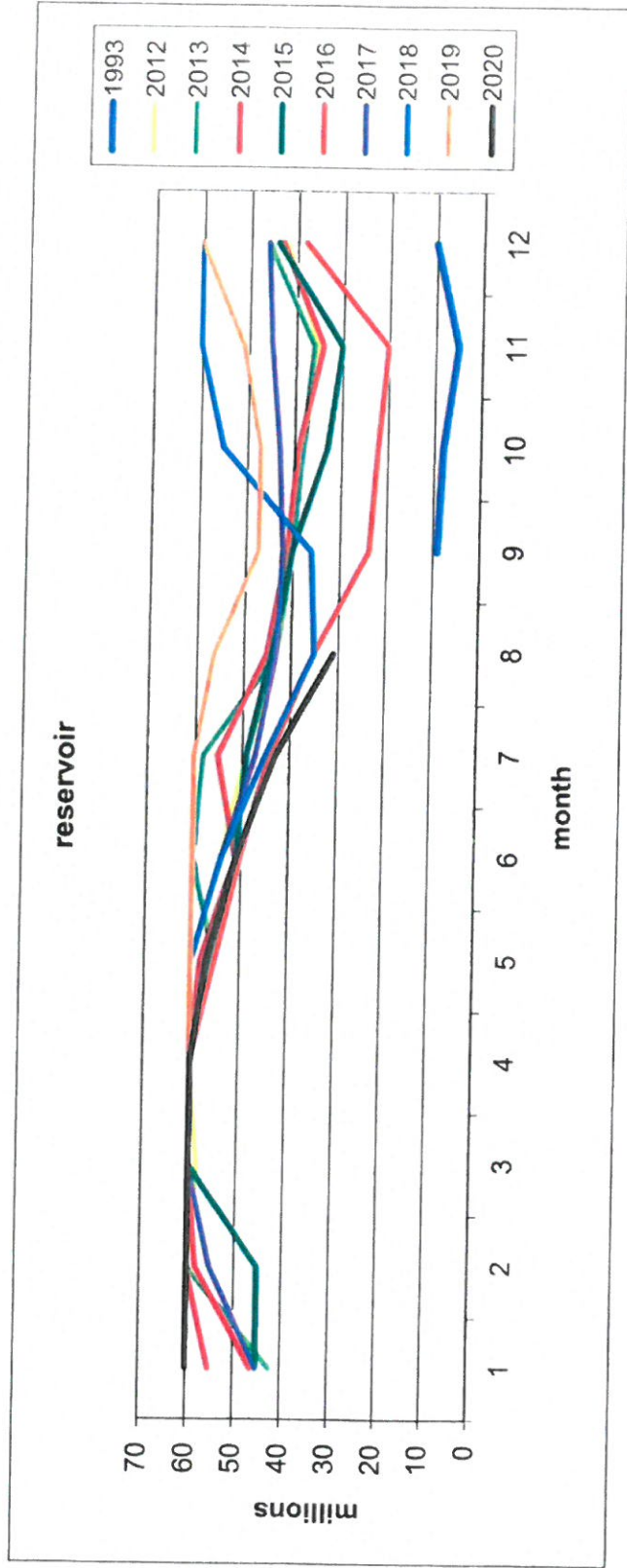
- There were no leaks reported for September.

### WASTEWATER TREATMENT PLANT

- The monthly average daily flow at the treatment plant for August was 0.11 million gallons per day. The peak daily flow was 0.18 million gallons. The permitted monthly average is 0.73 million gallons per day as a condition of our discharge permit. There were no sanitary sewer overflows for the month of August.

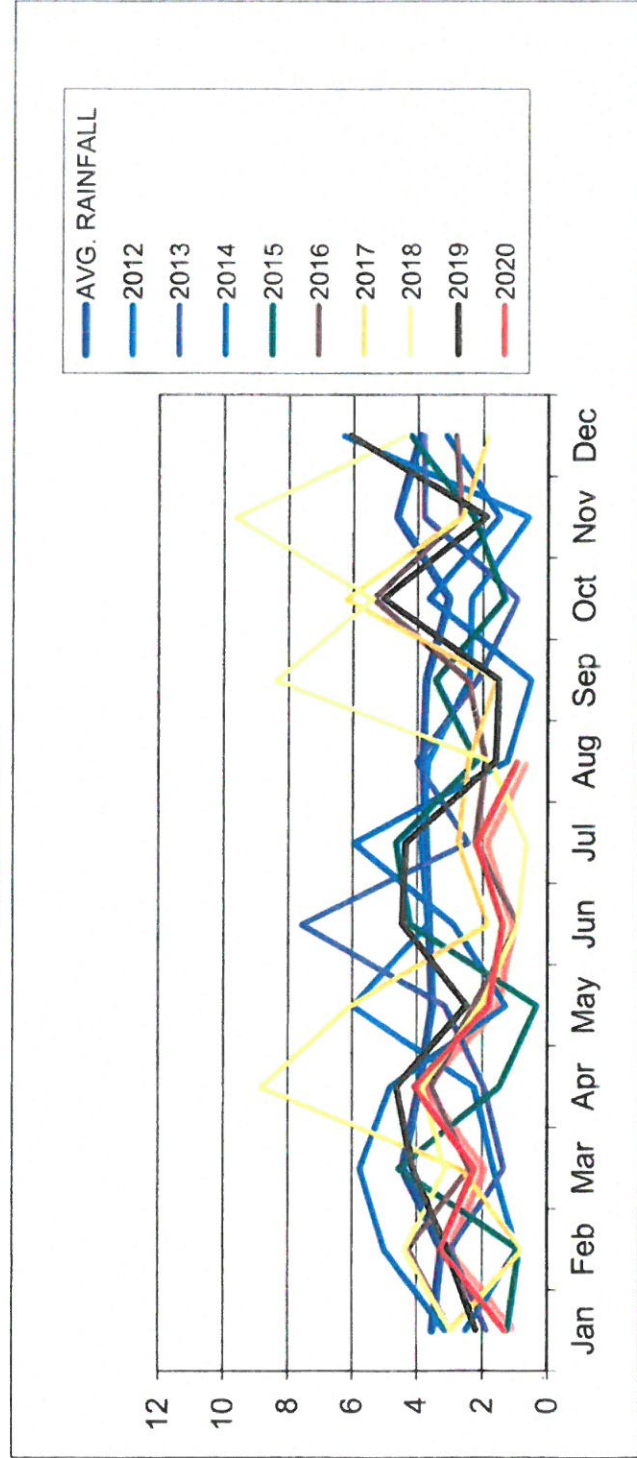
# RESERVOIR LEVEL

	1993	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Jan		30	60	42	55	45	46	45	60	60	60
Feb		52	60	60	60	45	58	55	60	60	60
Mar		58	58	60	60	60	60	60	60	60	60
Apr		60	60	60	60	60	60	60	60	60	60
May		57	60	55	58	56	55	60	60	60	60
Jun		51	54	60	51	51	50	54	54	60	57
Jul		43	49	58	55	49	44	47	45	60	51
Aug	9	47	43	43	45	44	35	43	35	60	43
Sep	8	45	40	40	41	40	23.5	42	36	56	31
Oct	5	58	38	38	39	33	22	43	55	47	47
Nov	10	60	35	36	34	30	20	45	60	51	51
Dec		60	42	46	43	44	38	46	60	60	60

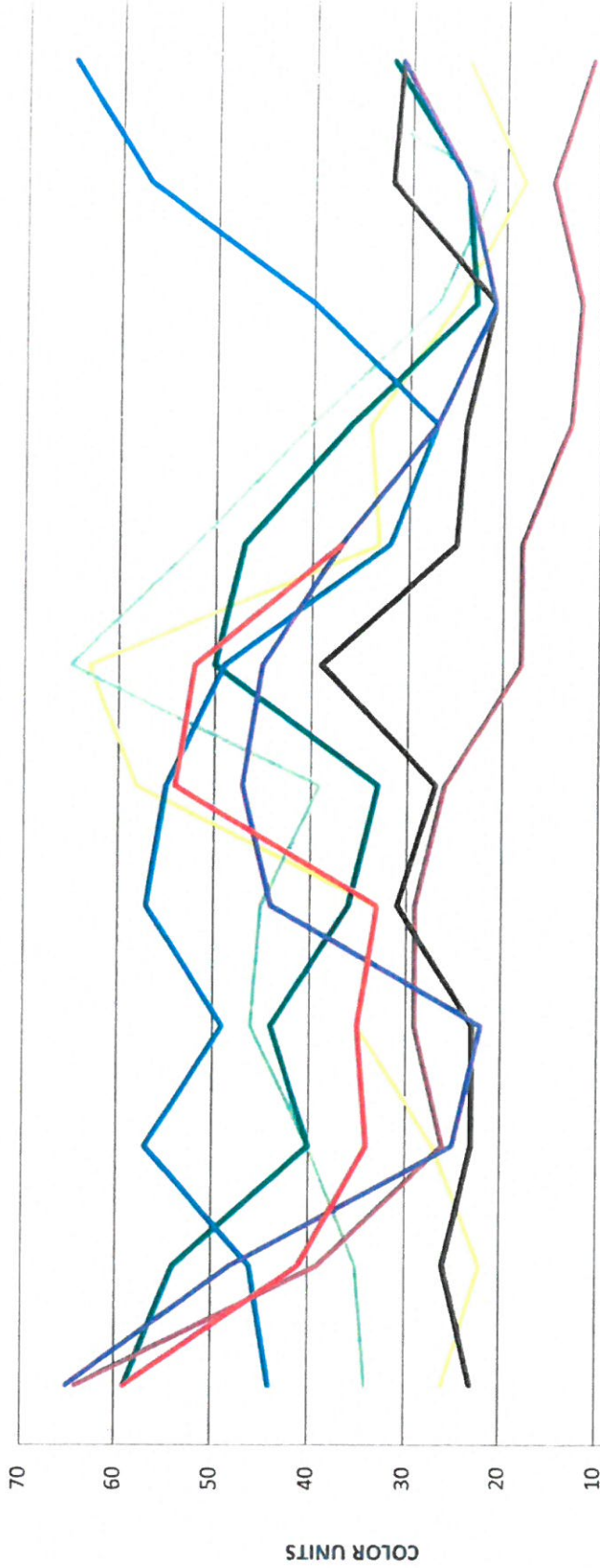


	2012	2013	2014	2015	2016	2017	2018	2019	2020
Jan	3.5	1.85	3.1	1.22	2.94	2.94	2.94	2.19	1.3
Feb	3.2	2.94	4.98	0.86	4.25	0.76	4.33	3.06	3.26
Mar	4.4	1.32	5.74	4.53	2.36	2.62	3.07	4.11	2.21
Apr	3.9	1.92	4.8	1.47	3.53	8.8	3.79	4.61	4.03
May	3.5	5.97	1.27	0.32	2.24	6.03	2.03	2.46	1.79
Jun	3.6	3.64	2.86	4.2	0.89	1.79	0.89	4.44	1.36
Jul	3.7	3.86	5.93	4.63	2.19	2.7	0.61	4.33	2.16
Aug	3.8	3.64	1.23	2.17	1.88	2.4	1.73	1.58	0.91 avg 29.6
Sep	3.7	2.39	0.5	3.41	2.42	1.54	8.35	1.49	
Oct	3	2.33	3.61	1.31	5.33	6.18	5.34	5.04	
Nov	4.6	0.58	1.47	2.27	2.63	2.61	9.61	1.89	
Dec	3.9	6.28	3.1	4.2	2.79	1.81	4.33	6.09	
Total	44.8	35.99	38.59	30.59	33.45	40.18	47.02	41.29	17.02

## RAINFALL



# Transfer Pumping NORTH POND WATER QUALITY

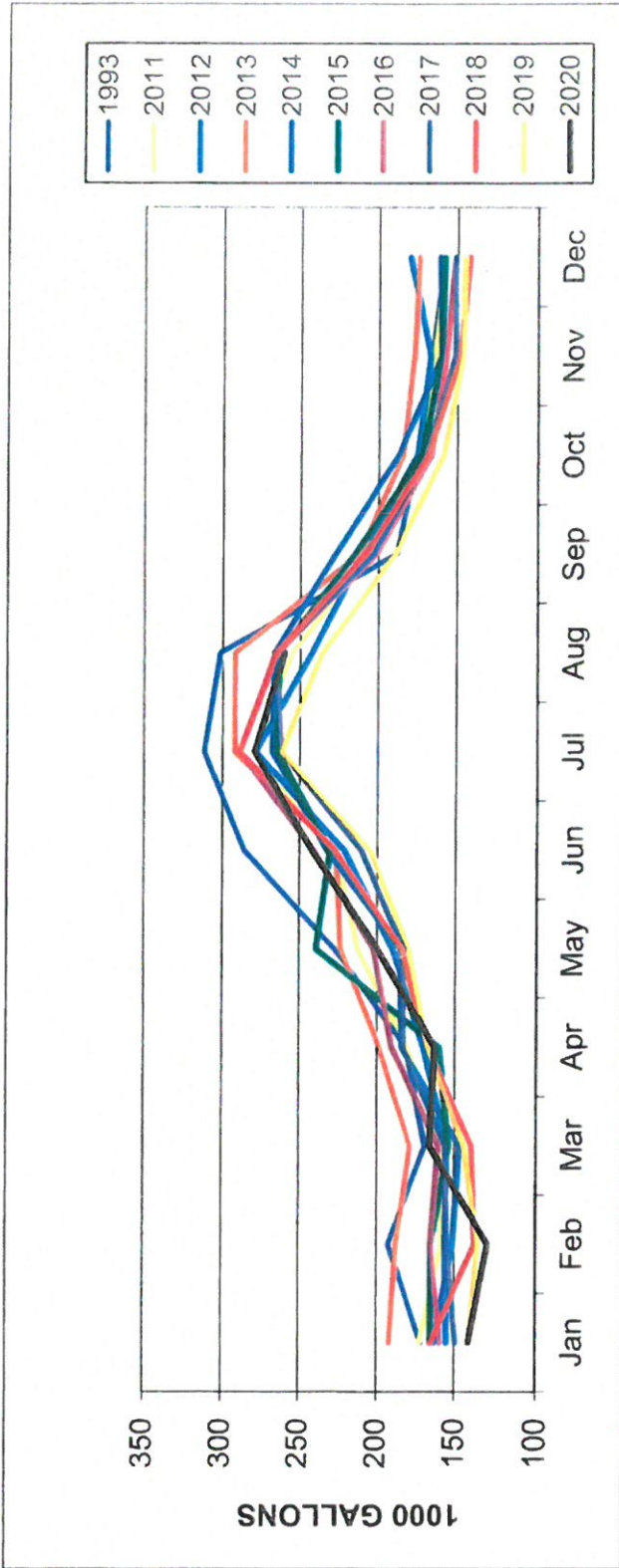


	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2013	26	22	27	35	33	58	63	33	34	25	18	24
2014	34	35	40	46	45	39	65	52	40	27	21	44
2015	59	54	40	44	36	33	50	47	36	23	24	32
2016	64	39	26	29	29	26	18	18	13	12	15	11
2017	23	26	23	23	31	27	39	25	24	21	32	31
2018	44	46	57	49	57	55	49	32	27	40	57	65
2019	65	48	25	22	44	47	45	37	27	21	24	31
2020	59	41	34	35	33	54	52	37	27	21	24	31



	1993	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Jan	171	172	173	239	172	155	191	163	165	159	149	165	141	141
Feb	192	154	173	210	158	156	187	151	165	165	155	137	135	129
Mar	169	155	165	198	157	155	178	147	154	160	156	139	144	166
Apr	181	174	196	210	180	170	198	184	160	190	183	167	167	163
May	227	202	195	180	212	190	223	185	239	202	183	184	179	200
Jun	285	246	215	218	226	221	226	232	230	240	210	227	204	242
Jul	311	296	277	274	279	278	291	267	264	288	261	288	261	279
Aug	301	256	290	251	254	242	291	266	263	264	266	265	235	260
Sep	188	210	245	193	205	210	212	227	215	201	203	208	189	
Oct	175	187	259	182	175	175	184	187	172	166	170	168	158	
Nov	166	175	226	160	164	167	177	160	160	157	151	148	146	
Dec	158	192	230	167	158	180	174	161	158	151	151	142	145	

### PUMPING REPORT





TOWN OF JAMESTOWN WWTF  
MONTHLY REPORT  
AUGUST 2020

Douglas Ouellette, Superintendent

## Parameters

	<u>Monthly Avr.</u>	<u>Permit Limit</u>	<u>Notes</u>
Flow	.1149	MGD	.73 MGD
Daily Max	.1800		
BOD Removal	99.2%	85%	% Removed
TSS Removal	98.8%	85%	% Removed
Fecal Coliform	1.29	No limit, report only	
Enterococci	0.72	(<35 cfu/100ml Monthly)	(<276 cfu/100ml Daily)

## Environmental Compliance (Violations)

There are 0 violations to report for the month of August 2020

## Complaints

There were no complaints reported for this month.

## Alarms

The facility had five alarms in August 2020, two were low Cl<sub>2</sub> alarms, and one was a highwater alarm at PS#1 which was caused by the pump pulling air due to low flows and a check valve limit switch malfunction. The fourth was an RAS pump alarm caused by a power blip. The fifth was at PS#4, a lightning strike damaged the dialer and level controller.

## Septage

The facility received no septage for August 2020

### Sludge Production

The facility processed 78,000 gallons of sludge through Wastewater Services Incorporated.

### Maintenance Management

Facility staff installed a new dishwasher in the lab, a refurbished Verbatim alarm dialer and Multi Trode Controller were installed at PS#4. Inland Waters removed grit from aerators #1,2 and 3, the grit tank and the septage receiving station were also cleaned. Grease and grit were removed from PS#1,2 and 3 as well.

### Chemical Use

The facility used 507 gallons of Sodium hypochlorite and 0 pounds of lime for process control.

### Collection System

31 pump station inspections were completed. All stations are operating as designed.

### Energy Use

Energy use for August 2020 was: 187 KWH

### Precipitation

Precipitation for August 2020 was 1.31"

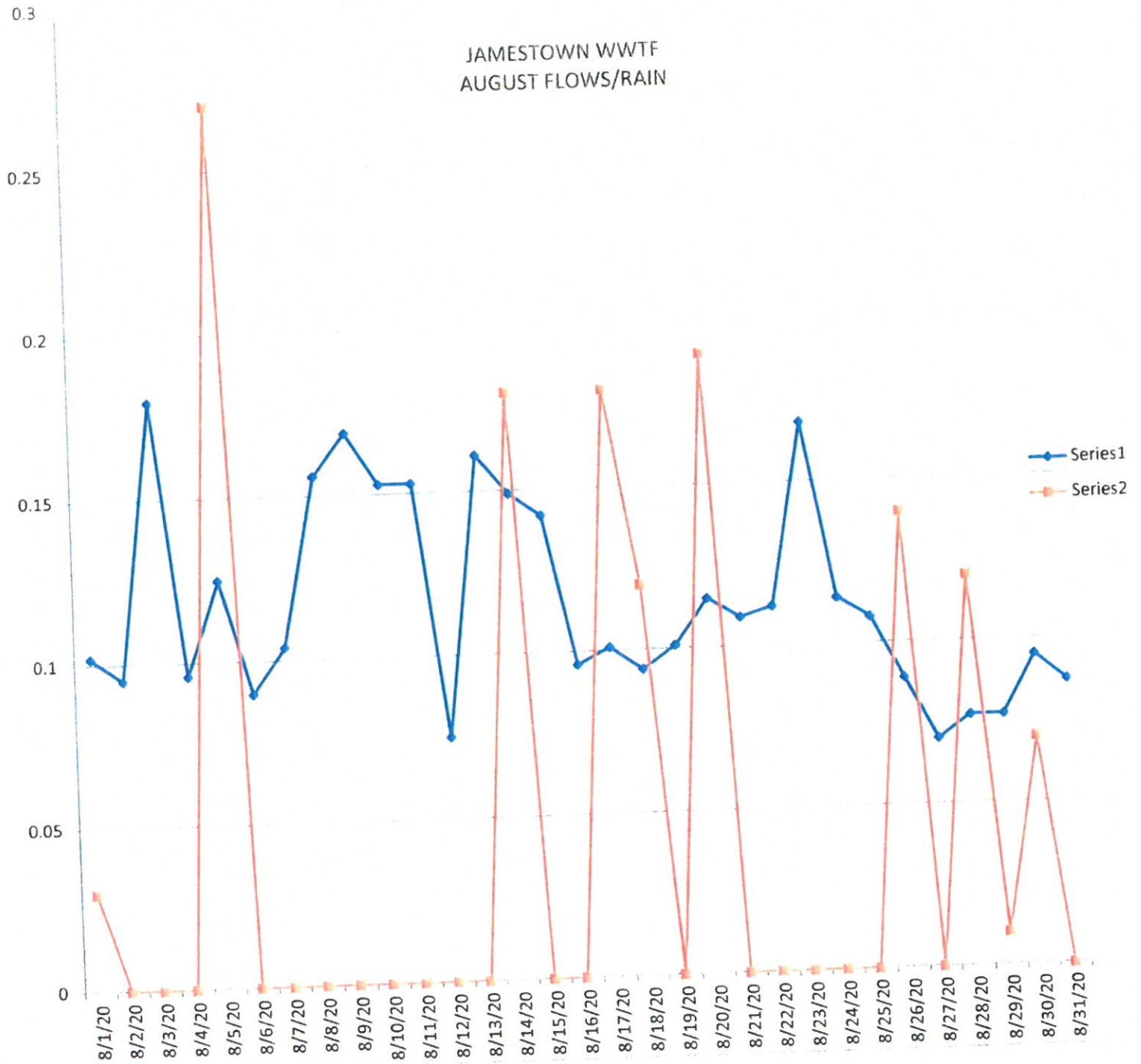
### Golf Course

1.377 gallons of effluent was pumped to the pond in August.

### Work Orders

70 work orders were completed.

### Graphs



## Project Update October 2020

### WELLS

JR-1, JR-3

- JR-1 is currently being monitored for drawdown in the well to make sure the pump is in the water column. The well pumps water at a rate of 50 gpm directly into the transmission main feeding the water plant from the reservoir.

### TREATMENT PLANT

- The rainfall deficit continues for the Town of Jamestown with our current total for the year at almost 15 inches below average. As of October 15th the reservoir storage has dropped to 56" below the spillway elevation with usable storage at 23 million gallons at North Reservoir. Currently we have a ban on use for our customers which prohibits lawn irrigation, house washing, boat washing, and car washing.

### TRANSFER PUMPING/RESERVOIR

- No water was transferred from South Pond.
- The highway department has returned to the Bike Path project at North Reservoir. Crews have completed the grading work on the earthen dam and grass is beginning to grow. They have now shifted the focus back onto the path with the construction of a retaining wall along a section adjacent to the wetland. The wall is complete and crews are working on completing the fill and grading for the approach to the bridge and subsurface drainage along the toe of the dam. Cardi will be onsite in a few weeks for the asphalt paving along the entire length of the path.

### DISTRIBUTION SYSTEM

South Pond @ 6 MG

Usable Storage, 5 Million Gallons

North Pond @ 60 MG

Usable Storage 23 Million Gallons

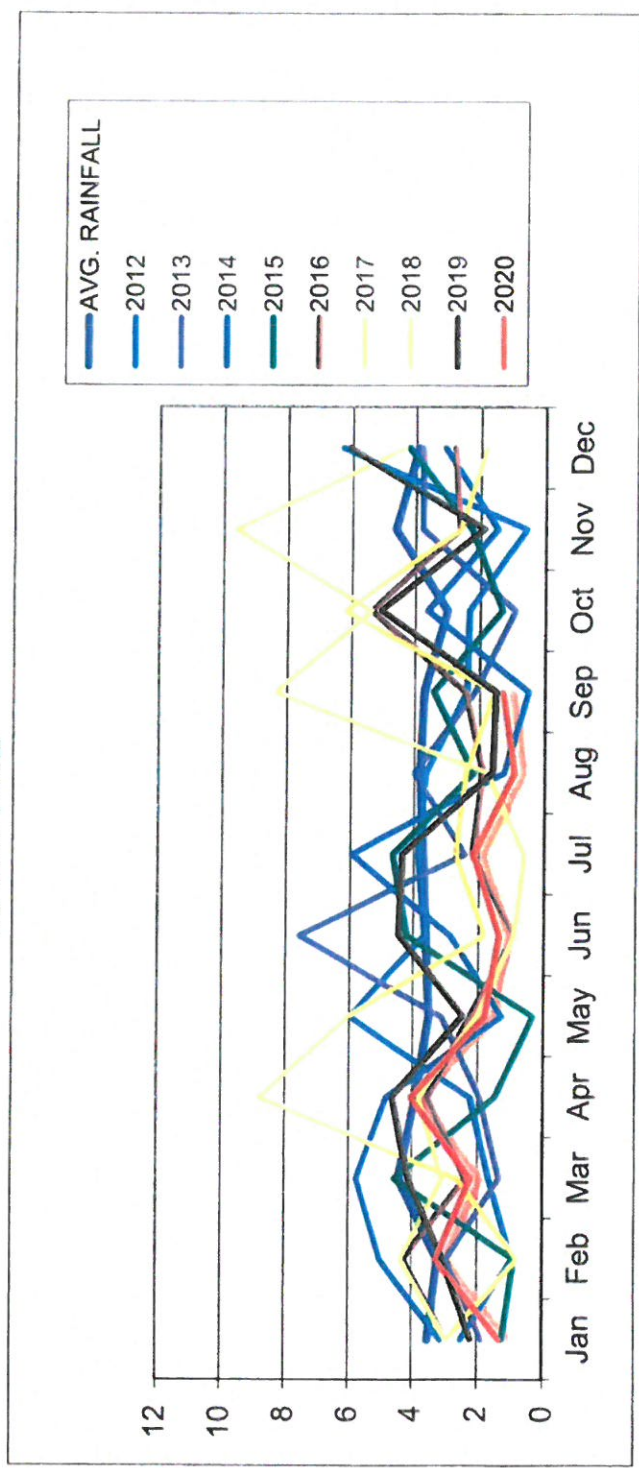
- There was a serious leak in the watermain in front of the Early Learning Center on North Road. Crews discovered a large hole in the main where a repair was made almost 50 years ago.
- A new water service was installed at 7 Beavertail Road adjacent to Mackerel Cove Beach
- During the week of October 19<sup>th</sup> the water department will install a water service to the new golf Course Clubhouse building.
- Jamie and I met with residents along East Shore Road to discuss issues with individual wells with respect to yield and water quality.

### WASTEWATER TREATMENT PLANT

- The monthly average daily flow at the treatment plant for September was 0.11 million gallons per day. The peak daily flow was 0.15 million gallons. The permitted monthly average is 0.73 million gallons per day as a condition of our discharge permit. There were no sanitary sewer overflows for the month of September.
- Staff will be prepared to discuss the Westwind Drive sewer forcemain at the November meeting. This issue may take more than one meeting so we thought it to be appropriate to review with the commission after the election.

	2012	2013	2014	2015	2016	2017	2018	2019	2020
Jan	3.5	1.85	3.1	1.22	2.94	2.94	2.94	2.19	1.3
Feb	3.2	2.94	4.98	0.86	4.25	0.76	4.33	3.06	3.26
Mar	4.4	1.32	5.74	4.53	2.36	2.62	3.07	4.11	2.21
Apr	3.9	2.24	4.8	1.47	3.53	8.8	3.79	4.61	4.03
May	3.5	5.97	1.27	0.32	2.24	6.03	2.03	2.46	1.79
Jun	3.6	3.64	2.86	4.2	0.89	1.79	0.89	4.44	1.36
Jul	3.7	3.86	5.93	4.63	2.19	2.7	0.61	4.33	2.16
Aug	3.8	3.64	1.23	2.17	1.88	2.4	1.73	1.58	0.91
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Total	44.8	35.99	38.59	30.59	33.45	40.18	47.02	41.29	18.29

### RAINFALL

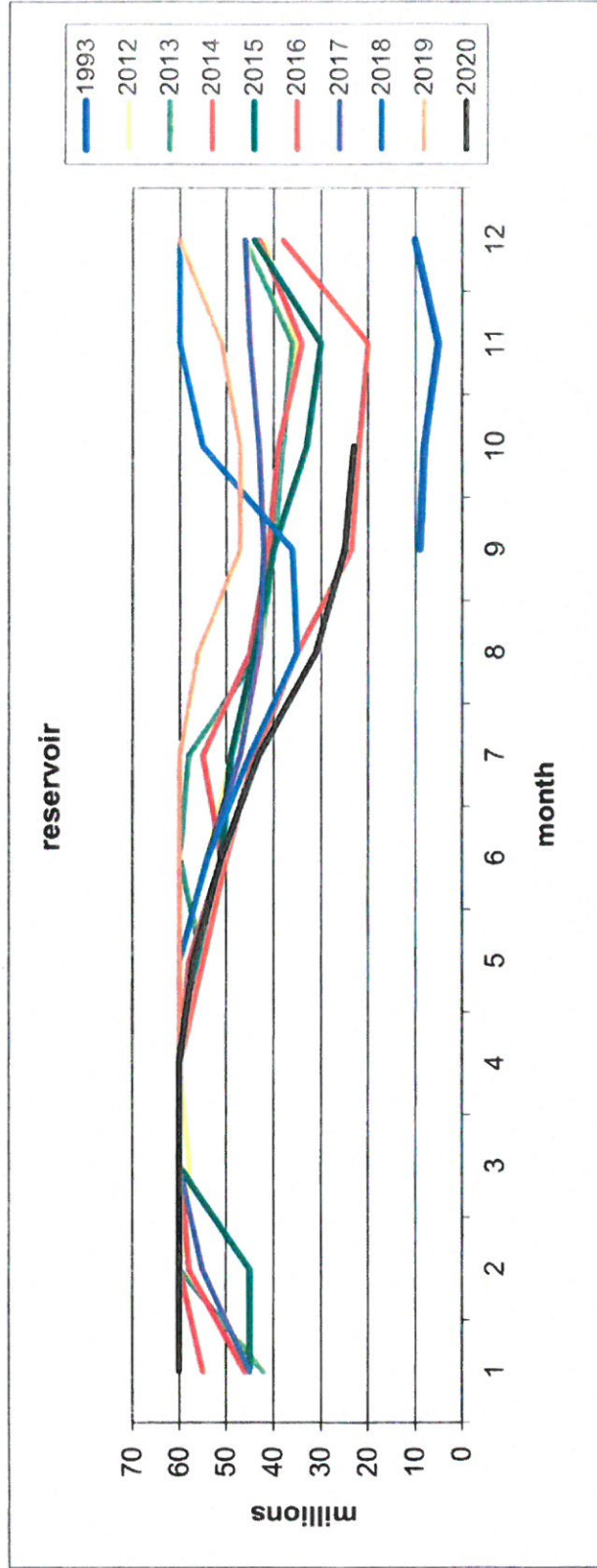






# RESERVOIR LEVEL

	1993	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Jan		30	60	42	55	45	46	45	60	60	60
Feb		52	60	60	60	45	58	55	60	60	60
Mar		58	58	60	60	60	60	60	60	60	60
Apr		60	60	60	60	60	60	60	60	60	60
May		57	60	55	58	56	55	60	60	60	57
Jun		51	54	60	51	51	50	54	54	60	51
Jul		43	49	58	55	49	44	47	45	60	43
Aug	9	47	43	43	45	44	35	43	35	56	31
Sep	8	45	40	40	41	40	23.5	42	36	47	25
Oct	5	58	38	38	39	33	22	43	55	47	23
Nov		60	35	36	34	30	20	45	60	51	
Dec	10	60	42	46	43	44	38	46	60	60	





TOWN OF JAMESTOWN WWTF  
MONTHLY REPORT  
SEPTEMBER 2020

Douglas Ouellette, Superintendent

## Parameters

	<u>Monthly Avr.</u>	<u>Permit Limit</u>	<u>Notes</u>
Flow	.1098 MGD	.73 MGD	
Daily Max	.148 MGD		
BOD Removal	98.9%	85%	% Removed
TSS Removal	98.0%	85%	% Removed
Fecal Coliform	1.3	No limit, report only	
Enterococci	1.0	(<35 cfu/100ml Monthly)	(<276 cfu/100ml Daily)

## Environmental Compliance (Violations)

There are 0 violations to report for the month of October 2020

## Complaints

There were no complaints reported for this month.

## Alarms

The facility had four alarms in October 2020, one was low Cl2 alarms, and three were a highwater alarm at PS#1 which was caused by the pump pulling air due to low flows and a check valve limit switch malfunction. The fourth was an RAS pump alarm caused by a power blip.

## Septage

The facility received 5250 gallons septage for October 2020

### **Sludge Production**

The facility processed 80500 gallons of sludge through Wastewater Services Incorporated.

### **Maintenance Management**

Facility staff made wooden shelving unit for two blowers in station two wet well, installed verbatim in station four sent old one to be refurbished. IPS installed new mechanical seal in sludge/septage pump #1

### **Chemical Use**

The facility used 386.8 gallons of Sodium hypochlorite and 100 pounds of lime for process control.

### **Collection System**

30 pump station inspections were completed. All stations are operating as designed.

### **Energy Use**

Energy use for September 2020 was: 162 KWH

### **Precipitation**

Precipitation for September 2020 was 1.04"

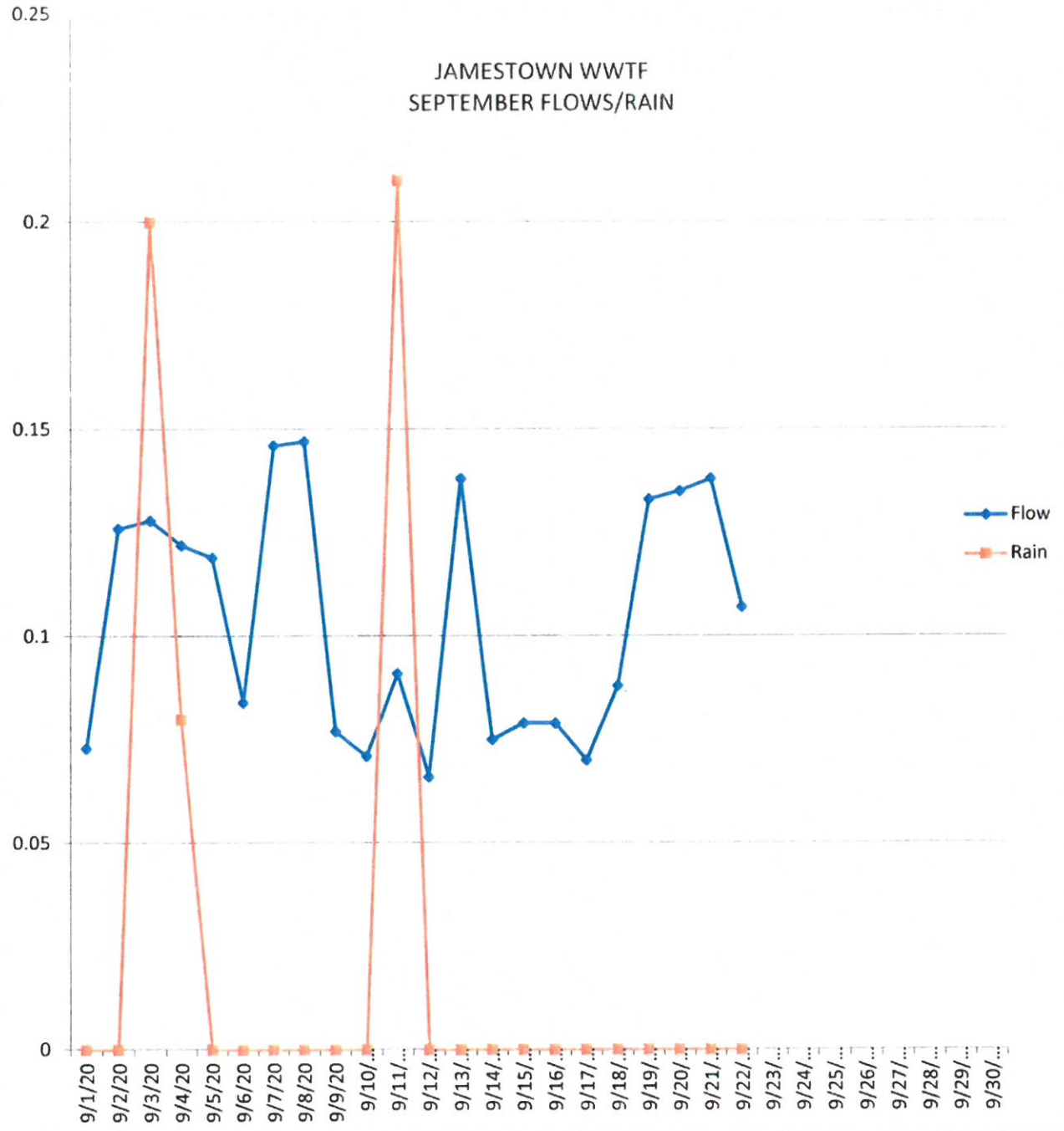
### **Golf Course**

.889 MGD gallons of effluent was pumped to the pond in September.

### **Work Orders**

77 work orders were completed.

# Graphs



## Exhibit A

### Sec. 22-61. - Statement of public policy.

The town council finds and declares that extreme and excessive noise affects the health, safety and welfare of its residents and citizens.

### Sec. 22-62. - Purpose, title and scope.

(a) The purpose of this article is to establish objective standards to control extreme and excessive noise by setting maximum permissible sound levels for certain times and places in town.

(b) This article may be cited as the "Noise Ordinance of the Town of Jamestown."

(c) This article applies within the town limits as specified below.

### Sec. 22-63. - Measurement of sound.

~~Decibel measurement under this article shall be made with a sound level meter, which shall be an instrument in good operating condition, meeting the requirements of a type I or type II meter, as specified by American National Standards Institute (ANSI) standard 1.4-1971. For purposes of this article, a sound level meter shall contain A-weighted scale and both fast and slow meter response capability.~~

### Sec 22-63 Definitions

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall have the meanings shown. Definitions of technical terms used shall be obtained from publications of acoustical terminology used by the American National Standards Institute (ANSI) or its successor body.

**A-SCALE (dBA)** The sound level in decibels measured using the A-weighted network as specified in ANSI S1.4-1971 for sound level meters. The level is designated "dB(A)" or "dBA."

**CONSTRUCTION** Any and all activity necessary or incidental to the erection, assembly, alteration, installation, repair or equipping of buildings, roadways, infrastructure, or utilities, including drilling, blasting, mining, land clearing, grading, excavating and filling.

**DECIBEL (dB)** A logarithmic and dimensionless unit of measure often used in describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

**DEMOLITION** Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, impervious surfaces, or similar property.

**EMERGENCY WORK** Work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from imminent exposure to danger.

**EXTERIOR GENERATOR** Gas, propane or diesel-powered engine designed to generate electricity outside the confines of a building.

**LOT** Any area, a tract or parcel of land owned by or under the lawful control of one distinct ownership. Abutting platted lots under the same ownership shall be considered a lot. The lot line or boundary is an imaginary line at ground level which separates a lot and its vertical extension owned by one person from that owned by another.

**MOTORCYCLE** Any motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term shall include motorized bicycles and motor scooters.

**MOTOR VEHICLE** Any motor operated vehicle designed for use on the public highways.

**NOISE DISTURBANCE** Any sound which:

- A. Exceeds the dBA level for such sound set out in this chapter and;
- B. Annoys, disturbs or endangers the comfort, repose, peace or safety of a reasonable person of normal sensitivities.

**OFF-ROAD RECREATIONAL VEHICLE** Any motor vehicle, including road vehicles but excepting watercraft, used off public roads for recreational purposes.

**PERSON** Any individual, association, partnership or corporation, including any officer, department, bureau, agency or instrumentality of the United States, a state or any political subdivision of that state, including the Town.

**PLAINLY AUDIBLE (SOUND)** Any sound for which the information content of that sound is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms.

**PORTABLE COOLING/HEATING COMPRESSOR**

The gas, propane or diesel compressor attached to a truck, trailer or temporary storage unit whose purpose is to heat or cool the space to which it is attached.

**POWERED MODEL VEHICLE** Any self propelled airborne, waterborne or land borne model plane, vessel or vehicle which is not designed to carry persons including, but not limited to, any model airplane, boat, car or rocket.

**PUBLIC RIGHT-OF-WAY** Any street, avenue, highway, boulevard, alley, easement or public space which is owned by or controlled by a public government entity.

**PUBLIC SPACE** Any real property, including any structure thereon, which is owned or controlled by a governmental entity.

**PURE TONE** Any sound which can be distinctly heard as a single pitch or set of single pitches.

**REAL PROPERTY BOUNDARY** An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

**RECEIVING LAND USE** The use or occupancy of the property which receives the transmission of sound as defined in this section.

**RESIDENTIAL** Any property on which is located a building or structure used wholly or partially for living or sleeping purposes.

**SOUND** An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

**SOUND LEVEL** The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network such as A, B or C, as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

**SOUND LEVEL METER** An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output or display meter, and weighting networks used to measure sound pressure levels, which complies with American National Standards Institute Standard 1.4-1971.

**ZONING DISTRICTS** Those districts established by and defined in Chapter 82, Zoning, of the Code of the Town of Jamestown.



**Sec. 22-64. - Freedom of speech and expression unaffected.**

This article should not be interpreted, construed or applied in a manner that is inconsistent or violative of the First Amendment to the U.S. Constitution or article I, section 21 of the Rhode Island Constitution.

**Sec. 22-65. - Prohibited noises.**

No person shall make, continue or cause to be made or continued, except as permitted, any noise or sound which constitutes a noise disturbance, as defined in this chapter.

~~No person shall make, continue or cause to be made or continued, except as permitted, any noise in excess of the decibel limits set forth in this article.~~

**Sec 22-66 Permitted activities and hours**

A. Fireworks displays. Fireworks displays licensed by the State of Rhode Island Fire Marshal are permitted between the hours of 7:00 p.m. and 11:00 p.m.

B. Loading and unloading. Any person shall be permitted to load, unload, open, close or handle crates, containers, garbage cans and dumpsters, building materials or similar objects outdoors between the hours of 5:00 a.m. and 9:00 p.m.

**C. Construction and manufacturing.**

(1) Drilling, blasting, mining, manufacturing or demolition work. The operation of any tools or equipment in drilling, blasting, mining, manufacturing or demolition work or in preventive maintenance work for public service utilities is permitted between the hours of 7:00 a.m. and 5:00 p.m., except on Sundays or legal holidays. The terms of this section shall not apply to emergency work or repair work performed by or for governmental entities or public service utilities for public safety and welfare.

(2) Building construction activities. The operation of building construction, alteration or repair activities is permitted between the hours of: 7:00 a.m. and 8:00 p.m. Monday, Tuesday, Wednesday, Thursday; 7:00 a.m. and 7:00 p.m. Friday; 8:00 a.m. and 6 p.m. Saturday.

Sundays and legal holidays operation is permitted between the hours of 10:00 a.m. and 6:00 p.m. only when directly performed by the property owner or tenant.

D. Domestic power tools. The use of small, domestic power tools or equipment, such as a saw, drill, sander, grinder or similar device, used outdoors in residential areas is allowed but subject to the noise levels set out in Sec. 22-68.

E. Lawn care and grounds maintenance equipment. The use of lawn care and grounds maintenance equipment, such as a lawnmower, leaf blower, lawn or garden tool, if used and maintained in accordance with the manufacturer's specifications, is permitted between the hours of 7:00 a.m. and 8:00 p.m. Monday, Tuesday, Wednesday, Thursday; 7:00 a.m. and 7:00 p.m. Friday; 8:00 a.m. and 6 p.m. Saturday.

Sundays and legal holidays operation is permitted between the hours of 10:00 a.m. and 6:00 p.m. only when directly performed by the property owner or tenant.

F. Operation of snow-removal, street cleaning and public works equipment. The operation of snow-removal, street cleaning and public works equipment by the Department of Public Works is allowed at any time, provided that such equipment shall be maintained in good repair so as to minimize noise. Noise discharged from exhausts shall be adequately muffled so as to prevent loud and/or explosive sounds being emitted there from.

G. Town-permitted activities:

(1) Parades or processions for which a parade permit has been issued, provided the conditions of the permit are complied with.

(2) Any athletic event or recreational activity which is conducted and sponsored or funded in part by any elementary or secondary school or the Town of Jamestown, on property owned and controlled by the Town of Jamestown.

(3) Band concerts or music provided, sponsored or funded, in whole or in part, by the Town of Jamestown or by any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code, or on property owned and controlled by the Town of Jamestown for which a valid permit has been obtained.

H. Church or clock carillons, bells or chimes. The emission of sound from church or clock carillons, bells or chimes is permitted at any time.

I. Emergency signaling devices. The testing of a stationary emergency signaling device shall occur at the same time of day each time the test is performed, but not before 8:00 a.m. or after 9:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall the test time exceed 60 seconds. The emission of sound for the purpose of alerting persons to the existence of an emergency is permitted at any time.

J. The operation of an external generator or portable cooling/heating compressor is permitted at any time during a power outage or a power reduction, or for testing or routine maintenance of the generator or compressor only between the hours of 10:00 a.m. and 6:00 p.m. Such testing or maintenance shall be restricted to no more 30 minutes during any seven day period.

K. The operation of an external generator or portable cooling/heating compressor is permitted at any time for use on or in conjunction with an active construction site, provided

all other provisions of the Noise Ordinance are met with respect to hours of construction, and provided further that continuous operation of a generator or compressor at a construction site is permitted where said operation is integral to the nature of the construction project itself and industrial activities otherwise permitted in an industrial zone.

L. Aircraft. The movements of aircraft which are in all respects conducted in accordance with, or pursuant to, applicable federal laws or regulations are permitted.

**Sec. 22-67. – Maximum permissible sound levels.**

**22-67. Specific activities prohibited.**

The following acts and the causing thereof are declared to be in violation of this chapter:

A. Radios, television sets, musical instruments and similar devices. No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device, or any combination of the same, which produces, reproduces or simulates amplified sound:

(1) In such a manner as to create a noise disturbance across a real property boundary.

(2) In such a manner as to create a noise disturbance at 50 feet from such device, when operated in or on a motor vehicle on a public right-of-way or space, or in a boat on public waters.

(3) In such a manner as to create a noise disturbance to any person other than the operator of the device when operated by any person on either a common carrier, public beach, park, playground or other public recreational area.

B. Animals and birds. No person shall own, possess or harbor any animal or animals, bird or birds which frequently or for continued duration howls, barks, meows, squeaks, or makes other sounds which create a noise disturbance across a real property boundary.

C. Vehicle or motorboat repairs and testing. No person shall repair, rebuild, modify or test any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a real property boundary.

D. Motorboats, jet skis and similar devices. No person shall operate or permit the operation of any motorboat, jet ski or other similar device in any lake, river, stream or other waterway in such a manner so as to cause a noise disturbance and/or as to exceed a sound level of 50 dBA at 200 feet or the nearest shoreline, whichever is less.

F. Motor vehicles.

(1) Motor vehicle maximum sound levels. No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right of way at any time in such a manner as to create a noise disturbance.

(2) Adequate mufflers or sound dissipative devices.

(a) No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or sound dissipative device in good working order and in constant operation.

(b) No person shall remove or render inoperative or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle or motorcycle.

(3) Motor vehicle horns and signaling devices. The following acts and the causing thereof are declared to be in violation of this chapter:

(a) The sounding of any horn or other auditory signaling device on or in any motor vehicle on any public right of way or public space, except as a warning of danger or as provided in the Vehicle Code.

(b) The sounding of any horn or other auditory signaling device so as to create or cause a noise disturbance.

**Sec 22-68 Penalties Sec 22-68 Sound Levels by receiving land use**

A. Maximum permissible sound levels by receiving land use. With the exception of sound levels elsewhere specifically authorized or allowed in this chapter, no person shall operate or cause to be operated, make, continue or cause to be made or continued any noise or source of sound as to create a sound level which exceeds the limits set forth for the receiving land use category in Table 1 when measured at or within the property boundary of the receiving land use.

Maximum permitted sound levels are as follows:

Table 1

<u>Zoning Category</u>	<u>Time</u>	<u>Decibel Limit</u>
<u>OS-I, OS-II, RR-200, RR-80, R-40, R-20, R-8</u>	<u>8:00 a.m. to 10:00 p.m.</u>	<u>70</u>
<u>OS-I, OS-II, RR-200, RR-80, R-40, R-20, R-8</u>	<u>10:00 p.m. to 8:00 a.m.</u>	<u>60</u>

<u>CL, CD, CW, DC, P</u>	<u>All</u>	<u>75</u>
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B. Correction for character of sound. For any source of sound which emits a pure tone, the maximum sound level limits set forth in Subsection A Table 1 shall be reduced by five dBA.

C. Measurement of sound.

(1) Decibel measurements shall be made with a sound level meter, which shall be an instrument in good operating condition meeting the requirements of a Type I or Type II meter, as specified by ANSI Standard 1.4-1971. For purposes of this chapter, a sound level meter shall contain an A-weighted scale and both fast and slow meter response capability.

(2) If the measurements are made with other instruments, the procedure shall be carried out in such a manner that the overall accuracy is at least that called for in ANSI Standard 1.4-1971 for Type II instruments.

(3) When the location or distance prescribed in this chapter for measurement of sound is impractical or would provide misleading or inaccurate results, measurements may be taken at other locations or distances using appropriate correction factors specified in this chapter.

**Sec. 22-69. – Construction activities.**

No person shall operate or permit the operation of any tools, vehicles or equipment involved or related to any construction or demolition work during the following hours: Monday through Friday between 8:00 p.m. to 7:00 a.m. the following day; Saturday from 6:00 p.m. to 7:00 a.m. the following day; and Sunday from 7:00 a.m. to 7:00 a.m. the following day. Such activities are also prohibited from 7:00 a.m. to 7:00 a.m. the following day on all federal and state holidays.

**Sec. 22-69. Sound variances.**

A. The Town Council shall have the authority, consistent with this section, to grant sound variances from this chapter after public hearing.

B. Any person seeking a sound variance under this section shall file an application with Town Council. The application shall contain information which demonstrates that bringing the source of sound or activity for which the sound variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons.

C. All applications shall be subject to a fee of \$50 per day if granted and, whether granted or denied, an amount sufficient to cover the cost of advertising and notification to all residents and property owners within 100 feet of the noise source. Advertisement shall be made at least once, seven days prior to the public hearing, in a newspaper of general circulation in the Town. Notification shall be by regular mail at least seven days prior to the public hearing.

D. In determining whether to grant or deny an application or revoke a variance previously granted, Council shall balance hardship to the applicant, the community and other persons if the sound variance is not allowed against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impact, if the sound variance is allowed. Applicants for sound variances and persons contesting sound variances may be required to submit any information that Council may reasonably require. In granting or denying an application or in revoking a sound variance previously granted, Council shall place on public file a copy of the decision and the reasons for granting, denying or revoking the sound variance.

E. Sound variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The sound variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the sound variance shall terminate it and subject the person holding it to those provisions of this chapter regulating the source of sound or activity for which the sound variance was granted.

F. Determination of modification of a granted variance shall be made in accordance with the rules and procedures set forth in the section for original applications.

**Sec. 22-70. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Construction* means any and all outside activity necessary or incidental to the erection, assembling, altering, installing, repair or equipping of buildings, roadways, infrastructure, or utilities including drilling, blasting, mining, land clearing, grading, excavating and filling.

*Demolition* means any dismantling, intentional destruction or removal of structures, infrastructure, utilities, public or private right of way surfaces, or similar property.

**Sec. 22-70- Enforcement.**

This article shall be implemented, administered and enforced by the town police department.

**Sec. 22-71. Exemptions.**

The provisions of this article shall not apply to:

- (1) ~~The operation of snow removal equipment at any time provided that such equipment shall be maintained in good repair so as to minimize noise. Noise discharged from exhausts shall be adequately muffled so as to prevent loud and/or explosive sounds.~~
- (2) ~~Lawn care and grounds maintenance equipment in normal daytime use if used and maintained in accordance with the manufacturer's specifications.~~
- (3) ~~Public emergency activities required to ensure the health, safety and welfare of the citizenry.~~
- (4) ~~The normal day to day agricultural activities associated with the raising of livestock and crops.~~
- (5) ~~Ordinary or routine maintenance and/or repair performed by the owner or resident of a property.~~

**Sec.22-71- Landlords and Property Owner Liability and Responsibility**

**The owner of any property shall be concurrently subject to all fines and penalties as prescribed in Sec. 22-72, regardless of the offending individual(s).**

**Sec. 22-72- Fines and Penalties.**

- (a) Any person found to be in violation of this article shall be punished as follows:
- (1) The first offense shall be punished by the issuance of a written warning to immediately cease and desist the violation.
  - (2) The second offense within any twelve month period, shall be punished by a fine of ~~\$25.00-~~\$250.00.
  - (3) The third offense and each subsequent offense within twelve month period, shall be punished by a fine of ~~\$100.00.~~ \$500.00.
- (b) Any such person charged with a violation of this article shall pay said fine as prescribed within 5-days or shall be summonsed to appear before the District Court.

**~~Sec. 22-72. — Enforcement.~~**

~~This article shall be implemented, administered and enforced by the town police department.~~

**~~Sec. 22-73. — Penalties.~~**

~~Any person found to be in violation of this article shall be punished as follows:~~

~~(1)~~

~~The first offense shall be punished by the issuance of a written warning to cease and desist the violation.~~

~~(2)~~

~~The second offense shall be punished by a fine of \$250.00 and a notice to cease and desist the violation.~~

~~(3)~~

~~The third offense and each subsequent offense shall be punished by a fine of \$500.00 and a notice to cease and desist the violation.~~

**~~Sec. 22-74. — Sunset clause.~~**

~~The provisions of this article shall expire on December 14, 2010, unless the town council takes affirmative action to extend this article.~~



**PUBLIC HEARING NOTICE  
TOWN OF JAMESTOWN**

1  
2  
3  
4 Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public  
5 hearing on August 17, 2020 at 6:30 p.m. on the following proposed amendment to the Code of  
6 Ordinances regarding Chapter 22 – Noise. Opportunity shall be given to all persons interested to  
7 be heard upon the matter at the public hearing. The following proposed ordinance amendment is  
8 under consideration and may be adopted and/or altered or amended prior to the close of the  
9 public hearing without further advertising, as a result of further study or because of the views  
10 expressed at the public hearing. Any alteration or amendment must be presented for comment in  
11 the course of the public hearing. The proposed amendment is available for review and/or  
12 purchase at the Town Clerk’s Office between the hours of 8:30 a.m. and 4:30 p.m., Monday  
13 through Friday, excluding Holidays and on the Town’s web site at [www.jamestownri.net](http://www.jamestownri.net).

14  
15 **PURSUANT TO EXECUTIVE ORDER NO. 20-05 EXECUTED BY GOVERNOR GINA**  
16 **RAIMONDO ON MARCH 16, 2020, THIS MEETING WILL BE TELECONFERENCED**  
17 **VIA ZOOM:** The public is invited to observe and participate in the deliberations of this meeting  
18 by accessing the meeting link set forth herein. For those without access to video observation  
19 platforms, you may also call in to listen to the deliberations of this meeting by using the call in  
20 phone number provided herein. To participate during Public Hearing or Public Input you will  
21 press \*9 to raise your hand. Please join the Zoom Meeting as follows:

22  
23 **JOIN VIA PHONE:1-646-558-8656 or 1-301-715-8592 or 833 548 0276 US Toll-free.**  
24 **WHEN PROMPTED, ENTER MEETING ID: 970 3632 6664**  
25 **PRESS # AGAIN TO JOIN THE MEETING**

26  
27 **JOIN VIA COMPUTER OR MOBILE APP:**  
28 **Meeting ID: <https://zoom.us/j/97036326664>**

29  
30 **THIS MEETING WILL ALSO BE LIVE STREAMED: To view the meeting with no**  
31 **interaction:**<http://158.123.195.41/OTRMedia/Town2020/Others2020/StreamPrimJtown.htm>

32  
33 **Section 1.** Be it hereby ordained by the Town Council of the Town of Jamestown that the  
34 Jamestown Code Of Ordinances, Chapter 22, Noise, as the same may have been heretofore  
35 amended, is hereby amended by changing the text of the Chapter, as follows:

36  
37 NOTE: words set as ~~strikethrough~~ are to be deleted from the ordinance; words  
38 underlined are to be added to the ordinance.

39  
40 See Exhibit A, attached hereto and incorporated herein by reference.

41  
42 **Section 2.** The Town Clerk is hereby authorized to cause said changes to be made to Chapter  
43 22 of the Town of Jamestown’s Code of Ordinances.

44  
45 **Section 3.** This Ordinance shall take effect upon its passage.  
46

47 **Exhibit A**

48 **Sec. 22-61. - Statement of public policy.**

49 The town council finds and declares that extreme and excessive noise affects the health, safety  
50 and welfare of its residents and citizens.

51 **Sec. 22-62. - Purpose, title and scope.**

52 (a) The purpose of this article is to establish objective standards to control extreme and  
53 excessive noise by setting maximum permissible sound levels for certain times and places in  
54 town.

55  
56 (b) This article may be cited as the "Noise Ordinance of the Town of Jamestown."

57  
58 (c) This article applies within the town limits as specified below.

59 ~~**Sec. 22-63. - Measurement of sound.**~~

60 ~~Decibel measurement under this article shall be made with a sound level meter, which shall be an~~  
61 ~~instrument in good operating condition, meeting the requirements of a type I or type II meter, as~~  
62 ~~specified by American National Standards Institute (ANSI) standard 1.4-1971. For purposes of~~  
63 ~~this article, a sound level meter shall contain A-weighted scale and both fast and slow meter~~  
64 ~~response capability.~~

65 **Sec 22-63 Definitions**

66 Unless otherwise expressly stated or the context clearly indicates a different intention, the  
67 following terms shall have the meanings shown. Definitions of technical terms used shall be  
68 obtained from publications of acoustical terminology used by the American National Standards  
69 Institute (ANSI) or its successor body.

70  
71 **A-SCALE (dBA)** The sound level in decibels measured using the A-weighted network as  
72 specified in ANSI S1.4-1971 for sound level meters. The level is designated "dB(A)" or "dBA."

73  
74 **CONSTRUCTION** Any and all activity necessary or incidental to the erection, assembly,  
75 alteration, installation, repair or equipping of buildings, roadways, infrastructure, or utilities,  
76 including drilling, blasting, mining, land clearing, grading, excavating and filling.

77  
78 **DECIBEL (dB)** A logarithmic and dimensionless unit of measure often used in describing the  
79 amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of  
80 the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per  
81 square meter).

82 **DEMOLITION** Any dismantling, intentional destruction or removal of structures, utilities, public  
83 or private right-of-way surfaces, impervious surfaces, or similar property.

84

85 **EMERGENCY WORK** Work made necessary to restore property to a safe condition following  
86 a public calamity, work to restore public utilities, or work required to protect persons or property  
87 from imminent exposure to danger.  
88

89 **EXTERIOR GENERATOR** Gas, propane or diesel-powered engine designed to generate  
90 electricity outside the confines of a building.  
91

92 **LOT** Any area, a tract or parcel of land owned by or under the lawful control of one distinct  
93 ownership. Abutting platted lots under the same ownership shall be considered a lot. The lot line  
94 or boundary is an imaginary line at ground level which separates a lot and its vertical extension  
95 owned by one person from that owned by another.  
96

97 **MOTORCYCLE** Any motor vehicle having a saddle or seat for the use of the rider and designed  
98 to travel on not more than three wheels in contact with the ground. The term shall include  
99 motorized bicycles and motor scooters.  
100

101 **MOTOR VEHICLE** Any motor-operated vehicle designed for use on the public highways.  
102

103 **NOISE DISTURBANCE** Any sound which:

104 A. Exceeds the dBA level for such sound set out in this chapter and;

105 B. Annoys, disturbs or endangers the comfort, repose, peace or safety of a reasonable  
106 person of normal sensitivities.  
107

108 **OFF-ROAD RECREATIONAL VEHICLE** Any motor vehicle, including road vehicles but  
109 excepting watercraft, used off public roads for recreational purposes.  
110

111 **PERSON** Any individual, association, partnership or corporation, including any officer,  
112 department, bureau, agency or instrumentality of the United States, a state or any political  
113 subdivision of that state, including the Town.  
114

115 **PLAINLY AUDIBLE (SOUND)** Any sound for which the information content of that sound is  
116 unambiguously communicated to the listener, such as, but not limited to, understandable spoken  
117 speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms.  
118

119 **PORTABLE COOLING/HEATING COMPRESSOR**

120 The gas, propane or diesel compressor attached to a truck, trailer or temporary storage unit whose  
121 purpose is to heat or cool the space to which it is attached.  
122

123 **POWERED MODEL VEHICLE** Any self-propelled airborne, waterborne or land borne model  
124 plane, vessel or vehicle which is not designed to carry persons including, but not limited to, any  
125 model airplane, boat, car or rocket.  
126

127 **PUBLIC RIGHT-OF-WAY** Any street, avenue, highway, boulevard, alley, easement or public  
128 space which is owned by or controlled by a public government entity.  
129

130 **PUBLIC SPACE** Any real property, including any structure thereon, which is owned or controlled  
131 by a governmental entity.

132  
133 **PURE TONE** Any sound which can be distinctly heard as a single pitch or set of single pitches.  
134

135 **REAL PROPERTY BOUNDARY** An imaginary line along the ground surface, and its vertical  
136 extension, which separates the real property owned by one person from that owned by another  
137 person, but not including intrabuilding real property divisions.

138  
139 **RECEIVING LAND USE** The use or occupancy of the property which receives the transmission  
140 of sound as defined in this section.

141  
142 **RESIDENTIAL** Any property on which is located a building or structure used wholly or partially  
143 for living or sleeping purposes.

144  
145 **SOUND** An oscillation in pressure, particle displacement, particle velocity or other physical  
146 parameter in a medium with internal forces that cause compression and rarefaction of that medium.  
147 The description of sound may include any characteristic of such sound, including duration,  
148 intensity and frequency.

149  
150 **SOUND LEVEL** The weighted sound pressure level obtained by the use of a sound level meter  
151 and frequency weighting network such as A, B or C, as specified in American National Standards  
152 Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision  
153 thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

154  
155 **SOUND LEVEL METER** An instrument which includes a microphone, amplifier, RMS  
156 detector, integrator or time average, output or display meter, and weighting networks used to  
157 measure sound pressure levels, which complies with American National Standards Institute  
158 Standard 1.4-1971.

159  
160 **ZONING DISTRICTS** Those districts established by and defined in Chapter 82, Zoning, of the  
161 Code of the Town of Jamestown.

162

163 **Sec. 22-64. - Freedom of speech and expression unaffected.**

164 This article should not be interpreted, construed or applied in a manner that is inconsistent or  
165 violative of the First Amendment to the U.S. Constitution or article I, section 21 of the Rhode  
166 Island Constitution.

167 **Sec. 22-65. - Prohibited noises.**

168 No person shall make, continue or cause to be made or continued, except as permitted, any noise  
169 in excess of the decibel limits set forth in this article.

170

171 **Sec 22-66 Permitted activities and hours**

172 A. Fireworks displays. Fireworks displays licensed by the State of Rhode Island are permitted  
173 between the hours of 7:00 p.m. and 11:00 p.m.

174  
175 B. Loading and unloading. Any person shall be permitted to load, unload, open, close or handle  
176 crates, containers, garbage cans and dumpsters, building materials or similar objects outdoors  
177 between the hours of 5:00 a.m. and 9:00 p.m.

178  
179 C. Construction and manufacturing.

180  
181 (1) Drilling, blasting, mining, manufacturing or demolition work. The operation of any  
182 tools or equipment in drilling, blasting, mining, manufacturing or demolition work or in  
183 preventive maintenance work for public service utilities is permitted between the hours of  
184 7:00 a.m. and 5:00 p.m., except on Sundays or legal holidays. The terms of this section  
185 shall not apply to emergency work or repair work performed by or for governmental  
186 entities or public service utilities for public safety and welfare.

187  
188 (2) Building construction activities. The operation of building construction, alteration or  
189 repair activities is permitted between the hours of: 7:00 a.m. and 8:00 p.m. Monday,  
190 Tuesday, Wednesday, Thursday; 7:00 a.m. and 7:00 p.m. Friday; 8:00 a.m. and 6 p.m.  
191 Saturday.

192  
193 Sundays and legal holidays operation is permitted between the hours of 10:00 a.m. and  
194 6:00 p.m. only when directly performed by the property owner or tenant.

195  
196 D. Domestic power tools. The use of small, domestic power tools or equipment, such as a saw,  
197 drill, sander, grinder or similar device, used outdoors in residential areas is allowed but subject to  
198 the noise levels set out in Sec. 22-68.

199  
200 E. Lawn care and grounds maintenance equipment. The use of lawn care and grounds maintenance  
201 equipment, such as a lawnmower, leaf blower, lawn or garden tool, if used and maintained in  
202 accordance with the manufacturer's specifications, is permitted between the hours of 7:00 a.m. and  
203 8:00 p.m. Monday, Tuesday, Wednesday, Thursday; 7:00 a.m. and 7:00 p.m. Friday; 8:00 a.m.  
204 and 6 p.m. Saturday.

205  
206 Sundays and legal holidays operation is permitted between the hours of 10:00 a.m. and 6:00 p.m.  
207 only when directly performed by the property owner or tenant.

208  
209 F. Operation of snow-removal, street cleaning and public works equipment. The operation of  
210 snow-removal, street cleaning and public works equipment by the Department of Public Works is  
211 allowed at any time, provided that such equipment shall be maintained in good repair so as to  
212 minimize noise. Noise discharged from exhausts shall be adequately muffled so as to prevent loud  
213 and/or explosive sounds being emitted there from.

214  
215 G. Town-permitted activities:

216  
217 (1) Parades or processions for which a parade permit has been issued, provided the  
218 conditions of the permit are complied with.

219  
220 (2) Any athletic event or recreational activity which is conducted and sponsored or funded  
221 in part by any elementary or secondary school or the Town of Jamestown, on property  
222 owned and controlled by the Town of Jamestown.

223  
224 (3) Band concerts or music provided, sponsored or funded, in whole or in part, by the Town  
225 of Jamestown or by any entity qualifying for tax exempt status under Section 501(c)(3) of  
226 the Internal Revenue Code, or on property owned and controlled by the Town of  
227 Jamestown for which a valid permit has been obtained.

228  
229 H. Church or clock carillons, bells or chimes. The emission of sound from church or clock  
230 carillons, bells or chimes is permitted at any time.

231  
232 I. Emergency signaling devices. The testing of a stationary emergency signaling device shall occur  
233 at the same time of day each time the test is performed, but not before 8:00 a.m. or after 9:00 p.m.  
234 Any such testing shall use only the minimum cycle test time. In no case shall the test time exceed  
235 60 seconds. The emission of sound for the purpose of alerting persons to the existence of an  
236 emergency is permitted at any time.

237  
238 J. The operation of an external generator or portable cooling/heating compressor is permitted at  
239 any time during a power outage or a power reduction, or for testing or routine maintenance of the  
240 generator or compressor only between the hours of 10:00 a.m. and 6:00 p.m. Such testing or  
241 maintenance shall be restricted to no more 30 minutes during any seven day period.

242 K. The operation of an external generator or portable cooling/heating compressor is permitted at  
243 any time for use on or in conjunction with an active construction site, provided all other provisions  
244 of the Noise Ordinance are met with respect to hours of construction, and provided further that  
245 continuous operation of a generator or compressor at a construction site is permitted where said  
246 operation is integral to the nature of the construction project itself and industrial activities  
247 otherwise permitted in an industrial zone.

248 L. Aircraft. The movements of aircraft which are in all respects conducted in accordance with, or  
249 pursuant to, applicable federal laws or regulations are permitted.

250

251 ~~Sec. 22-67. – Maximum permissible sound levels.~~

252 22-67. Specific activities prohibited.

253 The following acts and the causing thereof are declared to be in violation of this chapter:

254

255 A. Radios, television sets, musical instruments and similar devices. No person shall operate, play  
256 or permit the operation or playing of any radio, television, phonograph, drum, musical instrument,

257 sound amplifier or similar device, or any combination of the same, which produces, reproduces or  
258 simulates amplified sound:

259  
260 (1) In such a manner as to create a noise disturbance across a real property boundary.

261  
262 (2) In such a manner as to create a noise disturbance at 50 feet from such device, when  
263 operated in or on a motor vehicle on a public right-of-way or space, or in a boat on public  
264 waters.

265  
266 (3) In such a manner as to create a noise disturbance to any person other than the operator  
267 of the device when operated by any person on either a common carrier, public beach, park,  
268 playground or other public recreational area.

269  
270 B. Animals and birds. No person shall own, possess or harbor any animal or animals, bird or birds  
271 which frequently or for continued duration howls, barks, meows, squeaks, or makes other sounds  
272 which create a noise disturbance across a real property boundary.

273  
274 C. Vehicle or motorboat repairs and testing. No person shall repair, rebuild, modify or test any  
275 motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a  
276 real property boundary.

277  
278 D. Motorboats, jet skis and similar devices. No person shall operate or permit the operation of any  
279 motorboat, jet ski or other similar device in any lake, river, stream or other waterway in such a  
280 manner so as to cause a noise disturbance and/or as to exceed a sound level of 50 dBA at 200 feet  
281 or the nearest shoreline, whichever is less.  
282 F. Motor vehicles.

283 (1) Motor vehicle maximum sound levels. No person shall operate or cause to be operated  
284 a public or private motor vehicle or motorcycle on a public right-of-way at any time in such  
285 a manner as to create a noise disturbance.

286  
287 (2) Adequate mufflers or sound-dissipative devices.

288  
289 (a) No person shall operate or cause to be operated any motor vehicle or motorcycle  
290 not equipped with a muffler or sound-dissipative device in good working order and  
291 in constant operation.

292  
293 (b) No person shall remove or render inoperative or cause to be removed or  
294 rendered inoperative, other than for purposes of maintenance, repair or  
295 replacement, any muffler or sound-dissipative device on a motor vehicle or  
296 motorcycle.

297  
298 (3) Motor vehicle horns and signaling devices. The following acts and the causing thereof  
299 are declared to be in violation of this chapter:

300

301 (a) The sounding of any horn or other auditory signaling device on or in any motor  
302 vehicle on any public right-of-way or public space, except as a warning of danger  
303 or as provided in the Vehicle Code.

304  
305 (b) The sounding of any horn or other auditory signaling device so as to create or  
306 cause a noise disturbance.

307 **Sec 22-68 Penalties Sec 22-68 Sound Levels by receiving land use**

308 A. Maximum permissible sound levels by receiving land use. With the exception of sound  
309 levels elsewhere specifically authorized or allowed in this chapter, no person shall operate  
310 or cause to be operated, make, continue or cause to be made or continued any noise or  
311 source of sound as to create a sound level which exceeds the limits set forth for the  
312 receiving land use category in Table 1 when measured at or within the property boundary  
313 of the receiving land use.

314 Maximum permitted sound levels are as follows:

315 Table 1

<u>Zoning Category</u>	<u>Time</u>	<u>Decibel Limit</u>
<u>OS-I, OS-II, RR-200, RR-80, R-40, R-20, R-8</u>	<u>8:00 a.m. to 10:00 p.m.</u>	<u>70</u>
<u>OS-I, OS-II, RR-200, RR-80, R-40, R-20, R-8</u>	<u>10:00 p.m. to 8:00 a.m.</u>	<u>60</u>
<u>CL, CD, CW, DC, P</u>	<u>All</u>	<u>75</u>

316  
317  
318 B. Correction for character of sound. For any source of sound which emits a pure tone, the  
319 maximum sound level limits set forth in Subsection A Table 1 shall be reduced by five dBA.

320  
321 C. Measurement of sound.

322  
323 (1) Decibel measurements shall be made with a sound level meter, which shall be an  
324 instrument in good operating condition meeting the requirements of a Type I or Type II  
325 meter, as specified by ANSI Standard 1.4-1971. For purposes of this chapter, a sound level  
326 meter shall contain an A-weighted scale and both fast and slow meter response capability.

327  
328 (2) If the measurements are made with other instruments, the procedure shall be carried out  
329 in such a manner that the overall accuracy is at least that called for in ANSI Standard 1.4-  
330 1971 for Type II instruments.

331



332 (3) When the location or distance prescribed in this chapter for measurement of sound is  
333 impractical or would provide misleading or inaccurate results, measurements may be taken  
334 at other locations or distances using appropriate correction factors specified in this chapter.  
335

336 **Sec. 22-69. Construction activities.**

337 ~~No person shall operate or permit the operation of any tools, vehicles or equipment involved or~~  
338 ~~related to any construction or demolition work during the following hours: Monday through~~  
339 ~~Friday between 8:00 p.m. to 7:00 a.m. the following day; Saturday from 6:00 p.m. to 7:00 a.m.~~  
340 ~~the following day; and Sunday from 7:00 a.m. to 7:00 a.m. the following day. Such activities are~~  
341 ~~also prohibited from 7:00 a.m. to 7:00 a.m. the following day on all federal and state holidays.~~

342 **Sec. 22-69. Sound variances.**

343 A. The Town Council shall have the authority, consistent with this section, to grant sound  
344 variances from this chapter after public hearing.  
345

346 B. Any person seeking a sound variance under this section shall file an application with Town  
347 Council. The application shall contain information which demonstrates that bringing the source of  
348 sound or activity for which the sound variance is sought into compliance with this chapter would  
349 constitute an unreasonable hardship on the applicant, on the community or on other persons.  
350

351 C. All applications shall be subject to a fee of \$50 per day if granted and, whether granted or  
352 denied, an amount sufficient to cover the cost of advertising and notification to all residents and  
353 property owners within 100 feet of the noise source. Advertisement shall be made at least once,  
354 seven days prior to the public hearing, in a newspaper of general circulation in the Town.  
355 Notification shall be by regular mail at least seven days prior to the public hearing.  
356

357 D. In determining whether to grant or deny an application or revoke a variance previously granted,  
358 Council shall balance hardship to the applicant, the community and other persons if the sound  
359 variance is not allowed against the adverse impact on the health, safety and welfare of persons  
360 affected, the adverse impact on property affected, and any other adverse impact, if the sound  
361 variance is allowed. Applicants for sound variances and persons contesting sound variances may  
362 be required to submit any information that Council may reasonably require. In granting or denying  
363 an application or in revoking a sound variance previously granted, Council shall place on public  
364 file a copy of the decision and the reasons for granting, denying or revoking the sound variance.  
365

366 E. Sound variances shall be granted by notice to the applicant containing all necessary conditions,  
367 including a time limit on the permitted activity. The sound variance shall not become effective  
368 until all conditions are agreed to by the applicant. Noncompliance with any condition of the sound  
369 variance shall terminate it and subject the person holding it to those provisions of this chapter  
370 regulating the source of sound or activity for which the sound variance was granted.  
371

372 F. Determination of modification of a granted variance shall be made in accordance with the rules  
373 and procedures set forth in the section for original applications.

374 ~~Sec. 22-70. Definitions.~~

375 ~~The following words, terms and phrases, when used in this chapter, shall have the meanings~~  
376 ~~ascribed to them in this section, except where the context clearly indicates a different meaning:~~

377 ~~Construction means any and all outside activity necessary or incidental to the erection,~~  
378 ~~assembling, altering, installing, repair or equipping of buildings, roadways, infrastructure, or~~  
379 ~~utilities including drilling, blasting, mining, land clearing, grading, excavating and filling.~~

380 ~~Demolition means any dismantling, intentional destruction or removal of structures,~~  
381 ~~infrastructure, utilities, public or private right-of-way surfaces, or similar property.~~

382 Sec. 22-70- Enforcement.

383 This article shall be implemented, administered and enforced by the town police department.

384 ~~Sec. 22-71. Exemptions.~~

385 ~~The provisions of this article shall not apply to:~~

386 ~~(1)~~

387 ~~The operation of snow removal equipment at any time provided that such equipment shall~~  
388 ~~be maintained in good repair so as to minimize noise. Noise discharged from exhausts~~  
389 ~~shall be adequately muffled so as to prevent loud and/or explosive sounds.~~

390 ~~(2)~~

391 ~~Lawn care and grounds maintenance equipment in normal daytime use if used and~~  
392 ~~maintained in accordance with the manufacturer's specifications.~~

393 ~~(3)~~

394 ~~Public emergency activities required to ensure the health, safety and welfare of the citizenry.~~

395 ~~(4)~~

396 ~~The normal day to day agricultural activities associated with the raising of livestock and~~  
397 ~~crops.~~

398 ~~(5)~~

399 ~~Ordinary or routine maintenance and/or repair performed by the owner or resident of a~~  
400 ~~property.~~

401

402 Sec.22-71- Landlords and Property Owner Liability and Responsibility

403

404 The owner of any property shall be concurrently subject to all fines and penalties as prescribed in  
405 Sec. 22-72, regardless of the offending individual(s).

406

407 Sec. 22-72- Fines and Penalties.

408 (a) Any person found to be in violation of this article shall be punished as follows:

409 (1) The first offense shall be punished by the issuance of a written warning to immediately  
410 cease and desist the violation.

411 (2) The second offense within any twelve month period, shall be punished by a fine  
412 of ~~\$25.00.~~ \$250.00.

413

414 (3) The third offense and each subsequent offense within twelve month period, shall be  
415 punished by a fine of ~~\$100.00.~~ \$500.00.

416

417 (b) Any such person charged with a violation of this article shall pay said fine as prescribed  
418 within 5-days or shall be summonsed to appear before the District Court.

419

420 ~~Sec. 22-72. — Enforcement.~~

421 ~~This article shall be implemented, administered and enforced by the town police department.~~

422 ~~Sec. 22-73. — Penalties.~~

423 ~~Any person found to be in violation of this article shall be punished as follows:~~

424 (1)

425 ~~The first offense shall be punished by the issuance of a written warning to cease and desist~~  
426 ~~the violation.~~

427 (2)

428 ~~The second offense shall be punished by a fine of \$250.00 and a notice to cease and desist~~  
429 ~~the violation.~~

430 (3)

431 ~~The third offense and each subsequent offense shall be punished by a fine of \$500.00 and a~~  
432 ~~notice to cease and desist the violation.~~

433 ~~Sec. 22-74. — Sunset clause.~~

434 ~~The provisions of this article shall expire on December 14, 2010, unless the town council takes~~  
435 ~~affirmative action to extend this article.~~

436

**LEGAL ADVERTISEMENT:** Please insert in the October 8<sup>th</sup> & 15<sup>nd</sup>, 2020 Jamestown Press editions in the "Legal Ad" section (*just like the Zoning Board of Review ads are placed*).

## JAMESTOWN, RHODE ISLAND

### NOTICE

Is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended that the following RENEWAL applications have been received by the Town Council for licenses under said Act, for the year December 1, 2020 to November 30, 2021:

#### **RENEWAL:**

##### CLASS A (PACKAGE STORE) - RETAIL

Tunstall, LLC

dba: Grapes & Gourmets

9 Ferry Wharf

Varsha, Inc.

dba: Jamestown Wine & Spirits

30 Southwest Avenue

##### CLASS B – VICTUALER

Islandish, Ltd.

dba: Chopmist Charlies

40 Narragansett Avenue

Jamestown Restaurant Group, LLC

dba: Narragansett Café

25 Narragansett Avenue

New England Golf Course Management, Inc.

dba: Jamestown Golf and Country Club

aka: The Caddy Shack

245 Conanicus Avenue

Slice of Heaven, Inc

dba: Slice of Heaven

32 Narragansett Avenue

ESJ, Inc.

dba: Simpatico Jamestown

13 Narragansett Avenue

KALI, LLC

dba: J22 Tap & Table

22 Narragansett Avenue

CLASS BT – TAVERN

Bay Voyage, LLC  
dba: Bay Voyage  
150 Conanicus Avenue

CLASS D FULL (CLUB)

Conanicut Yacht Club  
40 Bay View Drive

CLASS B – LIMITED

Lucky Ridge Co., LLC  
dba: Spinnaker's Café  
3 Ferry Wharf

Village Hearth Bakery  
dba: Village Hearth Bakery  
2 Watson Avenue

Johnny Angels Clam Shack, LLC  
dba: Angel's Kitchen  
23 Narragansett Avenue

**NEW LICENSE:**

CLASS B – VICTUALER

Johnny Angels Clam Shack, LLC  
dba: Angel's Kitchen  
23 Narragansett Avenue

CLASS B – VICTUALER

Tallulah's Taqueria, LLC  
dba: Tallulah's Tacos  
35 Narragansett Avenue

The above applications will be in order for hearing at a meeting of said Licensing Board on **Monday, October 19, 2020 at 6:30 p.m.** at which time and place all remonstrates may make their objections against granting these licenses.

**PURSUANT TO EXECUTIVE ORDER NO. 20-05**  
**EXECUTED BY GOVERNOR GINA RAIMONDO ON MARCH 16, 2020,**  
**THIS MEETING WILL BE TELECONFERENCED VIA ZOOM:**

The public is invited to observe and participate in the deliberations of this meeting by accessing the meeting link set forth herein. For those without access to video observation platforms, you may also call in to listen to the deliberations of this meeting by using the call in phone number provided herein. To participate during Public Hearing or Public Input you will press \*9 to raise your hand.

**JOIN VIA PHONE: 1-646-558-8656 or 1-301-715-8592**  
**WHEN PROMPTED, ENTER MEETING ID: 96000851462**  
**PRESS # AGAIN TO JOIN THE MEETING**

Join Zoom Meeting  
<https://us02web.zoom.us/j/81303782471>

Meeting ID: 813 0378 2471

By Order of the Town Council  
Erin F. Liese, CMC  
Town Clerk

*This meeting location is accessible to the physically challenged. If communications assistance is needed or other accommodations to ensure equal participation please call 1-800-745-5555, contact the Town Clerk at 401-423-9800, via facsimile to 401-423-7230, or by email to [eliese@jamestownri.net](mailto:eliese@jamestownri.net) not less than three (3) business days prior to the meeting.*

<b>CLASS A LIQUOR LICENSE</b>				
JAMESTOWN WINE AND SPIRITS	✓	✓		
GRAPES & GOURMET	✓	✓		
<b>CLASS BT LIQUOR LICENSE</b>				
BAY VOYAGE				
<b>CLASS D LIQUOR LICENSE</b>				
CONANICUT YACHT CLUB	✓		PD	
<b>BVL LIQUOR LICENSE</b>				
ANGEL'S KITCHEN*	✓			TIPS CERTIFICATION
SPINNAKER'S	✓	✓		
VILLAGE HEARTH	✓			
<b>CLASS BV LIQUOR LICENSE</b>				
CHOPMIST CHARLIES	✓	✓		
J22	✓	✓		TIPS CERTIFICATION
JAMESTOWN COUNTRY CLUB	✓		PD	
NARRAGANSETT CAFÉ	✓			
SIMPATICO JAMESTOWN	✓	✓		
SLICE OF HEAVEN	✓		FD	
<b>NEW BV LICENSE</b>				
TALLULAH'S TACOS	✓		PD, FD, Zoning	
ANGEL'S KITCHEN*	✓			TIPS CERTIFICATION

2020 / 2021  
 Jamestown License Renewals for 10/19/2020

As of October 15, 2020	HOLIDAY LICENSES	COMPLETED APPLICATION	CERT OF GOOD GOOD STANDING	SIGNATURES REQUIRED	MISSING DOCUMENTS
	ALL ASHORE COTTAGE OUTFITTERS	✓			
	CLARK BOAT YARD	✓		FD, Tax Collector	
	CONANICUT MARINE STORE	✓			
	DEB'S BEADS				
	HODGKISS FARM	✓			
	JAMESTOWN BOAT YARD	✓		FD	
	JAMESTOWN HARDWARE	✓			
	MCQUADE'S LAUNDRY	✓			
	SECRET GARDEN	✓		FD	
	YOUNG NAILS	✓			
	ZEEK'S	✓			
	<b>HOLIDAY / ENTERTAINMENT</b>				
	JAMESTOWN BEER HOLDINGS	✓	✓		
	<b>VICTUALING</b>				
	LIVE & LEARN	✓		FD	
	<b>VICTUALING / HOLIDAY</b>				
	ACE'S PIZZA				
	EAST FERRY DELI	✓			
	MCQUADE'S MARKET	✓			
	WALRUS & CARPENTER OYSTERS	✓		PD, ZONING, H2O, TAX COLL	
	<b>VICTUALING / HOLIDAY W/EXTENDED HOURS</b>				
	CUMBERLAND FARMS	✓		PD, ZONING, H2O, TAX COLL	DOH CERT., R SALES TAX PERMIT



**LEGAL ADVERTISEMENT:** Please insert in October 8, 15, 22, 2020 Jamestown Press editions in the “Legal Ad” section. *(just like the Zoning Board of Review ads are placed).*

JAMESTOWN, RHODE ISLAND

**NOTICE OF A PUBLIC HEARING**

NOTICE is hereby given that there will be a public hearing by and before the Town Council of the Town of Jamestown on October 19, 2020 at 6:30 p.m. pursuant to 5-24-1 of the General Laws of Rhode Island, 1956, and as amended, upon the following applications:

**VICTUALING LICENSE WITH EXTENDED HOURS:**

Cumberland Farms, Inc.  
dba: Cumberland Farms Store #1108  
41 North Main Road  
Plat 8 Lot 626

APPLICATION OF CUMBERLAND FARMS, INC., dba: **Cumberland Farms Store #1108**, for renewal of additional operational hours between 5:00 a.m. and 6:00 a.m. for said establishment, holder of a Victualing License issued by the Town of Jamestown. If granted, this will allow this establishment to continue to be open from 5:00 a.m. to 2:00 a.m. daily (RIGL 5-24-1 allows this establishment to be open until 2:00 a.m.).

All interested persons are notified to be present at said hearing to be heard for or against the granting of said application. All interested persons at said hearing shall be given an opportunity to be heard on said application.

The above application will be in order for hearing at a meeting of the Town Council on **MONDAY, October 19, 2020 at 6:30 p.m.** at which time and place all remonstrates may make their objections against granting this license.

**PURSUANT TO EXECUTIVE ORDER NO. 20-05**  
**EXECUTED BY GOVERNOR GINA RAIMONDO ON MARCH 16, 2020,**

**THIS MEETING WILL BE TELECONFERENCED VIA ZOOM:**

The public is invited to observe and participate in the deliberations of this meeting by accessing the meeting link set forth herein. For those without access to video observation platforms, you may also call in to listen to the deliberations of this meeting by using the call in phone number provided herein. To participate during Public Hearing or Public Input you will press \*9 to raise your hand.

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**WHEN PROMPTED, ENTER MEETING ID: 96000851462**

**PRESS # AGAIN TO JOIN THE MEETING**

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By Order of the Town Council  
Erin F. Liese, CMC  
Town Clerk

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## **Town of Jamestown**

Town Administrator

93 Narragansett Avenue

Jamestown, Rhode Island 02835-1199

401-423-9805

Email: [jhainsworth@jamestownri.net](mailto:jhainsworth@jamestownri.net)

Jamie A. Hainsworth

Town Administrator

**MEMORANDUM TO: Honorable Town Council**

**FROM: Town Administrator, Jamie A. Hainsworth**

**DATE: October 15, 2020**

**SUBJECT: Report for Town Council Meeting October 19, 2020**

**Application for State Funding Grant, “Take it Outside “Award, Consent Item:** As reported in the last meeting the Administration filed a grant application through the RI Department of Commerce for the “take it Outside” program offered through the Federal COVID-19 funds. We were successful with a \$40,000.00 grant award. The funds are to be used for improvements and equipment to continue the operations of local businesses in the colder weather. The current outlook on the virus is we should plan as if this this will continue into at least the spring/ summer of 2021. We are asking the Council to approve the concept and improvements to the parking on Narragansett Ave. to include two temporary canopies, lighting and other equipment that may be necessary to accomplish this mission. The Town is the recipient of the grant the ideas/input were in cooperation of the Jamestown Chamber of Commerce.

**Rescind Ex. Order 20-03 Prohibiting the use of Reusable Bags, Consent Agenda:**

Request the Council rescind this executive order effective November 1, 2020. I had issued this order on March 26, 2020 and once the Council was able to meet the order was ratified. This order prohibited the use of reusable bags in retail businesses an suspended a portion of the Jamestown Code of Ordinance Chapter 22, titled “Environment” (Passed and effected on September 18, 2017). Rescinding of this Ex. Order enables this Ordinance to return in its entirety. I have made the Chamber and some of our retail shops aware of the change to enable them to prepare.

**Lease at West Ferry to Dutch Harbor, Consent Agenda:** The lease agreement for the West Ferry property with Dutch Harbor Boat Yard, LLC is attached and with your approval and authorization I will meet with the owner and finalize this agreement.

**Halloween Events Cancelled, F.Y.I. No Action:** All public events for Halloween have been cancelled. We are certain some children will take part in the door to door “trick or treating” , we have sent out a message to the public suggesting all the usual precautions and they stay local in their communities and neighborhoods.

**TOWN OF JAMESTOWN  
INFORMATION ABOUT BALLOT QUESTION #3**

**Question 3.**

**AMENDMENT TO THE JAMESTOWN TOWN CHARTER**

(Approved by the Jamestown Town Council on May 4, 2020)

**Section 219: Initiative and Referendum**

Shall the Charter of the Town of Jamestown be amended to revise the process and requirements by qualified electors of the Town to use the initiative procedure?

0 Approve

0 Reject.

**EXPLANATION**

Question 3 on the ballot asks whether you approve or reject the proposed changes to Section 219 of the Jamestown Charter regarding Initiative and Referendum Procedures. These changes were recommended to the Town Council by a Charter Review Committee that was established in March 2019. If adopted, these changes would provide additional guidance about who can bring petitions, how the petitions are processed and evaluated, and whether and how initiative petitions are presented to the voters for consideration.

Among the proposed changes are:

- Who may bring a petition. The amendment provides that a petition committee of five qualified Jamestown electors may commence a petition, and sets out a process by which that may occur. The current Charter says only that the voters of Jamestown may initiate legislative proposals.
- Notification to the Town Council. Under the proposed amendment, the Town Clerk would notify the Town Council when (s)he receives a proposed ordinance from a petition committee. This is not a requirement under the Charter now.
- Contents of the Petition. The amendment provides that the Town Clerk will provide uniform petition blanks to the petition committee, and that the full text of the proposed ordinance must appear on each petition blank. This is not currently required.
- Time to file completed petition. Under the proposed amended Charter, the completed petition with signatures would have to be filed within 120 days after the petition committee receives the blanks from the Town Clerk. The Charter currently does not impose a time limit for submission of a completed petition.
- Requirements for collection of signatures. The amendment requires that each person who signs the petition must have read the ordinance or had it read to them, and that each signer understands and supports the proposed ordinance. This isn't required under the existing Charter.
- Petition circulators. If amended, the Charter would require persons who circulated the petition for signatures to submit an affidavit attesting to the number of signatures on each petition and other information about each person who signed, including the circumstances of the signing. This is not a requirement under the exiting Charter.
- Number of signatures required. If the amendment is approved, an initiative petition would be required to contain signatures from a minimum of 12% of the number of persons registered to vote at the last regular town election. Under the current Charter, the requirement is 10%.

- Town Clerk determines number and validity of signatures. If the amendment is adopted, the Town Clerk would determine the number and validity of signatures on a submitted petition in accordance with general guidance in amended Section 219 about how that determination should be made. The current Charter provisions are silent about how validity of a signature is established.
- Process after certification. If the Charter amendment is adopted, the Town Clerk would certify a petition when (s) he determines that it contained enough valid signatures, and the Clerk would forward the certified petition to the Town Council. The Town Council would then have 60 days to consider whether to adopt the ordinance. Under the current Charter, the Town Council must consider and vote on whether to adopt the proposed ordinance within 30 days.
- Submission to Voters, Referendum. Under the proposed Charter amendment, if the Town Council does not adopt the proposed ordinance within 60 days without a change in substance, the petition committee must request that the matter be submitted for a referendum vote within 30 days after that in order to get the matter submitted to the electors for approval or rejection in an election. Under the current Charter, the matter is automatically submitted to the electors at an election if the Council fails to adopt the proposed ordinance without a change in substance within 30 days of receiving it. This change was recommended to avoid the automatic submission of a matter for an election, in the event that the petition committee had not forwarded the matter, to the voters for consideration.
- Withdrawal of Petitions. The proposed Charter amendments provides a procedure by which the petition committee could withdraw its petition to have the matter brought to the voters at an election. Under the current Charter, once the matter is automatically set for a referendum vote at an election because the Town Council failed to act to adopt it within 30 days, it cannot be withdrawn.

TO REVIEW THE FULL TEXT OF BOTH THE PROPOSED AMENDMENTS TO SECTION 219 AND THE CURRENT TEXT OF SECTIONS 218, 219, and 220, PLEASE VISIT THIS WEBSITE:

**<http://www.jamestownri.gov/residents/jamestown-news>**

**CHARTER AMENDMENT QUESTION  
FOR CONSIDERATION AND POSSIBLE ACTION BY  
THE TOWN COUNCIL OF THE TOWN OF JAMESTOWN  
FOR SUBMISSION TO THE VOTERS AT THE NEXT GENERAL ELECTION**

**AMENDMENT TO THE JAMESTOWN TOWN CHARTER  
(Amends Article II, The Town Council, § 219 – Initiative procedure)**

Shall the Charter of the Town of Jamestown be amended to revise the process and requirements by qualified electors of the town to use the initiative procedure?

**PROPOSED AMENDMENTS  
[Existing Provision to be Repealed]**

Sec. 219. - Initiative procedure.

Any proposed ordinance may be submitted to the town council by a petition signed by qualified electors of the town equal in number to at least ten percent of the number of persons registered to vote at the time of the last regular town election. Whenever the town council receives a certified initiative petition from the town clerk, it shall proceed at once to consider the proposed ordinance transmitted therewith, and shall take a final vote on the enactment of same no more than 30 days following receipt of the petition from the town clerk. If the town council shall fail to pass an ordinance thus proposed by initiative petition, or shall pass it in altered form, the said ordinance as originally proposed by the petitioners shall be submitted to the electors for their approval or rejection, no less than 30 days nor more than one year from the date the town council takes its final vote thereon. The town council may, and if no regular election is to be held within such period shall, provide for a special election.

**[New Provision to Replace Repealed Provision]**

Sec 219 – Initiative procedure

Initiative. Any qualified elector who is a resident of Jamestown may propose an ordinance directly to the town council during open forum at any regular town council meeting. In addition, qualified electors who are residents of Jamestown shall have the right to propose an ordinance by initiative petition; provided that such power shall not extend to (a) the budget or capital programs, (b) any emergency ordinance, (c) any ordinance relating to the appropriation of money or levy of taxes, or to the salaries and benefits of town officials or employees; (d) nor to any proposed ordinance which is prohibited by the state constitution, federal constitution, state or federal laws or recognized judicial decisions interpreting state or federal law. Each initiative petition shall be limited to one issue. The initiative petition shall be exercised in the following manner:

Petition Committee. Any five qualified electors who are residents of Jamestown may commence initiative petition proceedings by filing with the town clerk a signed notarized statement from each member stating they are a qualified elector and resident of Jamestown and will constitute the petition committee and (a) setting out in full the proposed ordinance, (b) listing the petition committee member's name and address, (c) stating that that the committee will be responsible for circulating the petition, (d) stating that the committee will be responsible for filing it in proper form, (e) and specifying the one address to which all notices to the committee are to be sent. The town clerk shall provide the petition committee with copies of sections 218, 219 and 220; and with the minimum number of valid signatures the committee must obtain.

Final Proposed Ordinance. A true copy of the final proposed ordinance shall then be filed with the town clerk. The town clerk shall inform the town council of the proposed initiative ordinance.

Initiative Petition. The town clerk shall have thirty days to review the proposed initiative ordinance, and to develop and issue petition blanks to the petition committee. The town clerk shall note the date of first issuing petition blanks. Each petition blank shall contain the full text of the proposed ordinance and shall clearly state that the signer has read or had read to them, understands, and supports the initiative petition ordinance included with the petition.

Number and Form of Signatures. Initiative petitions must be signed by qualified electors who are residents of Jamestown equal in number to at least twelve percent of the total number of persons registered to vote at the last regular town election. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and address of the qualified elector signing, and other information that may be required to identify the person signing.

Time to Circulate Initiative Petition. The petition committee shall have a maximum period of one hundred twenty days, including legal holidays and weekends, to submit the required number of signatures of qualified electors to the town clerk; however, providing that if the final day for submission shall fall on a Saturday, Sunday or legal holiday, the period shall be extended to the first business day following said Saturday, Sunday or holiday. If an initiative petition bearing the required number of signatures is not submitted to the town clerk within one hundred twenty days after the issuance of petition blanks, then the initiative petition shall be considered as withdrawn and shall have no further force or effect and all proceedings thereon shall be terminated.

Affidavit of Circulator. Each initiative petition blank shall have attached to it when completed and filed a notarized affidavit executed by the circulator, who must be an unpaid elector and resident of Jamestown, attesting to the number of signatures thereon, and that: (a) the circulator personally circulated the paper, (b) all the signatures were

affixed in the presence of the circulator, (c) the circulator believes them to be the genuine signatures of the persons whose names they purport to be and (d) each signer had an opportunity to read or have read to them the full text of the ordinance proposed before signing the petition.

Filing of Completed Initiative Petition. Upon completion, all the initiative petitions shall be assembled as one instrument and filed with the town clerk. The town clerk shall determine the number and validity of signatures on the initiative petitions. A signature shall be deemed valid when the town clerk is satisfied that the signature is associated with or attributed to a qualified elector and resident of Jamestown and was executed by the person whose printed name appears next to the signature, regardless of its form. If the town clerk is satisfied that the initiative petition contains the requisite number of valid signatures, the town clerk shall certify the initiative petition and promptly forward the initiative petition to the town council. The town council shall have sixty days to consider the proposed initiative petition ordinance in the manner provided for ordinance adoption.

Submission to Voters, Referendum. If the town council fails to adopt the proposed initiative petition ordinance without any change in substance within sixty days, then the petition committee shall have thirty days to submit to the town clerk a notarized request for a referendum vote signed by all five members. If such a request is submitted within the specified time period, then the proposed initiative petition ordinance shall be submitted to the electors for their approval or rejection, no less than forty five days nor more than one year from the date the town clerk receives a request for a referendum from the petition committee, and if no regular election is to be held within such period, the town council shall provide for a special election. If such a request is not submitted within the specified time period, then the initiative petition shall be considered as withdrawn and shall have no further force or effect and all proceedings thereon shall be terminated. If it is submitted to a referendum vote, pending the decision of the electors, the proposed initiative petition ordinance in question shall remain inoperative.

Withdrawal of Petitions. An initiative petition may be withdrawn at any time prior to the fiftieth day preceding the day scheduled for a vote of the electors by filing with the town clerk a request for withdrawal signed and notarized by at least four members of the petition committee. Upon the filing of such request the petition shall have no further effect and all proceedings thereon shall be terminated.

Referendum procedure. The proposed initiative petition ordinance voted on shall: (a) be a single question, (b) have a title that shall state the purpose or intent of the ordinance, and (c) include the full text of the initiative petition ordinance. The town council may provide a brief statement of their reasons for not supporting the initiative petition ordinance, which shall be provided to the electors at the time of the general vote.

If a majority of the qualified electors of Jamestown vote in favor, such ordinance shall thereupon become a valid binding ordinance of the town, and an ordinance so adopted shall not be altered or modified by the town council within one year after the adoption of



the ordinance. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail.

# October

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5 Town Council Meeting: 6:30 pm	6 Town Council Meeting: 6:30 pm	7 Probate Court 9am Planning Commission 7pm	8	9	10
11	12 Columbus Day Town Hall Closed	13 Library Board of Trustees 5pm (JPL) Conservation Commission 7pm (CR)	14 Housing Authority 10am (PA) Harbor Commission 7pm Town Council Agenda & Bills Deadline @ Noon	15 Traffic Committee 6pm Town Council Packets	16	17
18	19 Town Council/Water & Sewer: 6:30 pm	20 Tree Committee 6:45pm (JPL)	21 Planning Commission 7pm	22	23	24
25	26	27 Zoning Board of Review 7pm	28 Town Council Agenda & Bills Deadline @ Noon	29 Town Council Packets	30	31

# November

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 Town Council Meeting: 6:30 pm	3 General Election	4 Probate Court 9am Planning Commission 7pm	5	6	7
8	9	10 Library Board of Trustees 5pm (JPL) Conservation Commission 7pm (CR)	11 Veteran's Day Town Hall Closed	12	13	14
15	16 Town Council/Water & Sewer: 6:30 pm	17 Town Council Agenda & Bills Deadline @ Noon	18 Planning Commission 7pm	19	20	21
22	23	24 Zoning Board of Review 7pm	25	26 Thanksgiving Day Town Hall Closed	27 Town Hall Closed	28
29	30					

# December

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		<b>1</b>	<b>2</b> Probate Court 9am Planning Commission 7pm	<b>3</b> <i>Town Council Packets</i>	<b>4</b>	<b>5</b>
<b>6</b>	<b>7</b> Town Council Meeting: 6:30 pm	<b>8</b> Library Board of Trustees 5pm (JPL) Conservation	<b>9</b> Housing Authority 10am (PA) Harbor Commission 7pm	<b>10</b>	<b>11</b>	<b>12</b>
<b>13</b>	<b>14</b>	<b>15</b> Zoning Board of Review 7pm	<b>16</b> Planning Commission 7pm <i>Town Council Agenda &amp; Bills Deadline @ Noon</i>	<b>17</b> <i>Town Council Packets</i>	<b>18</b>	<b>19</b>
<b>20</b>	<b>21</b> Town Council/Water & Sewer: 6:30 pm	<b>22</b> Zoning Board of Review 7pm	<b>23</b>	<b>24</b> Christmas Eve Town Hall Close @ 11:45	<b>25</b> Christmas Day Town Hall Closed	<b>26</b>
<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>		

October 12<sup>th</sup>, 2020

Dear Mr. M White and Jamestown Town Council Members,

I am Math Instructor and the Adviser of the Diversity and Inclusion Society at The Naval Academy Preparatory School located in Newport, RI. We would like to use the LT. John C. Rembijas Pavilion at Fort Getty to host our Native American Heritage Month Social. Due to COVID 19 safety precautions, our students have been isolated on base and have not been granted liberty to leave the base. Being allowed to utilize a private space off-site, would give these midshipman the opportunity to see some of our beautiful state. We have spoken with Mr. Andrew Wade, Jamestown Parks & Recreation Director, and feel this would be a perfect spot for our midshipman's first offsite social. We are hoping the town council will allow us to use this space free of charge to host our event. We have some flexibility in regards to the date. Our preference would be Friday, October 30<sup>th</sup>, from 5 PM to 9:30 PM.

The Diversity and Inclusion Society, at NAPS, promotes and develops a more inclusive, welcoming school climate where differences are embraced, valued, and celebrated. We do this through educational events and social activities. The Defense Equal Opportunity Management Institute (DEOMI) has designated various days and/or months to recognize special observances. Native American Heritage Month is one the special observance/awareness months that have been designated. This observance recognizes and celebrates the histories, cultures, and numerous contributions of Native Americans in the United States. The Diversity and Inclusion Club would like to celebrate this month by hosting an educational program, pumpkin carving, and a cookout at Fort Getty.

Our preference would be to hold this event on Friday, October 30<sup>th</sup>. However, we could also host this event on the following dates/times.

Saturday, October 31, 11AM to 5 PM  
Saturday, November 7<sup>th</sup>, 11AM to 5 PM  
Friday, October 23<sup>rd</sup>, 5 PM to 9:30 PM

Please let me know if we can supply any additional information. We look forward to hearing your decision. Thank you!

Sincerely,



Linda Taggart  
401-316-2483

Naval Academy Preparatory School  
440 Meyerkord Ave  
Newport, RI 02841

**Approved As Amended**  
**PLANNING COMMISSION MINUTES**  
**September 2, 2020**  
**7:00 PM**

**PURSUANT TO EXECUTIVE ORDER NO. 20-46 EXECUTED BY GOVERNOR GINA  
RAIMONDO ON MARCH 16, 2020**  
**THIS MEETING WAS TELECONFERENCED VIA ZOOM:**

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

The meeting was called to order Via Zoom at 7:03 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  
Cynthia L Reppe – Planning Assistant  
Deb Foppert – Attorney  
Don Carlson – Applicant  
Laura Carlson – Applicant  
Frank Shirley – Architect  
Jonathan Miller – Architect  
Kristen Maccini – Attorney  
Mel and Barbara Whitaker - Abutter  
Peter Herne – Abutter  
Abby Campbell King – Architect

**II. Approval of Minutes August 19, 2020**

A motion was made by Commissioner Smith and seconded by Commissioner Cochran to accept the minutes as written. So unanimously voted by a show of hands.

**Approval of Minutes August 24, 2020**

A motion was made by Commissioner Smith and seconded by Commissioner Cochran to accept the minutes as written. So unanimously voted by a show of hands.

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

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

## V. Reports

1. Town Planner's Report – The Town Council accepted the memo from the Planning Commission regarding the Zoning Ordinance Amendment related to building height in the special flood hazard area. The hearing was continued to September 21<sup>st</sup>.

## VI. New Business

1. **20 Brook St. –Jamestown RI - Plat 9 Lot 281, owner/applicant Donald R. Carlson and Laura J. Carlson - Application for (Alteration of a 1989) Variance/Special Use Permit to allow an existing second dwelling unit on the lot to be replaced. Forwarded by the Zoning Board to the Planning Commission for Development Plan Review/Advisory Opinion; review, discussion and/or action and/or vote**

Town Planner Lisa Bryer said the application was heard by the zoning board on August 25 and they asked for an opinion from the planning commission. It is important to review her memo (attached) to see why we are reviewing this at planning. It is her opinion and Christ Costa agrees that this is just an advisory opinion since this application does not meet the standards for review in Article 11 therefore it does not apply here. The Zoning Board always has the right to ask for an advisory opinion and so that is what we will do in this instance. They also asked for TRC review and that occurred on Monday August 31 at 3pm and the Minutes and Memo from the TRC were distributed yesterday. At the TRC we started listing Findings of Fact, and we will hear from the applicant and abutters and there may be more Findings of Fact added.

Commissioner Swistak said our mission is to render an opinion and whatever result we have at the end of the evening is not binding it is advisory, not appealable just advisory.

Deb Foppert Attorney for the Carlson's, said a variance was granted by the Zoning Board in 1989 that converted this structure from a nursery school to an apartment under Article 331 at that time. A dimensional variance for setbacks and the use was granted at that time. It was determined then that it is an appropriate use. The motion carried unanimously. It has been a rental for over 30 years to non-family members.

Laura Carlson will be living there with their mother Jamie Carlson. Mold and age and general deterioration of the building is why they are tearing it down. They are making it fully "accessible" on one level and the top ½ story is a bedroom for a possible caregiver.

The Applicant went to the zoning board in March but due to timing and Covid this was postponed. Ms. Foppert explained the setbacks needed and the new application. Change must be sought under 303 – Number of residential structures per lot, similar to in 1989. Despite it appearing as an accessory structure, the applicant must comply. The property is located on a 22,000 sq. ft lot and they also own an additional adjacent 8000 sq. ft lot that is protected by conservation easement. Attorney Foppert noted the same hardship, just like in 1989, still applies. She introduced Architect Frank Shirley, a specialist in 1880s architecture.

Frank Shirley introduced his colleague and associate Jonathan Miller who is very familiar with zoning. Shirley noted that they were brought in by the Carlsons and tasked with creating a small cottage on their behalf. They looked at the existing dwelling and it is in disrepair and it has lost every element that was previously considered historical.

The goal and the plan they came up with will be providing Ms. **Jamie** Carlson with the ability to age in place. The directive of the Carlson's to have it a less imposing character to the north abutters, the Whitakers. The interior is designed for elderly accessibility. It was designed so that the architecture is matching the current home on the property. They have moved 6 feet farther away from Whitakers property and a 2 story structure will be eliminated too and replaced by a 1.5 story structure. They removed the deck which had a nice water view but were trying to eliminate the intrusion to the Whitakers on the North side.

In March the intention was going to be exactly on the same footprint and renovate but when they received reports from 2 structural engineers who said it is not viable, they decided to tear it down and make a beautiful structure and marry it well with the matriarch (bigger house). The existing footprint violates the setbacks so they went by the accessory structure setbacks since the new accessory structure is subordinate to the main structure. They put it within the accessory setbacks and it is 900 sq. ft. footprint which meets the requirements for an accessory structure in Zoning. It is fully compliant with the zoning of an accessory structure now. The other option they have is subdividing. They did not want to give up the green space on the existing lot which he feels is a gift to the neighborhood; they do not want to destroy that. If they subdivide they can put a big 4 bedroom house if they wanted.

The former owners, the O'Sullivan family made a deal as long as they have it as a dwelling unit they cannot subdivide. A major concession to the town was to not subdivide. They are willing to make the same concession. It can meet the setbacks as accessory and serves the same purpose as was in 1989. When their Mom cannot live alone Laura will probably move into it and her kids will move into the big house.

Kristen Maccini asked if the redesigned configuration will create a more conforming building than what is in place now. Can someone explain how a 441 sq ft building is not significantly less than the 900 sq ft proposed? How is it more conforming? Attorney Foppert responded that if it were not a dwelling it would be a conforming accessory building that sits on the appropriate setbacks and if not used as a dwelling in that sense it is more conforming and the way Frank designed it, it is a less intrusive façade to the north.

Commissioner Swistak told Ms. Maccini this is not the time for you to be interviewing the applicants. We are going to keep to our regular protocol.

Commissioner Swistak asked Ms. Foppert if she wants to follow up on the question. It is less nonconforming to what exists there now, Ms. Foppert said.

Don Carlson said neighbors want it 30 feet away from the rear property line and Frank Shirley looked to see if it could be done. His response was it destroys the balance of the property and the neighborhood by doing that. Typically, carriage houses and accessory structures are tucked into the rear portion of the lot and doing so meets Jamestown's Design guidelines. The Whitakers house is 15 feet from the rear lot line and does not conform to zoning. That is not Carlson's fault and they are trying to make it better by the proposed plan.

Frank Shirley said the siting of the building 6.2 feet further off property line and 2.11 farther east and that is why it is less non-conforming. In terms of the siting of the building they did look at



other locations and as the building moves towards Brook Street it overlaps the main house where it extends to the west. The 2 buildings would align and be about 11 feet between them where the existing porch and deck are. This is not what the design guidelines speak to. Siting the small building unusually close to the main building would be out of character. They discussed the neighborhood map where all the accessory structures towards the rear are shown.

Commissioner Pendlebury said as he understands it in 1989 the variance was allowed for this to be sited as an accessory structure. Leave it where it was which was non-conforming and allow it to be used as a 1 bedroom separate residence. We are now being asked to allow it to be sited as an accessory structure and now 2 bedrooms, Chris Costa determined at the TRC that it is a second primary structure not accessory.

Commissioner Cochran brought up Accessory Family Dwelling units and asked if that served their needs. At this point they would prefer to proceed as applied, Foppert said.

Commissioner Pendlebury said the 1100 sq. ft of living space is equal to or exceeds some houses in the shores, this is very complex and seems to be quite large. Has anyone thought about making it less large and allow it to fit perhaps better? Pendlebury said he walked through it when it was for sale and the condition of the 2<sup>nd</sup> structure is very poor and it needs too much work. This complicates things for everyone because it is in such poor condition.

Frank Shirley noted that the 900 square foot footprint includes the porch. The Porch is 90-95 sq ft. so it is around 800 sq ft. Mr. Shirley said there are many outbuildings that are larger than this. 9 Conancius has an accessory building that is 1028 sq.ft. with a 2 br 1 bath on a smaller lot, 64 green lane 1438sq. ft. on a lot of 16000 plus. These are all second structures. Pendlebury said he appreciates all the information. He does not disagree that the building is easily a candidate for replacement.

Ms. Foppert said she is responding to the statement about larger sq. ft on first floor is because of stair climbing. Laura Carlson said when you make a building fully accessible it increases the square footage for ADA requirements, the doorways have to be bigger. It is designed with ADA guidelines in mind. It is oversized to allow for walker or wheelchair.

Commissioner Cochran asked was there any talk of compromising and making maybe a 15-20 ft setback? More in conformance and not so intrusive. Mr. Carlson said the 20 ft brings it closer to Brook and they reached out and wanted an in person talk with the abutters and they were not interested and also Jeff Katz tried. The response was answered with 30 feet or nothing. TRC asked the applicant to confirm that if they receive this variance they will not subdivide. They agreed.

Pendlebury asked and if they do the AFDU that will still keep the right to subdivide. Ms. Bryer noted yes. Bryer asked if anyone had anything else to add, she has a comprehensive Findings of Fact started.

Commissioner Enright asked what are the setbacks for an AFDU? If it is detached then it requires a special use permit if it does not meet the setbacks for the primary structure. In that instance we

would be looking at the SUP standards of compatibility etc. The process would be it starts at TRC then go to zoning for SUP. It would not come to the Planning Commission in that instance.

Mr. Herne an abutter said from his point of view if they move building from where it is now further towards the street it will block his view to the ocean. He sits west of building, he likes it further to the rear. If Mr. Carlson is going to build the smaller the better. That is his comment.

Kristen Maccini thinks the existing situation with the Whitaker's is for 50 years they have lived with this without trouble or complaint and largely due to the Whitaker's always helping neighbors. They have a very close building and it looks quite imposing but the prospect of a 900 sq. ft building with respect to blockage of light space etc. To confirm their interest they have a position of, the main house is 30 feet away and it is rather close. She is their council and it is their decision they say 30 feet is reasonable if it is larger.

Mrs. Whitaker said that Laura Carlson did kindly come over but once the high trees on the Carlson's property line, shielding them, was inadvertently removed by the landscaper because he thought they were diseased, she was not interested in negotiating. She said they did not rally people up but people came to them and asked what is going on and what do you think. They are rallying around the R8 zone and the trees made a huge difference in the view etc.

Swistak asked if it would be helpful to show the condition as the carriage house as far as restoration and pictures from structural engineer so we can move forward? Commissioner Pendlebury said he can assure them that it needs to be replaced.

Commissioner Swistak asked does zoning make a decision on what is presented?

Wyatt Brochu said it is much more difficult to make changes at the zoning board hearing without advertising again. Wyatt Brochu said they have to come back again if denied but for example they could not come back with a small change it is not that simple or automatic if the ZB hypothetically is looking like it may be a negative recommendation the applicants will request a continuance or withdraw to address the finality of it.

Ms. Foppert was asked by Commissioner Swistak for Planning purposes when do you expect to be back to zoning? Wyatt? They have to re-notice and re advertise. Brochu said there is time and the zoning board members will read your advisory opinion from the Planning Board.

Mr. Carlson said he does not read mandatory review of article 11 they asked for a continuance it seems that now that ruling was incorrect and now they have been penalized. Does this committee agree that in fact this was a mis-reading of article 11 and not within the jurisdiction for them to send anything before planning? Lisa Bryer said the Zoning Board always have the ability to ask for an advisory opinion. Deb said the Zoning board would not grant a continuance. We can redirect to Chris Costa about the next meeting. Mr. Brochu said if the information is not changing then you are just dealing with advertising and notice. Don would like an answer as to Planning not having jurisdiction. Ms. Bryer and Mr. Costa determined it did not have jurisdiction in article 11 and the memo sent to the planning commission reviewed all the standards, but as noted previously we are providing an advisory opinion.

Mr. Carlson said since they sent it back we are not reviewing it under Article 11 but under Article 5. (501 A.5. – refer matters to the planning commission as they deem appropriate). Brochu doesn't have a comment on this. Foppert said they could have continued it but Brochu said that is not what they did. Brochu asked what is your point? Foppert asked do we have to re advertise since it is the same application? Yes. Brochu said if their decision was incorrect then you have to appeal that. Wyatt is not sure what the purpose is of this discussion whether it is the same or different it has to be advertised and abutter notice given. Don Carlson said it is going to cause them more time and money.

Commissioner Swistak said we will get back to the next steps now. And bring it back to planning commission and come to an agreement of how we are going to frame our opinion in our recommendation to zoning. What did zoning ask for? An opinion on the application? They feel they do not have jurisdiction under article 11 because it is not a substantial modification in a commercial district. If it cannot be reviewed under article 11 we are simply advising under the other provision that allows an advisory position. Bryer noted that it is not helping anyone if we simply send it back and say we do not have jurisdiction under Article 11.

Commissioner Swistak personally said there are a couple of layers. It is not I support or I don't; he would feel better if he could break this down to 4 different statements and components. He is in favor of this but also has some concerns.

Commissioner Cochran said it depends on where we go with this. Are we going to do a findings of fact? Yes, Swistak said, based on facts and Ms. Foppert's presentation and the team.

Peter Herne mentioned that if they replaced the trees with a 20 foot or 30-foot mature shrub would that help? Laura Carlson said she felt terrible about this and when the landscaper was taking out diseased trees he took these too. She was shocked and apologized when this happened last fall. It was not done intentionally. It hurt everyone. They have asked to meet with the neighbor several times and she would like to come to an agreeable solution.

Commissioner Cochran asked Mr. Herne is the water view north and east or east? It is east he said, they see down the street. 15 feet from property line will not obstruct the view of the west neighbor. Legally they could place it 18 feet from the front of the property and that would be as a right.

Commissioner Swistak is going to start the Findings and have a consensus of the board. The Carlson's are going to demolish and get something there. With proper screening maybe everybody would be fine and the new building sited reasonably close to where it is today will work with screening. Maybe at the end of the day it could be ok if more screening were provided with very mature trees. Based on the 1989 decision of the zoning board to allow the building to be rented he thinks it is fair to allow that use to be continued. Going to a larger house puts the Carlson's in a better position than the property owners were in 1989 he echoed Commissioner Pendlebury's opinion. Swistak says it would be easier to see if there was less sq. ft. than the 1,100+, it is not that easy to go back to the drawing board and redesign and the design is much better. They want to move ahead with the request for relief. With the AFDU I know you give up the right to rent and that is a loss. Some parts he is in favor of and some less enthusiastic.

Foppert asked if he would be more comfortable if the building was similar in size or total volume. Mike responded yes a smaller size than currently proposed is easier for them to endorse if not too big.

Wyatt Brochu said a legally significant point is the fact that the proposed structure is larger than what was proposed in 1989 and it should be well addressed.

Laura Carlson said one of the reasons for a small amount of extra space is due to the potential for caregiver space. Jamestown is in favor of keeping aging family members here but the historical homes from 17th and 18th century with small doorways and stairways much steeper do not accommodate this.

Ms. Maccini said she agrees with Brochu. Her second point is the Whitaker's are not stonewalling or stalling this project. She is offering for the planning commission to come to the Whitakers property and take a look and see the view. The sheer mass is more than twice as big, fences and greenery is why the Whitakers are not willing to compromise.

Frank Shirley corrected that the existing is not 400 sq ft it is existing 800 sq ft building total, important fact we are going from 800 to just under 1200. It is the outline of the footprint on the ground, the footprint that is larger but the second floor is less assuming volume wise.

Wyatt said the owners were granted a variance to convert to a 1 bedroom carriage unit and the current owners have that right.

Commissioner Enright said she understood that the other conditions say retain the building which would remove the rent and subdivide by demolishing the carriage house. The applicants have the right to a 1 bedroom and Rosemary asked if they demolish it, do they still have that right? Wyatt Brochu defers to Mr. Costa who would determine the relief requested. Bryer noted that she and Chris Costa have discussed and feel that once it is gone, all rights go away but she has asked Solicitor Brochu to weigh in on this also. His opinion can be swayed by legal advice.

Carlson assumed from the get go that the variance disappears with the demolish. They are petitioning for a variance too.

Swistak asked any solid thoughts on supporting this application?

Commissioner Smith likes the idea of the new house and thinks the setback should be 15 feet from the rear and then some plantings and he thinks the 15 is a good effort and the 7-foot side setback increase to 10 feet. He thinks the second bedroom is good for the second floor. Going from 10 to 15 feet in the rear. Go beyond the current proposal. Ms. Whitaker noted that the further it comes east it is right in front of their kitchen window; the 7 feet is fine and that is what zoning requires. Cochran agrees with Smith. Coming away from rear property line.

Commissioner Prestigiacommo has concern and understand as a caregiver but if it becomes a rental down the road a 2 bedroom could be more significant in that area.

Commissioner Enright said she is thinking the same way she would like to see it as a family unit and not as a rental then it makes sense since it would be a way of making money and not a necessity. She would like to see an AFDU.

Cochran is uncomfortable and supports it as a rental. We need smaller rentals on this island. This could be a regular rental and not short term he thinks it is discriminatory that to say no rental.

Lisa asked Brochu, can the zoning board put in the condition that says no short-term rental in their approval. Enforcement is the issue Brochu said. No comment on the hurdles of that.

Pendlebury agrees with what has been said. Whitakers house is 15 feet from the back property line if the applicant is willing to go 15 feet it is a good compromise. I know there is concern of breaking up the backyard this is an admirable compromise. Architect did a great job for least possible impact for the neighbors. A good effort he thinks it could be done with 1 bedroom but it is the family's decision.

They will be coming back on the 16<sup>th</sup> for a decision with points of emphasis for the zoning board. Commissioner Swistak will work on this with Ms. Bryer for the next planning meeting.

#### **VII. Adjournment**

A motion was made by Commissioner Smith and seconded by Commissioner Enright to adjourn the meeting at 9:25 pm. So unanimously voted by a show of hands.

Attest:



Cynthia L. Reppe



## Technical Review Committee MEMORANDUM

**TO:** Planning Commission  
**FROM:** Technical Review Committee – Members present - Lisa Bryer,  
Town Planner, Chris Costa, Building Official, Michael Swistak,  
Planning Chair, Rosemary Enright, Planning Secretary  
**RE:** 20 Brook Street  
**DATE:** September 1, 2020

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The Technical Review Committee (TRC) met on August 31 to review the referenced application (see attached minutes). This application was sent to the TRC and Planning Commission from the Zoning Board of Review where they asked for an advisory opinion on this application and that this to be reviewed per Zoning Ordinance Article 11 – Jamestown Village Special Development District. The application dated July 24 gives the following facts on the application:

- 1) R-8 Zoning District;
- 2) The Lot is 22,000 square feet (where 8,000 are required per lot, for a single-family home);
- 3) The existing conditions on site include a main house and an ancillary, or secondary dwelling unit;
- 4) The existing secondary dwelling unit (on one lot) was granted permission to be such by a variance granted in January 1989. Relief was granted for side and rear setbacks at that time as well. That approval was conditioned that if the property is subdivided then the variance shall terminate;
- 5) The Zoning Officer, Chris Costa has made the determination that this proposal is two dwellings on one lot per 82-303 and not a house plus an accessory building per 82-311 and therefore both structures should meet the setbacks for a primary structure. Dimensional relief will be required for setbacks as proposed. The requested relief from Section 303 (limits one house per lot) is appropriately requested;
- 6) The application requests a new, 900 square ft, structurally and aesthetically improved, second dwelling unit to replace the existing 400 square ft dwelling that meets the setbacks of an accessory structure;
- 7) The relief is requested to appropriately house an elderly mother in the near term which includes making the living quarters “accessible”.

In reviewing the application with respect to Zoning Ordinance Article 11, we offer the following: Article 11 is specific about its applicability (Section 82-1101). R-8 is within the Jamestown Village Special Development District. Section 82-1101 I. states that development within the R-20 and R-8 Zoning Districts shall be reviewed by the Building Official during the building permit process to determine compliance with the development standards in Article 11. It continues to say that all applications for development, redevelopment, or expansion shall be filed with the Town Planner and shall be reviewed per section 82-411 except as noted in 1106-B and 1106 C.2. Section 82-411 C. Advisory Review (to PC) does not apply to this application because it does not meet any of the following criteria:

- Any application or action requiring a public hearing before the Planning Commission;
- Major Subdivision or Land Development Project;

- Minor Subdivisions or Land Development Project;
- Zone Change recommendations to the Town Council;
- Pre-application review of Major Subdivisions
- Development Plan Review under Article 11 of the Zoning Ordinance for applications meeting the definition of a Substantial Modification in the CL, CD, CW and P and including one or more of the following criteria:
  - 1) Is valued at more than 50% of the replacement cost of the entire building;
  - 2) New construction other than single family;
  - 3) Fifty percent or greater alteration of a building exterior
  - 4) Fifty percent or greater alteration of street façade;
  - 5) New use; or
  - 6) Expansion of use which requires more than 15 parking spaces.

Section 82-411 D. TRC Administrative Review does not apply to this application because it does not meet any of the following criteria:

- Pre-application review of Minor Subdivisions (if requested)
- Setting, reducing or releasing performance bonds
- Requests for reinstatement or extension of applications as required by Regulation
- Recommendations to the Town Council on matters other than zoning amendments as requested.
- Development Plan Review under Article 11 of the Zoning Ordinance for applications meeting one or more of the following criteria in the CL, CD, CW and P.
  - 1) the development of new single-family dwellings;
  - 2) a change in parking layout or the addition of up to 15 parking spaces; or
  - 3) a change in site design or lot coverage that changes the on-site drainage patterns and how stormwater may impact abutting or nearby properties.

The following findings of fact were noted at the meeting:

- 1) There is a lot of non-conforming structures in the neighborhood and the village. Having a subservient structure towards the rear of the lot is typified in the Jamestown Village Design Guidelines and suggested in the Zoning Ordinance Table 3-2 that outbuildings/accessory structures be setback 20' minimum plus the building setback.
- 2) The following relief is necessary for this application:
  - a. Section 303 (1 dwelling unit per lot) – previously granted by variance in 1989
  - b. Dimensional variance for setbacks
- 3) The placement of the replacement dwelling unit more appropriately sits towards the back of the lot and not in line with the existing historic house, where the required 30 foot setback would put it;
- 4) Moving the replacement dwelling unit towards the front of the lot would block the view of the neighbors to the west and disrupt the historic rhythm of the neighborhood;
- 5) There were 6 abutters on the Zoom call;
- 6) This property is subdividable into two lots and that by-right option seems less favorable to the character of the neighborhood than replacing the existing structure. Subdividing would remove the historic greenspace to the east of this lot and place another large structure in the neighborhood;

- 7) The applicants are willing to forego their right to subdivide if granted relief for their request;
- 8) An old, large cherry tree exists in the yard that would be disrupted if the setbacks for a primary structure were adhered to; and,
- 9) The TRC discussed the option of utilizing the Accessory Family Dwelling Unit section of the Zoning Ordinance in lieu of the current proposal.

**Recommendation:**

The Planning Commission should discuss providing an advisory recommendation to the Zoning Board.



**Approved As Written**  
**PLANNING COMMISSION MINUTES**  
**August 19, 2020**  
**7:00 PM**

**PURSUANT TO EXECUTIVE ORDER NO. 20-46 EXECUTED BY GOVERNOR GINA  
RAIMONDO ON MARCH 16, 2020**  
**THIS MEETING WILL BE TELECONFERENCED VIA ZOOM:**

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

The meeting was called to order via zoom at 7:04 p.m. Planning Commissioner Chair Michael Swistak read the rules and procedures to the audience regarding zoom. The following members were present:

Michael Swistak – Chair  
Rosemary Enright – Secretary  
Bernie Pfeiffer  
Michael Smith

Duncan Pendlebury – Vice Chair  
Mick Cochran  
Dana Prestigiacommo

Also present:

Lisa Bryer, AICP, Town Planner  
Wyatt Brochu – Town Solicitor  
Mark Liberati – ESQ.  
Christian Belden – Executive Director – Church Community Housing Corp.  
Jeff Moniz – Two Step Architecture

**II. Citizen's Non-Agenda Item – nothing at this time**

**III. Reports**

1. Town Planner's Report

- **Town Council Update** – on Monday night at the town council Public hearing on building height in the special flood hazard area amendment was continued without discussion or presentation until Sept 21, 2020 because there was concern on the part of Town Council members that they may have personal conflicts of interest.

Wyatt Brochu said it is important to note the council action was precipitated by heavy accusations online about certain councilors professions. Councilors took a pause because if you have a bias or interest it needs to be evaluated.

Commissioner Swistak asked if there were 2 members that must recuse can the council continue with 3 members? Yes, replied Brochu.

Commissioner Swistak asked if we should put this back on the agenda for our next meeting? The Planning Commission agreed.

Commissioner Pendlebury said there are a number of us on the planning commission that are of same professions and we are developing the zoning code and that is no different in his mind. Unless of course there is an immediate financial gain. It is unfortunate that we have this gap in time here and that someone may try to move a permit.

Commissioner Swistak asked “If we as a commission still feel the same can we communicate to the council by memo to Mike White and copy the rest that we are disappointed and they should reconsider and come to conclusion?” Solicitor Brochu said he would not phrase it as reconsidering. The Planner was advised to put on this on the next agenda on Sept 2<sup>nd</sup> for the councils meeting is the 1<sup>st</sup>.

- **Future meetings** – topics and applications – See above

#### IV. New Business

**1. 53 Narragansett Ave. Jamestown RI - Plat 9, Lot 207, Owner Jamestown Center Partners, Inc./Applicant Church Community Housing Corporation – Conversion of existing building (formerly Bakers Pharmacy) into 9 residential units including 3 Affordable Units – Major Land Development Project, Special Use Permit and Development Plan Review being reviewed as a Comprehensive Permit under Zoning Ordinance, Article 17 – Low and Moderate Income Housing, and Article 11 Jamestown Village Special Development District. Requested Relief:**

1. Article 3, Table 3-1 Permitted Uses. Special Use Permit required for Multifamily 3-12 units. 9 units are proposed. Article 3, Table 3-2 Dimensional Regulations. 20,000 square feet required. Site has 16,626 square feet according the deed. Note Article 82-1705 allows for a 30% density bonus, so the site has sufficient square footage under that Article.
2. Article 10 Multifamily Dwellings – Review and Approval
3. Article 11 Jamestown Village Special Development District. Section 82-1101 is applicable because it is a new use, going from mixed use (office/retail/residential) to all residential, and the value of the improvements is more than 50% of replacement cost.
4. Article 12 Parking. Section 82-1202 provides that parking shall be in rear of building.

**a. Preapplication Review – Discussion only**

Christian Belden will give a presentation. Ms. Bryer said a neighbor participated at the TRC meeting and talked about the wall that was driven into on her property, suggested curb stops, landscaping, open space in the rear of property are the things she addressed and the TRC did also. The TRC also discussed which units will be affordable.

We have the option for peer review of architecture if needed.

Jeff Moniz from Two Hand Studio in Newport, was recognized as expert witness on a motion made by Commissioner Smith and seconded by Commissioner Cochran. So unanimously voted.

Christian Belden said they are proposing to convert the structure from mixed use to all residential, a total of 9 units, 3 affordable, 6 market rate.

They are proposing to reduce the amount of parking from approximately 31 (non-conforming) spaces to 18. They will convert a portion of the rear yard to a playground and green area, replace fencing and add curb stops and signage for private parking. They are proposing to add small porticos for entry. They were referred to former gas station, work on Narragansett Ave for lighting. They have decided to convert the bay windows to decks based on the TRC comments.

Commissioner Cochran asked what the current height is of the structure? It is 35 feet or less. Commissioner Cochran asked about the income limits. Mr. Belden responded that the 3<sup>rd</sup> unit is an affordable for sale unit and will be sold to a family that earns less than 80% median.

Commissioner Swistak asked what the strategy was for having 2 rentals? Christian Belden said this is responding to the town needs. Is this more work for CCHC doing rentals? Christian answered yes but they do both and are constantly developing both.

Commissioner Swistak asked about a note from TRC to narrow access to the driveway slightly. He noted that it is a little bit of a challenge because of the incline if you narrow it will trash trucks and cars be able to pass? Christian said they will do whatever the town wants. Island Rubbish will push the dumpsters to the truck they said.

The town lost retail space when Bakers closed. Did CCHC ever consider a commercial retail or office mixed use? Yes they did but no one came forth. He has people lining up for the residential. Lisa Bryer said nobody contacted her about office space.

Commissioner Swistak asked about the rear of property to Hammett Court. The town did a lot of work on drainage. Is there a drainage issue in the rear of the building? Mr. Belden has not heard anything but they are removing impervious surface so it should make a huge improvement. Commissioner Pendlebury said he has not heard anything more in recent years but heard from the Bushes shortly after Hammett Court went in that there was flooding in their yard.

Are the construction estimates provided up to date? Yes, Christian said. November or December start is what they are looking at. They are on track and it will be 9 months but he is scheduling 10.

When do you expect to be back for the next phase? Christian said as soon as possible. They are ready.

Lisa Bryer said we will be having a public hearing, which requires notification to abutters, and in the paper. Will the right of way on sidewalk be impacted Swistak asked? No only if they make driveway entrance narrow but he doubts it would impact the sidewalk for any length of time. Ms. Bryer asked what is the proposed width? Lisa Bryer said the parking lot will have a lot less traffic than it did before.

Attorney Mark Liberati asked how committed are you to 18 spaces? They are proposing 2 spaces per unit Christian Belden said.

Swistak noted that the TRC minutes include discussion of Architectural features and Design Guidelines are mentioned. Where is the discussion headed, did you look at that and will you be making changes?

Christian said what you see before you is what is being presented, beyond what you see on the plans that is it. Hardy board which is what is there now, they talked about replacing hardy plank with clapboard or shingle.

Commissioner Pendlebury noted some of the issues that were brought up at TRC; the bay windows, the porticos do not have a look that is market rate. He would like it to represent a market rate building. He thinks the little porches need some additional detail to respond to the handbook and it could make it a better elevation. The existing entrance to the old Bakers he thinks it looks like you are entering Bakers or a commercial building. Christian Belden noted it has market rate apartments now. They used 138 Narragansett as a template to create the porticos and they added railings. He is open to ideas. They discussed peer review.

Commissioner Pendlebury said he does not want to delay the project. The color of the building he hopes it does not come out gray like the renderings. Pendlebury does not think a peer review is necessary just a few minor upgrades. Commissioner Pendlebury is willing to put some red-marks on the plan and give them to CCHC.

The Planning Commissioners briefly discussed the relief necessary but that will be part of Preliminary and Master Plan review.

**b. Request to review the application as a Comprehensive Permit for affordable housing under Zoning Ordinance Article 17 – Low- and Moderate-Income Housing – Review, Discussion and/or action/and or vote**

A motion was made by Commissioner Smith and seconded by Commissioner Enright to review the application as a Comprehensive Permit for affordable housing under Zoning Ordinance Article 17 – Low- and Moderate-Income Housing. So unanimously voted:

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

**c. Request to combine the Master Plan and Preliminary stages of review including the Public Hearings – Review, Discussion and/or action and/or vote**

A motion was made by Commissioner Smith and seconded by Commissioner Enright to combine the Master Plan and Preliminary stages of review including the Public Hearings.

A discussion ensued as to the pros of doing this. Attorney Liberati said often times when dealing with these applications you are looking for state permits for other approvals and we do not have any of that here it is all the same information and we do not need that here.

So unanimously voted:

Michael Swistak – Aye  
Rosemary Enright – Aye  
Bernie Pfeiffer - Aye  
Michael Smith – Aye

Duncan Pendlebury – Aye  
Mick Cochran - Aye  
Dana Prestigiacomo - Aye

Commissioner Swistak said in the past we have had a proforma review. Ms. Bryer said that was when it was a for profit developer. She is not sure that review was all that useful or a value to us. If you have questions we should do it. Christian Belden said they have to submit a proforma to RI housing for this, he met with his site inspector on site a few days ago, he went through the scope of work and the proforma and the inspector thought it all made sense.

Is the building vacant? No there are 2 occupants now and a commercial occupant.  
Will they vacate? It was not their desire and he is working with the remaining occupants to keep them in the building.

Commissioner Swistak asked Solicitor Wyatt Brochu did we miss anything? No, he said Attorney Liberati will have everything in order for preliminary and master and he thinks 1<sup>st</sup> meeting of Oct. is a more realistic time frame.

Commissioner Cochran would like to see the redline recommendations as part of the packet, Pendlebury suggests if he makes red-marks he will send to Lisa and she will send around. We could have an early TRC so that if changes have to be made there will be time.

#### V. Adjournment

A motion to adjourn at 8:45 p.m. was made by Commissioner Smith and seconded by Commissioner Enright. So unanimously voted.

Attest:

  
Cinthia L. Reppe

Approved As Written  
**PLANNING COMMISSION MINUTES**

August 24, 2020

**3:30 PM**

**Join Zoom Meeting**

<https://zoom.us/j/93841742464>

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

The meeting was called to order at 3:35 p.m. Via Zoom and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Bernie Pfeiffer	Dana Prestigiacomo

Michael Smith – in attendance but not participating due to technical difficulty

Also present:

Lisa Bryer, AICP – Town Planner  
Wyatt Brochu – Town Solicitor  
Cinthia Reppe – Planning Assistant  
Bill Piva – Town Councilor

**I. Approval of Minutes July 15, 2020; review, discussion and/or action and/or vote**

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

Page 2 under reports - the town is leasing the parking lot at the old ~~B of A~~ **Bank of America** building until the end of August

Page 2 second paragraph under New Business - Town Solicitor David Petrarca addressed each reason that Mr. Infantolino ~~sited~~ **cited** and gave an opinion

Page 3, 4<sup>th</sup> to the last paragraph, This doesn't become effective until ~~then~~ the Town Council

So unanimously voted:

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

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

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

**IV. Reports**

1. Town Planner's Report

**V. Old Business**

- 1. Zoning Ordinance Amendment related to Building Height, Proposed amendment of Sections 82-302 and 82-317. This amendment seeks to limit building height in any zoning district from exceeding 35' in height due to required elevation provisions of flood zone requirements – Memo to Town Council. Discussion, review, and/or action and/or vote**

The Town Planner Lisa Bryer discussed the agenda item. Commissioner Swistak said the takeaway here is our proposal is not that we have a 35 foot cap for the special flood hazard area but it is 40 feet because of the freeboard.

Chair Swistak asked the Planner is an 18foot base flood elevation unique? She will not call anything typical. How is it measured? Asked Commissioner Swistak. Lisa Bryer explained in detail how it is measured and shared some graphics of a recent house that was built.

Commissioner Pendlebury said this is something that will be looked at as the data changes, assuming that the homeowner stays with this baseline here and does not try to build it up it will still be 11 feet in 10 years. Are we going to change it because of sea level rise?

Commissioner Swistak said FEMA allows some grandfathering with regards to flood insurance. Not related to building height but the govt is trying to help.

The Town Council received communication opposing this ordinance. In light of that there was push back to the council via social media saying that there may be conflicts of interest.

Commissioner Swistak asked Councilor Piva if he had anything he wanted to say about this. No Councilor Piva did not.

Town Planner Lisa Bryer drafted a memo to the Town Council with help from the Chair.

Commissioner Pendlebury said just to confirm is there a Sept 1 council meeting? Yes and the public hearing was put off until the 21<sup>st</sup> for this issue.

Commissioner Swistak said in conversation with Town Administrator Jamie Hainsworth and Town Solicitor Peter Rugeiro who said the town of Narragansett attempted to put a moratorium with a zoom meeting and the judge said you cannot put a moratorium in effect until we have public, in person meetings.

Bryer said in a similar conversation with the solicitors they indicated that in lieu of a moratorium the Town Council could approve it and suggest the Planning Commission work on amendments if needed. Pendlebury said that sounds appropriate.

Commissioner Swistak asked Solicitor Brochu “Are you aware of this moratorium ruling in Narragansett?” “Yes” he said.

Commissioner Swistak made a motion to forward the memo to the Town Council so it is included in their packet for their meeting next week. The motion was seconded by Commissioner Pendlebury. So unanimously voted:

Michael Swistak – Aye  
Rosemary Enright – Aye  
Bernie Pfeiffer - Aye

Duncan Pendlebury – Aye  
Mick Cochran - Aye  
Dana Prestigiacomo – Aye

**VI. Adjournment**

A motion to adjourn was made by Commissioner Cochran and seconded by Commissioner Enright at 4:10 p.m. So unanimously voted.

Attest:

Cinthia L Reppe



Approved As Amended  
**PLANNING COMMISSION MINUTES**

July 15, 2020

**7:00 PM**

**Jamestown Town Hall**  
93 Narragansett Ave.

<https://zoom.us/j/93470735898>

**Meeting ID: 934 7073 5898**

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

The meeting was called to order at 7:00 p.m. and the following members were present via zoom:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Bernie Pfeiffer	Dana Prestigiacomo
Michael Smith	

Also present:

Lisa Bryer, AICP – Town Planner  
David Petrarca – Town Solicitor  
Cinthia Reppe – Planning Assistant  
Marian Falla

**II. Approval of Minutes July 1, 2020; review, discussion and/or action and/or vote**

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

Page 1, Also present add **Marian Falla**

Page 2, Reports - the town ~~council~~ **residents** approved

Page 2, Old Business:

para 1, line 3: can sometimes arise with

para 3, line 4: They **The Planning Commissioners** have

Page 3, line 1: companies, utilizes

Page 4, para 6, line 1: we should tax ~~them~~ **short term rentals**

Page 4, last line: **Put** a piece

So unanimously voted.

**III. Correspondence**

1.FYI – email from Marian Falla re: Air BnB. Received

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

**V. Reports**

**1. Town Planner's Report**

- Town Council Update – the town is leasing the parking lot at the old ~~B of A~~ **Bank of America** building until the end of August and they will see what happens after that. The property owners have a potential buyer.
- Future meetings – topics and applications- Ms. Bryer said she will not be here for the first meeting in August.

**VI. New Business**

**1. Zoning Ordinance Amendment related to Building Height, Proposed amendment of Sections 82-302 and 82-317. This amendment seeks to limit building height in any zoning district from exceeding 35' in height due to required elevation provisions of flood zone requirements – Recommendation to Town Council. Discussion, review, and/or action and/or vote**

Chairman Swistak said we had communication via email today from Attorney Christian Infantolino regarding this agenda item. He asked that it be continued since he was not able to attend the meeting and he felt that it was in violation of RI Executive Order 20-25. Commissioner Swistak read the letter into the record. Town Solicitor David Petrarca addressed each reason that Mr. Infantolino sited cited and gave an opinion that this item was legally permitted to go forward and gave explanation for each one of his 3 reasons. This meeting was posted on July 9<sup>th</sup> and 10<sup>th</sup> throughout town and on state and town websites in accordance with the RI Open Meetings Act. This is not in violation of the executive order 20-25 since that was superseded by Executive Order 20-53 last Friday. This is not a public hearing, this is an advisory opinion to the Town Council. He said he we long way away from it being legally adopted so we can move forward tonight. It is up to the Planning Commission if they want to discuss.

Commissioner Swistak asked if this would be normal practice if an attorney could not attend that he would find a replacement to stand in? Is that common practice? Yes. Solicitor Petrarca reached out to Mr. Infantolino but did not speak with him. Mr. Infantolino did speak to Solicitor Peter Rugeiro today.

We would need a motion to continue this agenda item but not one to proceed as advertised. Is time of the essence in this matter asked Commissioner Smith. Lisa Bryer said every zoning amendment is timely. We are talking about it because it involves the health, safety and welfare of Jamestown residents and is a serious issue worthy of amendment. So yes time is of the essence.

Commissioner Swistak asked how long does it take for a change to zoning? It will be advertised for public hearing 3 times in the newspaper for this proposed zone change so it could be 2 to 6 months. Commissioner Cochran said we are talking about an immediate recommendation and it is not waiting for the other zoning changes we have been discussing? Planner Bryer said that is correct. Commissioner Cochran said he thinks the commission should move forward right now.

Commissioner Swistak said this will be an opinion this evening and Mr. Infantolino can give his opinion at the Town Council hearings. The Town Council is who makes the decision.

Commissioner Swistak made a motion to accept the email correspondence from Mr. Infantolino, Commissioner Smith seconded the motion. So unanimously voted:

Michael Swistak - Aye  
Rosemary Enright - Aye  
Bernie Pfeiffer - Aye

Duncan Pendlebury - Aye  
Mick Cochran - Aye  
Dana Prestigiacomo - Aye

Michael Smith – Aye

Town Planner Lisa Bryer said the Planning Commission has to determine whether this proposal is consistent with the comp plan and Zoning Enabling legislation. When the state amended the definition of building height this January, it allowed the builder to begin the building height at the top of the base flood elevation, which is anywhere from 11-17 feet above sea level in Jamestown in addition to adding up to 5 feet of freeboard. This would allow the heights to be inconsistent with Jamestown's existing character, which has homogeneous building height maxed out at 35 feet throughout the island. This could mean building heights of 49+ in our coastal areas which would change the character of our coastline. With the addition of permitting an additional 5 feet of freeboard for safety and insurance purposes, this would be a significant impact on our shoreline. I believe we discussed this in January when the definition changed and then Covid 19 hit and we postponed. After the Governor lifted the restriction, we scheduled it. She shared the amendments to the ordinance on the screen for all to see.

Section 82-317 for special flood hazard areas was adopted in 2013. We are looking to amend the definition of height and exclude base flood elevation which is important to offer. We have had a few applications that went through and in the comp plan it notes views to the water as very important and taller structures would block that view. Ms. Bryer discussed that it is usually the very first lots from water that are impacted by flood zones, she included a memo for the Town Council in draft form.

Potentially someone could build something that is 50-57 feet plus Commissioner Swistak asked. This discussion is 2 years old at a minimum. We started discussing this issue a few years ago. Commissioner Enright asked "is the reason we are addressing it now because there are applications now or in the past?" We have had applications in the past. The home at 3 Beavertail Rd. This project was started after these rules and she believes it is 5 feet above the 35' height.

Commissioner Pfeiffer asked if there is a potential based on this that could render something unbuildable? There is always an opportunity for a variance. There is another RI town that said they have a right to build 1 floor so this is not taking property rights away. But they had the potential for many more takings due to their low elevation.

This is advisory to the Town Council who will make a decision. We are deciding if this is a good idea or not. This doesn't become effective until ~~then~~ the Town Council advertises for public hearing and then passes it.

Commissioner Pfeiffer asked if someone is building now or in the process can it be halted? No.

Commissioner Enright asked "will this be folded into the new zoning ordinance?" Yes, as already adopted.

Commissioner Swistak asked if anyone of the meeting attendees want to address the Commission on this issue. No response.

Commissioner Pendlebury said we need to include a diagram with this amendment in his opinion because when it is read it is not very explanatory. Ms. Bryer said good suggestion. Commissioner Cochran should we include sea level rise? Bryer said the current way the state law is written is current and will have to be updated as sea level continues to rise. CRMC will review every 10 years.

Swistak agrees that it needs to be addressed in the memo. The Planning Commissioners discussed Findings of Fact and wording for the memo to the Town Council.

A motion was made by Commissioner Swistak and seconded by Commissioner Smith that On Wednesday, July 15, 2020, the Town of Jamestown Planning Commission held a public meeting to consider proposed amendments to the Town of Jamestown Zoning Ordinance related building height ("Zoning Ordinance Amendment"). During the public meeting the Planning Commission heard from Town Planner, Lisa Bryer, and Town Solicitor, David Petrarca, and reviewed materials provided by the Town Planner, and provided an opportunity for members of the public to provide input. After due consideration of this matter, the Planning Commission voted to approve the Zoning Ordinance Amendment related to building height, as attached. The Planning Commission also recommend forwarding the proposed amendment to the Town Council for public hearing and subsequent action.

So 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

## VII. Old Business

- 1. Short Term Rental Regulation. This matter concerns whether a registration, regulation or some type of control is needed and, if so, should be recommended to the Town Council for consideration and possible action - Discussion, review, and/or action and/or vote**

Lisa Bryer reviewed and responded to all the questions we had at prior meetings. Mobil Phone registration will be possible and once they receive completed registration it will be forwarded to the Clerks office. At the last meeting it was brought up that the services are expensive. When you take all the services that they charge it would be 92.00 per application. They (Host Compliance) recommend that the fee be based on the average nightly rate that is charged. They looked at August which would be higher than year-round. \$325 and we had discussed \$100 previously so somewhere in between.

Host Compliance noted that excess fees that are charged could go back to the town to address impacts from short term rentals such as affordable housing, water, police and fire department. Another service they provide is address identification. Host Compliance would send us information so we can verify new rentals to add to our list. When a new Short term rental is

identified they send a notice for registration. They also offer a Short Term Rental hotline for reporting and they verify with the reporter that the problem is really a problem. Enforcement of reporting Commissioner Swistak said he can see going off the rails. The numbers sound great but he would like to hear what happens when it goes wrong? Bryer noted that now, the only opportunity is calling the police. The police said they do not have a lot of night time disturbances.

Commissioner Prestigiaco asked, "is the hotline managed in the US or is it offshore? It would be helpful to know this. Bryer noted that she imagined that after a while, most neighbors of STR would have the hotline number in their phones. Commissioner Prestigiaco questioned if Host Compliance does the listing match what the house supports? Ms. Bryer we can have them plug in any number of elements into the search criteria.

Commissioner Cochran asked does short term rental include home sharing? May not make a lot of money and does it include the time share? We talked about this and time share will not be included.

She attached an inspection sheet at the end of her memo that Chris Costa received from Middletown. Only about 50% of their clients need inspection. Mr. Costa would still want a fire code inspection. He would require a fire inspection too.

Commissioner Pfeiffer noted and questioned whether this a process and not a one-time fix all? We may find things through the process that need to be addressed as they come up. It is not overly onerous at this point and when you get into problems is when you become more restrictive.

We talked about registration and it would be anywhere between 20 and 40 hours to review.

Commissioner Cochran how do they know who to call. It will be on our website and also the police will give the hotline number to callers. Police will respond when someone is in danger. There was discussion about Air B&B getting into long term rentals. Host Compliance said that discussion is a bit off and the numbers do not mesh. Long term rentals are a new adjunct for them and they do not see short term rentals getting smaller. Air B&B is adding that as a new business. Their business only dropped 3% between March and May this year.

Commissioner Swistak said taking a step to get more input from maybe the local realtors and maybe invite B&B owners too along with realtors. What is the impact does it hurt or help, can we do that at the next discussion? Lisa Bryer said yes if everyone is comfortable with the ordinance then we can bring the realtors and owners in. Changes can still be made along the way.

Bryer said CCHC is targeting Aug 19 for a planning meeting for 53 Narragansett Ave. The next meeting after that is September 2<sup>nd</sup> which is before Labor Day this year.

Marian Falla - didn't think time shares were going to be removed, why are they excluded. RE agents have a lot of short term rentals that are not listed. Right on their street they have them a lot of short term in summer and long term in winter.

Lisa Bryer said, if we have real estate agents here we will get that information.

Ms. Falla does not understand why we are drawing a line on short term. Enright said issues that apply to STR do not generally apply to long term. Ms. Falla thinks all rentals should be registered and STR regulated. Swistak said right now only registration is being discussed.

Our next Planning meeting will be on the 19<sup>th</sup> of August. If something urgent comes up and we can get a quorum together for an off week we will add a meeting.

#### **VIII. Adjournment**

A motion to adjourn the meeting was made by Commissioner Enright and seconded by Commissioner Cochran at 8:49 p.m. So unanimously voted.

Attest:



Cinthia L Reppe  
Planning Assistant



Town Administrator  
93 Narragansett Avenue  
Jamestown, Rhode Island 02835-1199  
401-423-9805  
Email: [jhainsworth@jamestownri.net](mailto:jhainsworth@jamestownri.net)

Jamie A. Hainsworth  
Town Administrator

March 26, 2020

### **EXECUTIVE ORDER TOWN OF JAMESTOWN, RHODE ISLAND 20-03**

On March 9, 2020 the Governor of the State of Rhode Island declared a State of Emergency declaring the outbreak as a Public Health Emergency <http://www.Governor.ri.gov>

On March 16, 2020 the Jamestown Town Council met and passed an Executive Order Declaring a State of Emergency due to the dangers to health and life posed by COVID-19 activating the Town Emergency Plan. <http://www.jamestownri.gov/Home/ShowDocument?id=56269>

This order is issued by the Town Administrator by the authority granted by the Honorable Town Council in said declaration.

This order rescinds a portion of the Jamestown Code of Ordinances Chapter 22, Titled "Environment". Passed and effective September 18, 2017

The Town has been advised the use of reusable bags brought into the store by customers may be contaminated with the COVID-19 Virus from outside sources. Definition of Reusable bags; those bags with handles that are specifically designed for multiple reuse and are primarily of cloth or other nonwoven textile or constructed of multiple layers of insulation.

**Specifically, this order temporarily prohibits only the use of REUSABLE BAGS in all retail businesses in the Town of Jamestown. In an effort to avoid the transmission of the COVID-19 virus. The remainder of this ordinance shall stay in effect.**

This order shall take effect March 26, 2020 at 11:00 a.m. and only remain during this State of Emergency.

**This Order is hereby rescinded in its entirety effective November 1, 2020.**

Jamie A. Hainsworth, Town Administrator  
Jamestown, Rhode Island

Date: \_\_\_\_\_

## Health Expert Statement Addressing Safety of Reusables and COVID-19

Reuse and refill systems are an essential part of addressing the plastic pollution crisis and moving away from a fossil fuel-based economy. They can create jobs and help build local economies. The COVID-19 global pandemic has triggered a discussion of how to ensure the safety of reusable systems in a public health crisis. Based on the best available science and guidance from public health professionals, it is clear that reusable systems can be used safely by employing basic hygiene. Below are the key facts to keep in mind.

Available Evidence Indicates that the Virus Spreads Primarily from Inhaling Aerosolized Droplets, Rather than through Contact with Surfaces

According to the US Centers for Disease Control and Preventions (CDC), “The virus is thought to spread mainly from person-to-person...between people who are in close contact with one another, through respiratory droplets produced when an infected person coughs, sneezes or talks.” While “it may be possible that a person can get COVID-19 by touching a surface or 1 object that has the virus on it and then touching their own mouth, nose, or possibly their eyes,” aerosolized droplets are the only documented method of COVID-19 transmission to date. 2

### Disposable Products Present Similar Issues as Reusable Ones

Studies show that the COVID-19 virus can remain infectious on surfaces for varying times depending on the material. One study showed infectious virus lasted up to 24 hours on paper and cardboard and between 2-3 days on plastic and stainless steel 3 In another study, infectious 34 virus was not found on print or tissue paper after just three hours, whereas it was active up to 1 day on cloth, up to 3 days on glass, and 6 days on plastic and stainless steel. To prevent 5 transmission through objects and surfaces, one can assume that any object or surface in a public space — reusable or disposable — could be contaminated with the virus. Single-use plastic is not inherently safer than reusables, and causes additional public health concerns once it is discarded.

### Reusable Products are Easily Cleaned

Most common approved household disinfectants should be effective for disinfecting hard 6 surfaces, including reusable items, with such surfaces being cleaned thoroughly using a detergent or soap and hot water prior to disinfection if they are visibly dirty. Dishwashers and washing machines should be effective if operated according to manufacturers’ instructions and, in the case of laundry, using the warmest appropriate water setting for the items and drying

1 <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html> 2

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cleaning-disinfection.html> 3

<https://www.nejm.org/doi/full/10.1056/NEJMc2004973> 4

[https://www.thelancet.com/journals/lanmic/article/PIIS2666-5247\(20\)30003-3/fulltext](https://www.thelancet.com/journals/lanmic/article/PIIS2666-5247(20)30003-3/fulltext)

5 [https://www.thelancet.com/journals/lanmic/article/PIIS2666-5247\(20\)30003-3/fulltext#coronavirus-linkbac%20k-h%20ader](https://www.thelancet.com/journals/lanmic/article/PIIS2666-5247(20)30003-3/fulltext#coronavirus-linkbac%20k-h%20ader) 6 <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>



items completely. Similarly, washing hands with soap and water or an alcohol-based hand rub, and then avoiding touching your eyes, mouth, or nose are effective ways to protect yourself.’ 78

#### Best Practices for Reusable Products in the Retail Space

1. Comply with food safety/ health codes. Within retail and foodservice, reusable plates, cutlery, cups, and napkins are governed by strict state food safety procedures outlined in health codes. Ware-washing at high temperatures with additional sanitizing procedures are standard in the industry and provide more than adequate protection against virus transmission.

2. Use additional hygienic practices for COVID. The bottom line is that reusable items are safe to use when cleaned with soap and water, and there is no substitute for thorough hygiene. Retail food establishments should follow Food and Drug Administration guidance regarding retail practices and COVID-19 safety. 9

3. Employ contact-free systems for customers’ personal bags and cups. Systems in which there is no contact between the customer’s reusable cup, container or bag and retail surface areas can protect workers and provide a precautionary approach to addressing COVID-19 transmission. For example, California’s Occupational Safety and Health Administration recommends that “when customers bring their own bags, employees should be instructed to:

- Not touch or place groceries in customer brought bags.
- Ask customers to leave their own bags in the shopping cart.
- Ask customers to bag their own groceries

4. Ensure that workers are protected. In addition to investing in safe and accessible reusable systems, other steps retailers can take to protect workers include providing PPE, paid sick leave, reduced occupancy in stores, and requiring customers to wear masks and practice social distancing. Customers should handle their own reusable items when going to shops and stores.

7 <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cleaning-disinfection.html> 8

[https://www.journalofhospitalinfection.com/article/S0195-6701\(20\)30046-3/fulltext](https://www.journalofhospitalinfection.com/article/S0195-6701(20)30046-3/fulltext) 9

<https://www.fda.gov/food/food-safety-during-emergencies/best-practices-retail-food-stores-restaurants-and-food-pick-updelivery-services-during-covid-19>

#### List of Signatories by Country/Region

Titles and affiliations are included to show the breadth and depth of expertise of signatories and are not included to imply endorsement by their employers.

##### **Brazil**

Dr. Saulo Delfino Barboza, PhD Associate Professor Master Program in Health & Education University of Ribeirao Preto

##### **Mexico**

Dr. Kirvis J Torres Poveda Epidemiologist

##### **Canada**

Dr Joe Vipond Emergency Physician - MD. Interim President, Canadian Association of Physicians for the Environment Canadian Association of Physicians for the Environment

Joey Lee Registered Nurse Unity Health Toronto

Olga Hallborg, RN, MPH candidate Registered Nurse Nelson Jubilee Manor  
Laurence Guillaumie, PhD Professor Université Laval  
Raluca Radu, MSN, RN Secretary "Canadian Association Of Nurses For The Environment

Jessica Madrid President Canadian Association of Nurses for the Environment

### **United States of America**

Nickolas Zaller, PhD Professor University of Arkansas for Medical Science  
Dr. Steve Luby Professor of Medicine (Infectious Diseases and Geographic Medicine), Director of Research at the Center for Innovation in Global Health, Senior Fellow, Woods Institute for the Environment, Senior Fellow at Freeman Spogli Institute for International Studies Stanford University

Dr. Tova Fuller Assistant Clinical Professor, Department of Psychiatry; Vice President University of California San Francisco, San Francisco Bay Area Physicians for Social Responsibility  
Dr. Barbara Sattler, RN, DrPH, FAAN Professor, Public Health Program University of San Francisco

Dr. Paul English Environmental Epidemiologist Public Health Institute Corinna Tempelis Research Scientist (retired and active) California Department of Public Health

Shellie L. Klimen, MSN PHN Registered Nurse Santa Rosa Memorial Hospital

Michelle Bergen MSN FNP-BC Nurse Practitioner Saint Anges Medical Center

Kenna Lee, RN Registered Nurse Memorial Hospital

Peggy da Silva, MPH Training and Education Specialist Consulting for Community  
Kathleen Roe, DrPH, MPH Professor Emerita, Department of Health Science and Recreation San Jose State University

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John Nwangwu Professor of Epidemiology & Global Health Southern Connecticut State University

Mark Miller Former Director of Research Fogarty International Center NIH

Linda Birnbaum Retired Director National Institute of Health Sciences

Dr. Anthony Panzera, PhD, MPH Adjunct Professor American University

Dr. Lisa Jordan, PhD, RN, CNE Retired Nurse Member of ANHE, IAHC, and DC/MD League for Nursing

Dr. Laura Anderko PhD RN Robert and Kathleen Scanlon Endowed Chair in Values Based Health Care & Professor Georgetown University School of Nursing and Health Studies

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Warren Lavey Adjunct Associate Professor University of Illinois

Sarah Patrick Assistant Professor, Public Health Southern Illinois University, Carbondale Gloria E. Barrera, MSN, RN, PEL-CSN President Elect Illinois Association of School Nurses

Gloria E. Barrera, MSN, RN, PEL-CSN President Elect Illinois Association of School Nurses

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Sydney Harris Sr. Associate, Policy and Programs Product Stewardship Institute, Inc.

Scott Cassel Chief Executive Officer/Founder Product Stewardship Institute, Inc.

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Jean Flatley McGuire, PhD Professor of Practice, Health Sciences Department Northeastern University

Dr. Shira Fischer Physician Policy Researcher RAND Corporation

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Pietra Check, MPH Course Educator Boston University Medical School

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Dr. Robyn Gilden Assistant Professor University of MD School of Nursing  
Dr. Kolapo DaSilva Emergency Physician

Megan Latshaw Associate Scientist Johns Hopkins Bloomberg School of Public Health  
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Dr. Bernadette M. Longo, PhD, RN, FAAN Chair of the Environmental Health Committee Nevada Nurses  
Association

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Vegas  
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Medicine and Infectious Diseases Brown University

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Bruce Jennings Senior Fellow, Center for Humans and Nature, Adjunct Associate Professor, Senior Advisor at the Hastings Center Vanderbilt University

Chunrong Jia, PhD Associate Professor of Environmental Health University of Memphis  
Julian Leibowitz, M.D.Ph.D. Director, MD/PhD Program Professor of Microbial Pathogenesis and Immunology Texas A&M University HSC College of Medicine

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Dr. Ben Locwin Healthcare Executive (Pharmaceuticals and Vaccines), State Public Advisor State Science & Public Health Task Force, Senate Office Advisory Panel

Anne Katten Pesticide and Work Safety Project Director CRLA Foundation  
Elgin Avila MPH, CPH Founder/Principal Investigator Equitable Health Solutions, LLC

Dr. Krista Farey Staff Physician Contra Costa County Health Services

Richard Rothenberg Regents' Professor Georgia State University School of Public Health

Dr. Lisa Jordan Associate Teaching Professor, Biology Department Drew University

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Dr. Shanda Demorest, DNP, RN Member Engagement Manager Practice Greenhealth  
Katheryn Cortes, BSN, RN, OCN Registered Nurse Memorial Sloan-Kettering Cancer Center  
Ralph Brindis MD, MPH Clinical Professor of Medicine University of California, San Francisco

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Jeffrey E. Korte PhD

Rosemary Valedes Chaudry, PhD, MPH, RN Retired RN, Public Health

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Austria

Dr. Hans-Peter Hunter Deputy Head and Senior Scientist Department of Environmental Health, Medical  
University of Vienna.  
France

Dr. Barbara Demeneix Professor Comparative Physiology Laboratory, National History Museum, Paris  
United Kingdom

#### **United Kingdom**

Dr. Jennifer Cole Research Fellow, AMR University of London  
Prof. Tamara Galloway Ecotoxicology, University of Exeter  
Prof. Charlotte Williams Professor of Chemistry Oxford University

#### **Italy**

Ferdinando Laghi, MD President International Society of Doctors for the Environment

Dr. Monica Zoppé Research Scientist CNR

Vittore Casarosa Senior Research Associate CNR-ISTI

Liliana Cori Research Technologist Institute of Clinical Physiology, National Research Council, Italy IFC-  
CNR

Dr. Agostino Di Ciaula, MD Internist President of the Scientific Committee International Society of  
Doctors for Environment (ISDE) – Italy

Dr. Stefani Gatti Presidente APS Comunità Interattive-Officina per la Partecipazione AIP2

Dr. Susan George ex Head of Course on Business, Public and NGO Communication Pisa University

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#### **Greece**

Vini Dimitra Paediatrician, MSc, Director of Thalassaemia Unit General Hospital of Nikaia

Lia Patsavoudi, Ph.D. Professor of Biology Dept. of Biomedical Engineering, University of West Attica

### **Uganda**

Dr. Iddi Matovu Program Manager-DREAMS Rakai Health Sciences Program-RHSP

Dr. Fred Nalugoda, S. Stat, MHS Director of Kalisizo Field Station, Junior Principal Investigator Rakai Health Sciences Program-RHSP

Dr. Godfrey Kigozi, MBChB, MPH Medical Officer, Junior Principal Investigator Rakai Health Sciences Program-RHSP

### **Malawi**

Vita Mithi Researcher and Public Health Professional Knowledge Action Change

### **Tunisia**

Semia Gharbi Teacher and expert in science and management of environment AEEFG

### **South Africa**

Rico Euripidou Environmental Health Campaign Manager groundwork

### **Philippines**

Dr. Geminn Louis C. Apostol Professor and Lead Environmental Health Specialist, Ateneo School of Medicine and Public Health Ateneo School of Medicine and Public Health

Ramon Lorenzo Luis Rosa Guinto, MD DrPH Founder & Chief Planetary Doctor, PH Lab Next Generation One Health Adviser, Lancet One Health Commission at the University of Oslo

Dr. Jonathan Jadloc National Chair, Climate Change Committee, Philippine College of Physicians

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Dr. Pei-Shih Chen, PhD Chair, Professor of Public Health Kaohsiung Medical University

Guey Chuen Perng, PhD Professor, Department of Microbiology and Immunology College of Medicine, National Cheng Kung University

### **Switzerland**

Jane Muncke Chief Scientific Officer Food Packaging Forum

Prof. Valérie D'Acremont Tropical diseases and global health Centre for Primary care and Public Health, University of Lausanne

**Israel**

Prof. Hagai Levine Chairman Israeli Association of Public Health Physicians School of Public Health, Hebrew University-Hadassah

Dr Hagit Ulanovsky Environmental Health Risk Management consultant Co-founder & director, SP-Interface

Rachel Golan, PhD, MPH School of Public Health, Ben-Gurion University of the Negev



**LEASE OF PROPERTY AT WEST FERRY BY THE TOWN OF JAMESTOWN  
TO DUTCH HARBOR BOAT YARD, LLC.**

THIS INDENTURE OF LEASE, made and executed as of \_\_\_\_\_ day of -October, 2020, by and between the Town of Jamestown, a Rhode Island municipal corporation, hereinafter called the "Lessor" and Dutch Harbor Boat Yard, LLC, hereinafter called the "Lessee".

That in consideration of the rent and covenants herein reserved and contained, and subject to the conditions hereinafter set forth, the Lessor does hereby demise and lease unto the Lessee the following described premises:

The Town of Jamestown ("Lessor") agrees to lease approximately 18,000 sq. ft. of real property at the westerly end of Narragansett Avenue in Jamestown, RI, ("Demise Premises") see "Exhibit A" for illustration of the Demised Premises, to Dutch Harbor Boat Yard, LLC ("Lessee") for boat storage and waterfront uses set forth herein and according to following terms and conditions.

**TERMS OF LEASE**

The term of the Lease for use of the Demised Premises by the Lessee shall be a five (5) year period beginning January 1, 2021 through June 15, 2026. This lease agreement contains an option for renewal for an additional five-year extension subject to mutually agreed upon terms and Town Council approval and will terminate on June 15, 2031.

The Lessee covenants and agrees to pay rent as follows:

**RENT**

The initial annual rent for use of the Demised Premises shall be payable according to the table of rent payment following at the Town Hall Finance Office, 93 Narragansett Avenue, Jamestown RI 02835 or at such other place as the Lessor may designate in writing (Rent increases annually at 3 percent per year):

Year 1	\$20,820	January 1, 2021 – December 31, 2021
Year 2	\$21,444	January 1, 2022 – December 31, 2022
Year 3	\$22,087	January 1, 2023 – December 31, 2023
Year 4	\$23,431	January 1, 2024 – December 31, 2024
Year 5	\$23,431	January 1, 2025 – December 31, 2025
To Term End		
Partial	\$12,066	January 1, 2026 – June 14, 2026

The Lessor and Lessee agree that all boats shall be removed on or before June 14, 2026. The Lessor and Lessee acknowledge the Town may start the bidding process or requests for proposals any time after January 1, 2026, if the five-year extension is not utilized.

**USE OF DEMISED PREMISES**

Lessee uses the Demised Premises for boat storage only during the lease term. Lessor agrees not to reduce the area available for boat storage as the same is described in "Exhibit A", "Figure 1" and "Figure 2" during the term of this lease.

- Lessee is permitted to use the Demised Premises for boat storage no earlier than September 15<sup>th</sup> of each year. However, no more than 50% of the leased premises may be occupied prior to October 1<sup>st</sup>. Depicted in "Figure 1"
- Lessee shall remove all stored boats and equipment from the Demised Premises by June 14<sup>th</sup>, however no more than 50% of the leased premises may be occupied on June 1<sup>st</sup>. Should the Lessee not clear all boat storage equipment, jacks, lines, etc. and/or stored boats from this area by June 14<sup>th</sup> there will be a \$250 per day lease assessment for any such violation, unless arrangements have been made in advance of this date and agreed to by both parties.

#### OBLIGATIONS AND OPERATIONS OF LESSEE/LESSOR

##### **Lessee's Responsibilities**

- Lessee shall commission the existing Town of Jamestown docks and gangways, including pump-out station, no later than May 15<sup>th</sup> and decommission the existing Town of Jamestown docks, gangways and pump-out station no later than November 15<sup>th</sup>, except the Lessee shall not decommission in 2026.
- If a storm or other emergency event is imminent, Lessor shall decommission the pump out station and the lessee may be requested to decommission the touch & go docks. Any commission or decommission work shall be provided at a cost to the Lessor of (\$2,150.) per commissioning or decommissioning at the direction of the Town Administrator or his/her designee. Commencing January 1, 2022, the cost shall increase three percent (3%) during each remaining year of the lease term.
- Any additional commissioning or decommissioning other than as stated above, shall be performed by Lessee at the rate of (\$2,150.) per event only after a request submitted by the Town in writing. Commencing January 1, 2022, this cost shall increase yearly by three (3) percent. Lessee shall be the sole servicer of this performed work and if the lessee cannot perform said work, the Town reserves the right to perform this work using alternate methods or secure the services of the Lessee in accordance with the terms as noted in this section.
- Lessee shall be responsible for their own trash and recycling removal and that of its tenants on an annual basis, with dumpster and/or trash containers located on the Lessee's property.
- The Lessee maintains responsibility for any work required for winter storage of boats on the leased property, outside and exclusive of the annual work of maintenance performed by the Lessor.
- Lessee shall be solely responsible for the care and maintenance of the West Ferry Wharf surface including Demised Premises in "Exhibit A" for any additional work that may be required in

accordance with the use of that area for boat storage. (Annual care and maintenance and capital improvements of the West Ferry Wharf surface will be the responsibility of the Lessor.)

- Lessee shall be responsible to maintain in good condition the grass, surface and landscaping on the adjoining Town property to the Demised Premises.

#### **Lessor's Responsibilities**

- Lessor shall be responsible for repairs and maintenance to the Town of Jamestown docks, gangways, outhauls, and pump out facility. The Lessor shall maintain, manage and repair as required, the West Ferry bulked surfacing in the Demised Premises as depicted in "Exhibit A".
- Lessor shall be responsible for any cost associated with trash removal and recycling from the Town's property generated from the public use of said property.
- Lessor is solely responsible for the management, repair and maintenance of the public restrooms located at West Ferry located on the Lessor's property.
- Lessor shall be responsible for the completion of all major capital improvements to the Town property not within the Demised Premises, inclusive of the Town docks, outhauls, and wharf area, unless joint arrangements are established amongst the parties in addressing a specific need, deemed mutually beneficial to both parties. All such repairs must be approved by the Town Administrator and under certain circumstances additional approval of the Town Council may be required.

#### **FEES GENERALLY**

The Harbor Commission shall annually recommend to the Town Council a proposed schedule of fees as part of the annual operating and capital budget; and the Town Council shall establish such rates not later than March 15<sup>th</sup> each year. The Commission may charge fees for all mooring permits; for dock, storage rack, outhaul, and beach permits on town-owned property; for outhauls on riparian property, and for waiting and relocation list applicants. Higher fees may be charged for nonresident and commercial moorings and for other special situations. The Commission may assess late penalty fees provided these are indicated on, or enclosed with, the appropriate application forms.

#### **WEST FERRY DINGHY SLIPS**

West Ferry dinghy slip fees shall be established by the Jamestown Town Council by March 15<sup>th</sup> of each season. The location of the slips is from the town property on the town floating docks. All fees generated from seasonal dinghy rentals shall be collected and retained by the Town (Lessor). The Lessee has no responsibility in the process of managing the dingy list(s), assigning slips or the collection of fees as may have been done in the past from time to time.

#### **WEST FERRY OUTHAULS**

West Ferry outhaul fees shall be established by the Jamestown Town Council by March 15<sup>th</sup> of each season. The fees for said outhauls shall be collected by Town (Lessor) with a list maintained by the Harbor

Master's Office on a first come/first serve basis for Jamestown residents, and if exhausted, an outhaul wait list on a first come/first serve basis for non-residents of Jamestown. The Lessee has no responsibility in the process of managing the list(s), assigning slips or the collection of fees as may have been done in the past from time to time. The Lessee may retain a West Ferry outhaul in accordance with all town-imposed regulations and fees.

**PUMP OUT STATION and TOWN DOCKS**

Lessor is responsible for the maintenance and management of the public pump out facility.

Lessee shall only be allowed to tie into the existing sewage line upon the granting of the appropriate Town approvals and permits and the payment of all applicable fees.

**ALTERATIONS BY LESSEE**

Lessee shall not, without first obtaining the written consent of Lessor, make any alterations, additions, in, to or on Demised Premises. The Lessee shall make no structural alterations to the Lessor's Demised Premises without the written consent of the Lessor. The Lessee shall save the Lessor harmless on account of any claim of mechanics or material men, or any liens in connection with any alterations, additions or improvements, and at the termination or expiration of this Lease will peaceably yield said premises and all additions thereto to the Lessor, and leave the same clean and in such repair, order and condition as the same are in at the commencement of the lease term.

**GOVERNMENTAL REGULATIONS**

Lessee shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force, or which may hereafter be in force, pertaining to the Demised Premises, occasioned by or affecting the use thereof by Lessee.

The Lessee shall not use or occupy, or permit the Demised Premises to be used or occupied, in any unlawful manner, for any illegal purpose, in such manner as to constitute a nuisance, or for any use which is incompatible with Lessor's present adjacent business operations and, further, comply with the covenants and conditions attached hereto and made a part hereof. The lessee shall comply with all municipal, state or federal regulations concerning the conduct of its business, shall procure, at its own expense, all permits, licenses, etc., required by it, and shall hold harmless the Lessor from penalties and fines imposed upon the Lessor pursuant to any law, ordinance or governmental requirement by reason of the conduct by the Lessee of its business in the Demised Premises.

**ASSIGNMENT AND SUBLETTING**

Lessee shall not assign this lease or sublet any portion of the Demised Premises without the prior written consent of the Lessor. Any such assignment or subletting without consent shall be void and, at the option of the Lessor, may terminate this Lease.

The Lessee is responsible to manage the needs and requirements of any of their tenants that are authorized to be located on the Lessee's property.

**ENTRY AND INSPECTION**

Lessee shall permit Lessor or Lessor's agents to enter upon the Demised Premises at reasonable times and upon reasonable notice, for the purpose of inspecting the same, and will permit Lessor at any time within

sixty (60) days prior to the expiration of this lease, if not renewed, to place upon the premises any usual "For Lease" signs, and permit persons desiring to lease the same to inspect the premises thereafter.

**INDEMNIFICATION OF LESSOR**

Lessor shall not be liable for any damage or injury to Lessee, or any other person, or to any property occurring on the Demised Premises or any part thereof, unless any damage or injury occurs as a direct result of an act or omission of Lessor. Lessee agrees to hold Lessor harmless from any claim for damages.

**PUBLIC LIABILITY INSURANCE**

The Lessee agrees to defend, indemnify, protect, save and keep harmless the Town of Jamestown (Lessor) from any and all loss, cost, damage or exposure arising from the negligent acts or omissions of the Lessee in undertaking this lease agreement.

The Lessee will maintain in full force at all times workers' compensation insurance for all labor employed at the site. Workers' Compensation coverage must meet the statutory obligations of the State and supply evidence of the same to the Lessor.

The Lessee will maintain in full force at all times during this engagement general liability insurance in the minimum amount of \$1,000,000 per person and \$2,000,000 per occurrence for all damages on account of personal injuries and/or property damage arising out of an occurrence. The Lessee will provide evidence of its general liability policy to the Lessor naming the Lessor as an additional insured to the policy.

The Lessee will maintain in full force at all times during this engagement auto/watercraft liability insurance covering all owned vehicles, hired vehicles, non-owned vehicles or watercraft in the minimum amount of \$1,000,000 per occurrence for all damages on account of personal injuries and/or property damage. The Lessee will provide evidence of its auto/watercraft liability policy to the Lessor naming the Town of Jamestown (Lessor) as an additional insured to the policy.

**DESTRUCTION OF PREMISES**

In the event of partial destruction of the Demised Premises, during the term hereof, from any cause, Lessor may elect to repair the same, provided that such repairs can be made within sixth (60) days under existing governmental laws and regulations, but such destruction shall not terminate this Lease, except that Lessee shall be entitled to a proportionate reduction of rent while such repairs are being made, based upon the extent to which the making of such repairs shall interfere with the business of Lessee on the premises. In the event that repairs cannot be made within sixty (60) days, Lessor, may, at its option, either make the repairs within a reasonable time, this Lease continuing in effect with the rent proportionately abated as aforesaid, or terminate the Lease.

**LESSOR'S REMEDIES ON DEFAULT**

If Lessee defaults in the payment of rent, or any additional fees, or defaults in the performance of any of the other covenants or conditions hereof, Lessor shall give Lessee notice of such default and, if Lessee does not cure any such default within thirty (30) days, after the giving of such notice (or if such other default is of such nature that it cannot be completely cured within that period, if Lessee does not

commence such curing within such thirty (30) days and thereafter proceed with reasonable diligence and in good faith to cure such default), then Lessor may terminate this lease. On the date specified in such notice the term of this Lease shall be terminated and Lessee shall then quit and surrender the demised premises to Lessor. If this Lease shall have been so terminated by Lessor, Lessor may at any time thereafter resume possession of the Demised Premises by any lawful means and remove Lessee or other occupants and their effects. If the Lessee shall be declared insolvent according to law, or if a receiver or other similar officer shall be appointed to take charge of the Lessee's property, or a substantial part thereof, then, and in each of the said cases, the Lessor lawfully may (notwithstanding any license of any former breach of covenant or waiver of the benefit hereof or consent in a former instance) immediately or at any time thereafter while such default or other situation as aforesaid continues, and without further demand or notice, enter into and upon the Demised Premises or any part thereof in the name of the whole and repossess the same and expel the Lessee and those claiming through or under the Lessee and remove its effects, at Lessee's expense, without being deemed guilty of any manner of trespass, and without prejudice to any remedies which might otherwise be used for arrears of rent or preceding breach of covenant; and upon entry as aforesaid, this Lease shall terminate, and the Lessee shall remain obligated for all rental monies due for the remainder of the term.

No failure to enforce any term of this Lease shall be deemed a waiver.

#### **LESSEE'S REMEDIES ON DEFAULT**

If Lessor defaults in the performance of any of the covenants or conditions hereof, Lessee shall give Lessor notice of such default and, if Lessor does not cure any such default within thirty (30) days, after the giving of such notice (or if such other default is of such nature that it cannot be completely cured within that period, if Lessor does not commence such curing within such thirty (30) days and thereafter proceed with reasonable diligence and in good faith to cure such default), then Lessee may withhold rent payments and apply the same to the same for repairs and maintenance to the pilings, revetments and bulkheads that are the responsibility of Lessor hereunder located on the Demised Premises.

#### **ATTORNEY'S FEES**

In case suit should be brought for the recovery of the Demised Premises, or for any sum due hereunder, or because of any act which may arise out of the possession of the demised premises, by either party, the Town shall be entitled to all costs incurred in connection with such action, including a reasonable attorney's fee.

#### **ENTIRE AGREEMENT**

The foregoing constitutes the entire agreement between the parties and may be modified only by a writing signed by both parties.

IN WITNESS WHEREOF THE PARTIES HAVE EXECUTED THIS LEASE IN TRIPLICATE ON THE DATE FIRST ABOVE WRITTEN:

**Town of Jamestown**

By: \_\_\_\_\_  
Jamie A. Hainsworth, Town Administrator  
Duly Authorized

STATE OF RHODE ISLAND

COUNTY OF NEWPORT

In Jamestown in said County, on this \_\_\_\_ day of \_\_\_\_\_, before me personally appeared the above-named Jamie A. Hainsworth, executing the foregoing instrument for and in behalf of said Town of Jamestown; to me known and known by me to be the party described in and who executed the foregoing instrument; and he acknowledged the same, by him so executed, to be his free act as Town Administrator, as aforesaid, and his free act and deed individually as well.

\_\_\_\_\_  
NOTARY PUBLIC

**Dutch Harbor Boat Yard, LLC.**

By: \_\_\_\_\_  
Joseph McGrady, Owner/Manager  
Duly Authorized

STATE OF RHODE ISLAND  
COUNTY OF NEWPORT

\_\_\_\_\_, in said County, on this \_\_\_\_\_ day of \_\_\_\_\_, before me personally appeared the above-named Joseph McGrady, executing the foregoing instrument for and in behalf of the said Dutch Harbor Boat Yard, LLC; to me known and known by me to be the party described in and who executed the foregoing instrument; and he acknowledged the same, by him so executed, to be his free act as Owner/Manager of the Dutch Harbor Boat Yard, LLC, as aforesaid, and his free act and deed individually as well.

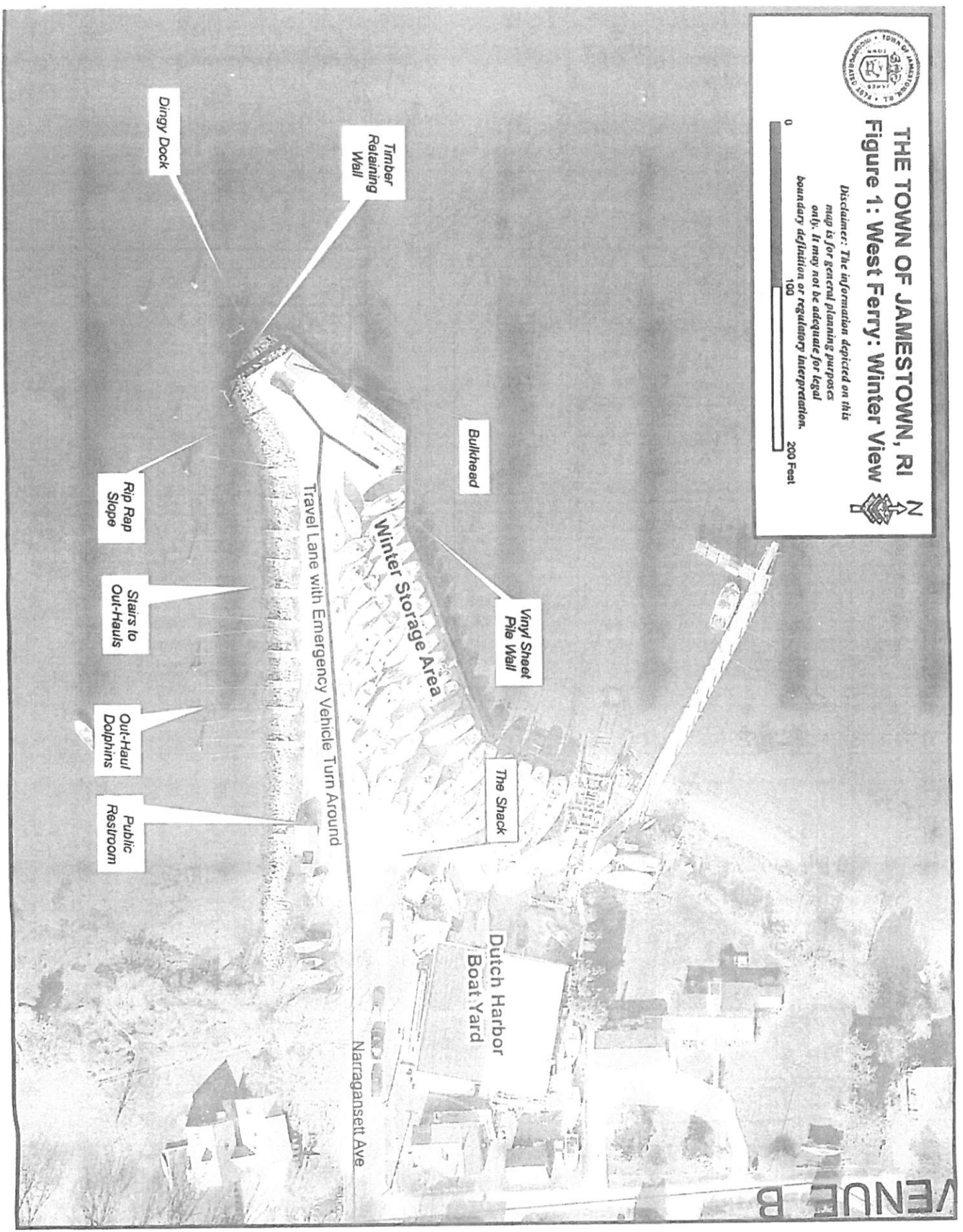
\_\_\_\_\_  
NOTARY PUBLIC



# THE TOWN OF JAMESTOWN, RI

## Figure 1: West Ferry: Winter View

*Disclaimer: The information depicted on this map is for general planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation.*



Dingy Dock

Timber Retaining Wall

Bulkhead

Vinyl Sheet Pile Wall

Winter Storage Area

The Shack

Dutch Harbor Boat Yard

Narragansett Ave

Travel Lane with Emergency Vehicle Turn Around

Rip Rap Slope

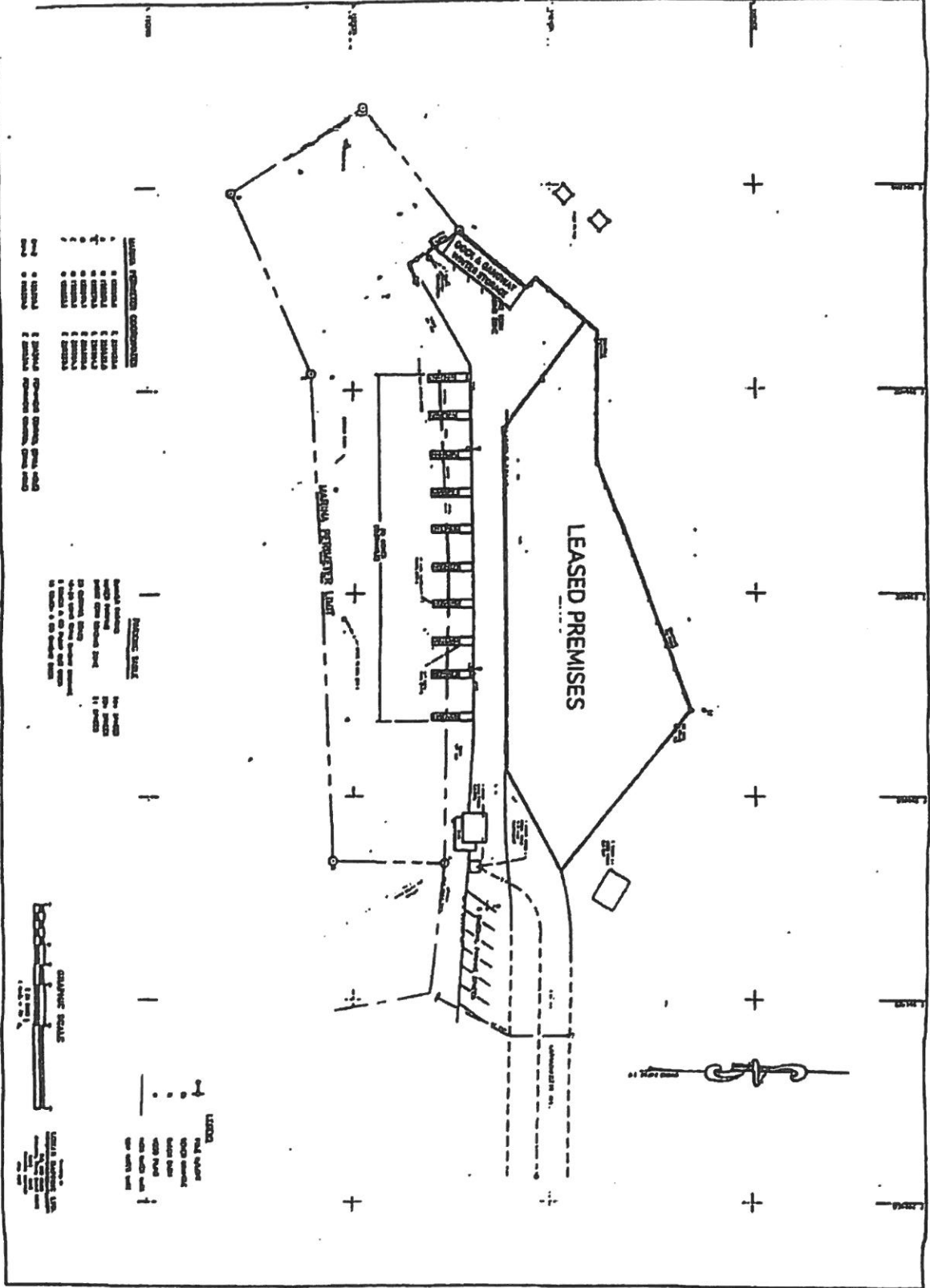
Stairs to Out-Hauls

Out-Haul Dolphins

Public Restroom

VENUE B

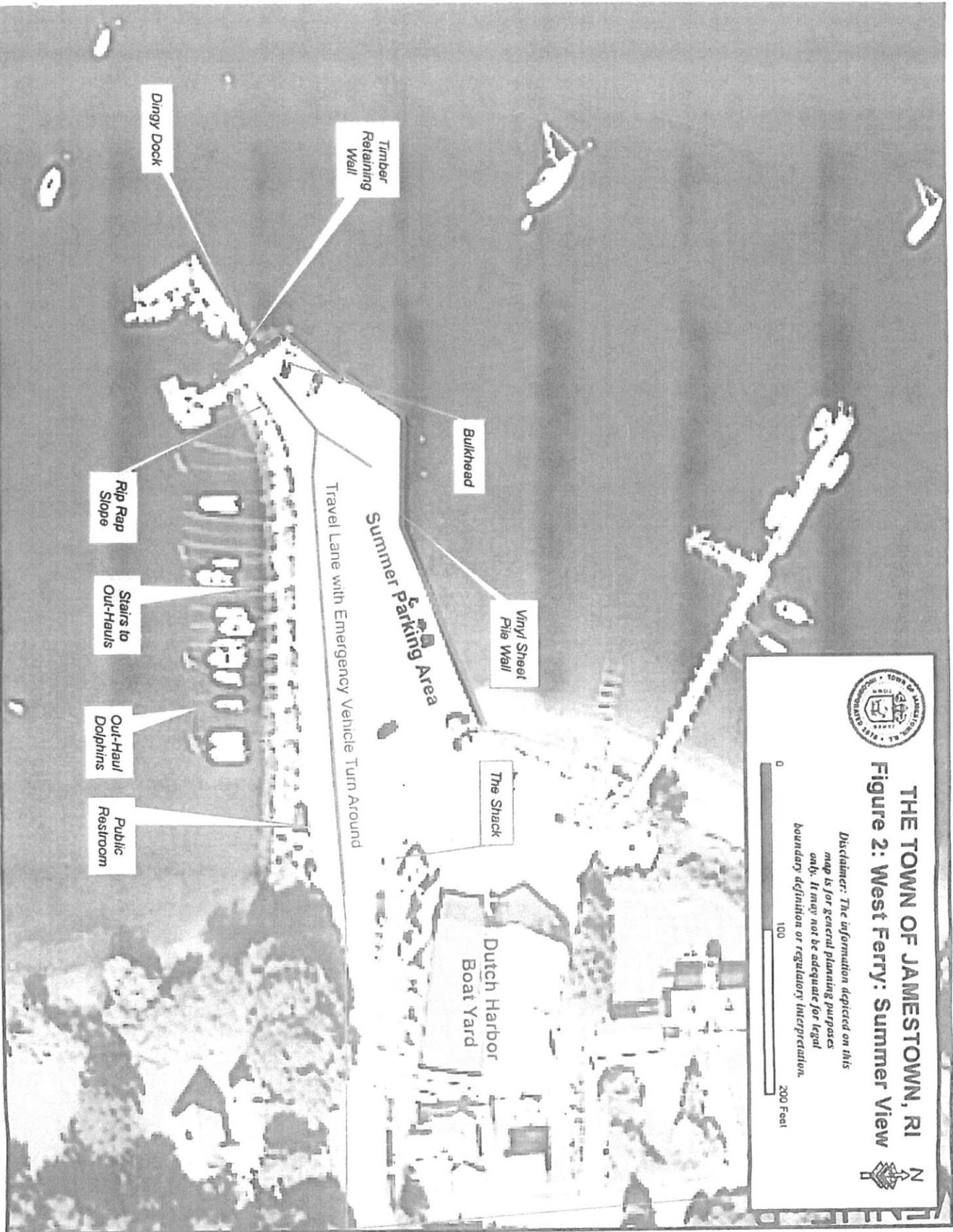




- LEGEND**
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- FINISHES**
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**THE TOWN OF JAMESTOWN, RI**  
**Figure 2: West Ferry: Summer View**

*Disclaimer: The information depicted on this map is for general planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation.*



Town of Jamestown as an abutter.

Town Property: Plat 8, Lots 171, 173, 183, & 377

**TOWN OF JAMESTOWN  
ZONING BOARD OF REVIEW  
NOTICE OF PUBLIC HEARING  
Tuesday, October 27, 2020  
7:00 PM**

**PURSUANT TO EXECUTIVE ORDER'S NO. 20-05 & NO. 20-25 EXECUTED BY GOVERNOR GINA RAIMONDO ON MARCH 16, 2020 & APRIL 15, 2020. THIS MEETING WILL BE TELECONFERENCED VIA ZOOM AND VIA TELEPHONE:**

The public is invited to observe and participate in the deliberations of this meeting by accessing the meeting link set forth herein. For those without access to video observation platforms, you may also call in to listen and participate in the deliberations of this meeting by using the call-in phone number provided herein.

**JOIN VIA PHONE: 1(301) -715- 8592 or 1(312) - 626- 6799 or 1(646) - 558- 8656**

**WHEN PROMPTED, ENTER MEETING ID: 92764056781**

**PRESS # AGAIN TO JOIN THE MEETING**

**To participate during Public Hearing or Public Input you will press \*9 to raise your hand.**

**JOIN VIA COMPUTER OR MOBILE APP: <https://zoom.us/j/92764056781>**

**MEETING ID: 92764056781**

**To participate during Public Hearing or Public Input, please use the raise your hand icon in the Zoom.**

**TO VIEW THE MEETING LIVE STREAM WITH NO INTERACTION, PLEASE VISIT THE FOLLOWING LINK:**

**<http://158.123.195.41/OTRMedia/Town2020/Others2020/StreamPrimJtown.html>**

On the following matters:

Application of SREG Management, LLC, Buyer of the property located at 63 Conanicus Ave, and further identified as Assessor's Plat 8, Lot 181 for dimensional relief granted under Article 6, Special Use Permits and Variances, pursuant to Section 82-302, District Dimensional Regulations and Table 3-1, R 20 Zoning District Regulations, for a special use permit to allow a multi-family structure in an R20 Zone. This application also seeks dimensional relief from the following: Section 82-302, District dimensional regulations and Table 3-2, to allow a multi-family structure on a lot that is 15,232 square feet where 200,000 square feet is required; and from Section 82-1006.5, Open Space Requirements to allow 7,777 square feet of open space where 8,314 square feet is required. Said property is located in an R20 Zone and contains 15,232 square feet.

**PLEASE NOTE: All Correspondence or Exhibits you wish the Board to consider on any of the above matters must be received by the Zoning Board Clerk Office no later than Monday October 19, 2020. You may submit those documents the following ways: Email to [pwestall@jamestownri.net](mailto:pwestall@jamestownri.net) or via drop box located on the West Street side entrance of Town Hall, or by regular mail 93 Narragansett Avenue, Jamestown, RI 02835.**

**Please find website link for Meeting Material, Notice of Applications, Exhibits, and Correspondence: <http://www.jamestownri.gov>**

This meeting location is accessible to the physically challenged. Hearing or speech impaired individuals requiring the services of an interpreter should call 1-800-745-5555 not less than 3 business days prior to the meeting.

**BY ORDER OF THE  
ZONING BOARD OF REVIEW  
RICHARD BOREN, CHAIRMAN  
CHRIS COSTA, ZONING OFFICER**

**Town of Jamestown as an abutter.**

**Town property: Plat 15, Lots 180, 273, & 381**

**TOWN OF JAMESTOWN  
ZONING BOARD OF REVIEW  
NOTICE OF PUBLIC HEARING  
Tuesday, October 27, 2020  
7:00 PM**

**PURSUANT TO EXECUTIVE ORDER'S NO. 20-05 & NO. 20-25 EXECUTED BY GOVERNOR GINA RAIMONDO ON MARCH 16, 2020 & APRIL 15, 2020. THIS MEETING WILL BE TELECONFERENCED VIA ZOOM AND VIA TELEPHONE:**

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**<http://158.123.195.41/OTRMedia/Town2020/Others2020/StreamPrimJtown.html>**

On the following matters:

Application of Esther R. Pedersen & Mark T. D'Arrezzo whose property is located at 141 Beacon Ave., and further identified as Assessor's Plat 15, Lot 286 for a variance/special use permit from Art. 3, Sec. 82-302 and Art. 6, Sec. 82-601 & 605 to construct a covered porch within 8.8' of the side lot line in lieu of the 10' required setback per Table 3-2. Art. 3, Sec. 82-314 – The subject lot is in subdistrict A of the high groundwater table and impervious layer overlay district and therefore requires a special use permit. Said property is located in a R40 (table 3-2 R20) zone and contains 10,590 sq. ft.

**PLEASE NOTE: All Correspondence or Exhibits you wish the Board to consider on any of the above matters must be received by the Zoning Board Clerk Office no later than Monday**

**October 19, 2020.** You may submit those documents the following ways: Email to [pwestall@jamestownri.net](mailto:pwestall@jamestownri.net) or via drop box located on the West Street side entrance of Town Hall, or by regular mail 93 Narragansett Avenue, Jamestown, RI 02835.

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CHRIS COSTA, ZONING OFFICER**