

**Approved As Written**  
**PLANNING COMMISSION MINUTES**  
**March 17, 2021**  
**7:00 PM**

**Jamestown Town Hall**  
**93 Narragansett Ave.**

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

This meeting is being held via Zoom

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

The meeting was called to order via zoom at 7:02 p.m. and the following members were present:

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

Also present:

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

**II. Correspondence**

1. Rhode Island Infrastructure Bank – Municipal Resilience Program Action Grants-Overview of the program

**III. Approval of Minutes March 3, 2021; review, discussion and/or action and/or vote**

A motion was made and withdrawn by Commissioner Enright and seconded by Commissioner Smith to continue approval of the minutes until the next meeting.

**IV. Citizen’s Non-Agenda Item**

**V. Reports**

1. Town Planner’s Report
  - Future meetings – topics and applications

Council scheduled public hearing for April 19<sup>th</sup> for Riven Rock. April 21 meeting we may not be meeting that evening. We have a project that may go forward so we may have that meeting, one application so we are being flexible. Enright announced the preservation conference by zoom and it is \$25.00 if someone wants to participate.

Swistak asked if the council discussed the North Rd improvement at Zeeks creek. Lisa responded that they did only from the perspective of the TIP process and advocating to RIDOT.

## VI. Old Business

### 1. **Short Term Rental Regulation-recommendation to the Town Council for review and possible action** - Discussion, review, and/or action and/or vote

- Updated Draft Ordinance – Short-Term Residential Leases
- Draft Rental Registration Form
- Recommendation to the Town Council – draft memo
- Correspondence from Resident Marian Falla – including the following links:  
<https://www.airdna.co/vacation-rental-data/app/us/rhode-island/jamestown/02835/overview>  
[The Effect of Home-Sharing on House Prices and Rents: Evidence from Airbnb](#)

Town Planner Lisa Bryer said the first draft changes we made were looked at by Solicitor Wyatt Brochu who took it and cleaned it up and made some additional changes. That is the version that you received this afternoon. Solicitor Brochu will go over the draft including the changes he made.

The registration component from other community's findings are similar to what we had. Commissioner Enright had some questions on the draft. Ms. Bryer put it up on the screen. Findings are similar to what we have been working with. Definitions are similar to what we had prior. Commissioner Enright asked about Inspections every year. Attorney Brochu spoke to Joseph White from Charlestown and with any transient use the rental is subject to sprinklers etc. The state issued a blanket variance for transient use properties. They are currently revisiting. This may be addressed further over time. Ongoing requirements may change as time goes on. If this is not annual maybe every 3-5 years. Commissioner Cochran said the inspections are pretty minimal.

Commissioner Pfeiffer – verification and egress window to each bedroom should be included in the inspection.

Town Planner Lisa Bryer has provided the Middletown inspection at a prior meeting and when we get there the Planning Commission can review this. Commissioner Enright thinks every year is too much. Hardship on our inspectors, she thinks every 3-5 years.

Commissioner Cochran asked are B&B's inspected every year? They should be accountable and he thinks that every year is not too much to ask, fire inspection every year and building every 3 years. Lisa will ask the Chief and Fire Marshall this question. \$30 + for every inspection. Should the \$500 registration fee cover the inspection too? No that is separate.

An email address makes it easier to communicate with the owner of the property too. This is why Brochu put this in.

Maximum occupancy needs to be tightened up. Parking element too.

Commissioner Swistak said Chief Mello said something about the parking and driveways. Add a sentence that states exceeding the occupancy limits is a violation, and exceeding the parking is a violation Swistak said. Chief Mello had those in his notes.

Commissioner Smith said parking regulations for normal occupancy what if he is having a party? If there is a complaint Brochu said then the police will have to address it. We are not getting into if they have a party. Limit occupancy Commissioner Swistak said.

Attorney Brochu said that is why they are worded this way. We are limiting the renters, the town is going out of its way allowing this. This is only allowed in commercial districts. Jamestown is allowing this and limiting occupancy is a good balance. If violated they could lose their permits. Cochran would make it even stricter.

Chief Mello said why give anybody a second chance, a violation is a violation. Brochu said the provisions can be made stronger. Commissioner Enright said first violation could be a mistake, she doesn't think pulling it on the first violation is sensible. After 3 violations the permit gets pulled.

Trying to do too much in this ordinance Solicitor Brochu said would not be good. Commissioner Prestigiaco asked can we revisit this a year from now and re-assess. This will be part of zoning ordinance not code of ordinances. Attorney Brochu said it can be revisited at any time.

This ordinance is putting the responsibility out in the open. Commissioner Enright asked if this notice is supposed to be posted externally. No Ms. Bryer said it was never intended to be on the outside of the door. Attorney Brochu said it would be for the police but it should not be personal info posted outside the house.

Commissioner Prestigiaco asked about the per day fees what does it mean? A discussion ensued about combining violations and fines or should it be a fine for each violation. Fines could be adjusted or we could put in that each violation constitutes a different fine. Solicitor Brochu wants to add a provision that says all fines must be paid in full before a new registration can be done.

We should start January 2022 so owners can have time. Commissioner Prestigiaco asked if we put this in place in January can we publicize this before?

Commissioner Swistak called upon resident Marian Falla to see if she wanted to give her input. Marian Falla – Green Lane – this is a good first step and addresses their concerns. Special thanks to Lisa Bryer. Putting a cap on the amount of rentals she feels should be done. Bryer said let's

wait and see we have 147 total rentals according to the consultant. Air BnB is fined if a rental is allowed in zones not permitted Marian said. There are places that put a cap on the amount of rentals.

Commissioner Pendlebury said there was an article in Newport this week looking again at their regulations. The number of registrations is less than the number of advertisements and dropped by almost 30% when the regulations were put in place.

Solicitor Brochu and Town Planner Lisa Bryer can go over the minor edits then it could be forwarded on to town council. The frequency of inspections Commissioner Swistak said needs to be addressed. Ms. Bryer will leave it up to the fire department. Fines and how they are applied needs to be looked at. Brochu said in the current code of ordinances each day constitutes a separate violation.

Commissioner Pendlebury thinks that we should not forward it tonight, we should get the edits and then vote on it to send to the town council. Commissioner Cochran said everywhere in the ordinance it should say this constitutes a violation of the ordinance, there needs to be clarity.

## VII. Adjournment

A motion was made by Commissioner Cochran and seconded by Commissioner Smith to adjourn the meeting at 8:34p.m. So unanimously voted.

Attest:



Cynthia L. Reppe