

Approved As Written
PLANNING COMMISSION MINUTES
March 3, 2021
7:00 PM

**PURSUANT TO EXECUTIVE ORDER NO. 20-25 EXECUTED BY GOVERNOR GINA
RAIMONDO ON MARCH 16, 2020 AS AMENDED**

THIS MEETING WILL BE TELECONFERENCED VIA ZOOM:

The public is invited to observe 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.

Jamestown Zoom Host is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/85883951710>

I. Call to Order and Roll Call

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

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

Not Present: Mick Cochran

Also present:

Lisa Bryer, AICP – Town Planner
David Petrarca ESQ. – Town Solicitor
Cinthia Reppe – Planning Assistant
Christian Infantolino – Esq.
Deb Foppert – Esq.

Commissioner Swistak recused for the next agenda item and the approval of minutes.

II. Old Business

- A. 113-115 Melrose Avenue, Plat 8 Lot 31, Proposed 2 Lot Subdivision - review, discussion and/or action/recommendation and/or vote**

**Public Hearing – Continued from February 17, 2021
TO HOLD A COMBINED SUBDIVISION MASTER PLAN INFORMATIONAL
MEETING AND COMPREHENSIVE COMMUNITY PLAN PUBLIC HEARING FOR**

THE PROPOSED (MAJOR) 2 LOT SUBDIVISION WITH STREET EXTENSION OF MELROSE AVENUE REQUIRING POTENTIAL WAIVERS/VARIANCE AND AMENDMENTS TO THE JAMESTOWN COMPREHENSIVE PLAN AND THE JAMESTOWN ZONING ORDINANCE FOR PROPERTY LOCATED AT PLAT 8 LOT 31, 113-115 MELROSE AVENUE, JAMESTOWN, RI

This project consists of a (major) two-lot subdivision with potential waivers related to the street extension and a setback variance, separating two existing houses on one existing lot. The subject lot is accessed by the existing Melrose Avenue including utilizing a portion of the Melrose Avenue paper street, a public street off Arnold Avenue. The project is comprised of Tax Assessors Plat (AP) 8 Lot 31. Said lot proposed for subdivision begins less than 1/10th of a mile (approximately 225 feet) north of Arnold Avenue on Melrose Avenue and approximately 3/10th (approximately 1400 feet) of a mile north of Watson Avenue on Melrose Avenue.

The Subdivision request includes a change of zone from R-40 to R-20 which will necessitate a Comprehensive Plan Amendment involving amendment of the following maps:

- i. Existing Zoning Map #4 – change Plat 8 Lot 31 from R-40 to R-20**
 - ii. Future Land Use Map #5 – change Plat 8 Lot 31 from Moderate Density Residential to Moderate High Density Residential**
 - iii. Public Water and Sewer Service Area Map #22 – to include Plat 8 Lot 31 in the Urban Water and Sewer District**
- b. Zoning Ordinance Map Amendment: From R-40 Zoning District to R-20 Zoning District**
 - c. Zoning Ordinance relief requested Table 3-2: Front Yard Setback**
 - i. R-40 District 40 feet required, 15 feet proposed; or,**
 - ii. R-20 District 30 feet required, 15 feet proposed.**

Adoption of the proposed subdivision proposal and Comprehensive Plan amendments will be considered at this Public Hearing and may be altered or amended prior to the close of the Public Hearing without further advertising, as a result of further study or because of the views expressed at the Public Hearing. Any such alteration or amendment must be presented for comment in the course of any said Public Hearing.

Commissioner Pendlebury opened the meeting and explained the process for this evening. He would like to hear from the audience first, then the applicant followed by the Planning Commissioners who will discuss the motions.

Attorney Christian Infantolino sent a letter noting objections to the motion, the planning commission received it.

Commissioner Pendlebury asked if there was anyone on the abutters side that wanted to speak. Nobody responded from the audience.

Commissioner Pendlebury made it clear that he wants to hear from both groups then it will be discussed with the commission and they review the motions with comments and changes.

Attorney Deb Foppert said she wanted to briefly respond to Attorney Infantolino's letter, both experts gave testimony and it can be provided in written form. It was not required. She wants to remind you that we are at master plan which is a conceptual phase. They hired Todd Rabinol who added the swales and worked with the surveyor. Drainage plans and calcs will be provided for Preliminary.

There are 2 memos prepared by Lisa Bryer to pass on to the council. Commissioner Pendlebury would like to go over them with the Planning Commission.

Solicitor Petrarca said he would like Ms. Bryer to screen share so the audience can see.

Lisa noted that the town council will be looking at this as conditional approval then the planning commission goes forward and finalizes the subdivision during preliminary and final review and approval.

Commissioner Pendlebury asked if the commissioners had any changes or comments.

A motion was made by Commissioner Pendlebury and seconded by Commissioner Enright to have Planner Lisa Bryer forward the following motion to the Town Council.

As follows.

RECOMMENDATION

At a meeting of the Jamestown Planning Commission held March 3, 2021 it was voted to:

1. Recommend to the Town Council that conditional approval be granted for the Zoning Map Amendment allowing for the Zone Change from R-40 to R-20 for 113-115 Melrose Avenue for the purposes of permitting the property owner to subdivide the property and separate the two existing homes, each onto their own lot; and,
2. Conditionally approve the proposed Comprehensive Plan Map Amendments as follows and recommend to the Town Council that conditional approval be granted for such amendments:
 - a) Existing Zoning Map #4 – change Plat 8 Lot 31 from R-40 to R-20
 - b) Future Land Use Map #5 – change Plat 8 Lot 31 from Moderate Density Residential to Moderate High Density Residential
 - c) Public Water and Sewer Service Area Map #22 – to include Plat 8 Lot 31 in the Urban Water and Sewer District

FINDINGS OF FACT

The Planning Commission finds the following in support of the proposed zone change and Comprehensive Plan Map Amendments:

1. This application requests that the subject property comprising 113-115 Melrose Avenue, Assessors Plat 8 Lot 31, be rezoned from R-40 (requiring 40,000 square feet per lot) to R-20 (20,000 square feet per lot) for the purpose of separating the two existing homes, each

- on their own lot, through subdivision of two lots from the one existing lot. The area of zone change is confined to Plat 8 Lot 31.
2. The Planning Commission duly advertised (December 17, 24, and 31, 2020) and held a combined subdivision Master Plan Information Meeting and Comprehensive Community Plan Public Hearing for the proposed (major) 2-lot subdivision with street extension of Melrose Avenue requiring waivers and amendments to the Jamestown Comprehensive Plan and the Jamestown Zoning Ordinance for the property located at Plat 8 Lot 31, 113-115 Melrose Avenue, Jamestown RI on January 6 (continued), February 3 and 17, 2021;
 3. Conditional Subdivision approval was granted by the Planning Commission on March 3, 2021, conditioned upon granting of this Zone Change and the following Comprehensive Plan Map Amendments:
 - d) Existing Zoning Map #4 – change Plat 8 Lot 31 from R-40 to R-20
 - e) Future Land Use Map #5 – change Plat 8 Lot 31 from Moderate Density Residential to Moderate High Density Residential
 - f) Public Water and Sewer Service Area Map #22 – to include Plat 8 Lot 31 in the Urban Water and Sewer District
 4. The subject parcel is approximately 1.7 acres/74,000+ square feet;
 5. The subject parcel is approximately 6,000 square feet short of being subdividable in the R-40 District. The proposed lot sizes for the subdivision are 48,377 and 26,173 square feet and the applicant has offered “no further subdivision on the 48,377 square foot parcel (Riven Rock);
 6. The subject parcel and all the property north to the creek and east to North Road was zoned R-20 prior to 1982 when the Town rezoned the area north of Arnold Avenue as R-40. This included Riven Rock as the south-western boundary of this district. We do not have any evidence as to why the zone was changed but the area remaining as R-20 seems to correspond to the Water and Sewer Urban Service Area boundary. The subject parcel is serviced by Public Water and Sewer and has been for many years and is therefore consistent with the R-20 Zoning description;

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The Planning Commission finds that the petition will be consistent with the Comprehensive Plan subsequent to the approval of the requested amendment. The current Comprehensive Plan Future Land Use (as shown on Map 5) designation for the property is Moderate Density Residential. The proposed designation is Moderate High Density Residential.

The Comprehensive Plan is the guiding document for the town. As such, all other policy documents such as the Zoning Ordinance and the Subdivision Regulations must be in compliance with the Comprehensive Plan. When reviewing this proposal, several areas of inconsistency are highlighted.

Comp Plan Map #4 – Existing Zoning. This map shows the subject parcel in the R-40 Zoning District, which is described as follows:

Residential District R-40 - This zone is intended to limit the growth of densely settled neighborhoods, which rely on OWTS and private wells. The small-lot subdivisions, which would be illegal under current regulations, present potential groundwater

contamination problems if not adequately restricted. In some instances, this zone also serves as a transition between R-20 and RR-80.

The R-40 Zoning District includes the Jamestown Shores neighborhoods, areas along East Shore Road (south of Eldred Avenue), property along the southern border of the Jamestown Creek, property east of Bay View Drive and south of Hamilton Avenue, and the Clarke's Village and Bonnet View neighborhoods on Beavertail.

The primary land use of the R-40 districts is single-family housing although multi-family uses are allowed by Special Use Permit and some farming and recreational development is permitted. Commercial development is limited to customary home occupation and home offices as permitted uses, and marinas, along with their associated commercial parking and/or ship and boat storage and repair by special use permit.

The proposal requests the R-40 zoning be changed to R-20, extending the R-20 district to the Melrose Avenue boundary to the north. In researching the zoning in the area, the entire area north of Arnold Avenue to the Great (Zeek's) Creek was zoned R-20 until 1982 at which time the current R-40 area was rezoned. No justification to that boundary zone change to R-40 has been found in the Town Council minutes preceding the zone change on October 12, 1982. The current description of the R-20 Zoning District in the Comprehensive Plan as well as the Zoning Ordinance is as follows:

Residential District R-20 - This zone is intended to maintain the neighborhood integrity of the area directly adjacent to traditionally densely developed sections of the village area. This district is designated to allow controlled growth in areas immediately outside the village which are served by municipal water or sewer.

This district encompasses areas along Conanicus Avenue including Shoreby Hill, the West Ferry neighborhood, and property along the north and south sides of Hamilton Avenue. A minimum lot size of 20,000 square feet is required for residential development. All of these areas have public water and sewer services available.

The Zoning Ordinance allows for residential development as a permitted use and duplex and multi-family by special exception. Some farming and recreational development is permitted. R-20 zoning allows customary home occupation and home offices as permitted uses and marina and/or ship and boat storage and repair by Special Use Permit.

Comp Plan Map #5 – Future Land Use

Moderately High Density Residential - This district is intended to maintain the neighborhood integrity of the area directly adjacent to traditionally densely developed sections of the village area. This district is designated to allow controlled residential growth in areas immediately outside the village that are served by municipal water or sewer. This area is appropriate for single-family residential (maximum 2.18 dwelling units per acre) and

pecially approved multi-family residential (maximum 2.6 dwelling units per acre) uses as well as agricultural uses.

Moderate Density Residential - This zone is intended to limit the growth of densely settled, environmentally sensitive neighborhoods that rely on OWTS and private wells. This district also serves as a transition between the village area and outlying rural residential areas. This district is appropriate for primarily single-family residential (maximum 1.09 dwelling units per acre) use as well as specially approved multi-family residential (maximum 2.6 dwelling units per acre) and agricultural uses.

Lacking justification for the zone change from the Town Council Public Hearing on October 12, 1982, we should refer to the District definition and the density descriptions above in the Comprehensive Plan. The existing Density is 1.12, fitting into the Moderately High Density Residential category for the Future Land Use for single family. The corresponding zoning district for this future land use category is R-20. It does not fit the category of multi-family since both homes are single family residential.

The zoning definitions for R-20 and R-40 above have been reviewed for applicability for this proposal. The proposal to change to the R-20 district is justified given the zoning ordinance description:

This zone is intended to maintain the neighborhood integrity of the area directly adjacent to traditionally densely developed sections of the village area. This district is designated to allow controlled growth in areas immediately outside the village which are served by municipal water or sewer.

Both lots as proposed meet the proposed lot size for the zoning designation of R-20. The proposed density is 1.6 dwelling units per acre on the Pebble (small lot/house) with a lot size of 26,173 square feet characterizing the R-20 district and .9 dwelling units per acre on the Riven Rock main house with a lot size of 48,377 square feet, characterizing both the R-20 and R-40 district.

The existing larger Riven Rock home meets the current and proposed zoning setbacks as well as frontage. The Pebble house is currently non-compliant with front yard setback and is wholly within the front yard setback. As proposed, the Pebble has proposed to move the new structure back, meeting all zoning setbacks and requirements.

CONSISTENCY WITH ZONING

The Planning Commission finds that the proposed Zoning Map amendment recognizes the above facts and takes into account the following applicable purposes of zoning as stated in the Jamestown Zoning Ordinance Chapter 82-101 and the Rhode Island Zoning Enabling Act of 1991:

- (1) Promoting the public health, safety, and general welfare.
- (2) Providing for a range of uses and intensities of use appropriate to the character of the city or town and reflecting current and expected future needs.

(3) Providing for orderly growth and development that recognizes:

- (i) The goals and patterns of land use contained in the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title;
- (ii) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution;
- (iii) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;
- (iv) The values of unique or valuable natural resources and features;
- (v) The availability and capacity of existing and planned public and/or private services and facilities;
- (vi) The need to shape and balance urban and rural development; and
- (vii) The use of innovative development regulations and techniques.

(4) Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.

(5) Providing for the protection of the natural, historic, cultural, and scenic character of the city or town or areas in the municipality.

(6) Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.

(7) Providing for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.

(8) Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.

(9) Providing opportunities for the establishment of low- and moderate-income housing.

(10) Promoting safety from fire, flood, and other natural or unnatural disasters.

(11) Promoting a high level of quality in design in the development of private and public facilities.

(12) Promoting implementation of the comprehensive plan.

(13) Providing for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.

(14) Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.

(15) Providing for procedures for the administration of the zoning ordinance, including, but not limited to, variances, special-use permits, and, where adopted, procedures for modifications.

(16) Providing opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34; the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42; and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.

So voted:

Duncan Pendlebury – Aye

Rosemary Enright – Aye

Bernie Pfeiffer - Aye

Dana Prestigiacomio - Aye

Michael Smith – Aye

Motion Carries – 5-0

The Planning Commission then looked at the Draft Master Plan Subdivision motion. Ms Bryer talked about the objections raised by Attorney Infantolino on behalf of the abutters.

Commissioner Pendlebury made a motion and Commissioner Enright seconded the motion as follows:

At the March 3, 2021 meeting the Jamestown Planning Commission voted to grant Conditional Master Plan approval of a Major Land Development in accordance with the Town of Jamestown Subdivision Regulations, R.I.G.L. § 45-23-37 and the plans entitled "**Riven Rock Preliminary Plan Proposed Conditions Plan; Assessors Plat 8, Lot 31, Jamestown, Rhode Island; prepared for Riven Rock Inc; prepared by Alpha Associates, LTD, 35 Rocky Hollow Road, East Greenwich, RI 02818, phone 401-884-8506; dated March 2020, Revised 1/25/2021** based on the following Findings of Fact:

A. Findings of Fact

The Board makes the following findings:

1. The subject property, as it exists today, is non-conforming with the Jamestown Zoning Ordinance because two dwellings exist on one lot;
2. The two dwellings were built circa 1911 (Riven Rock) and 1906 (The Pebble);
3. Prior to 1969, the Town of Jamestown zoned this area, north to the creek, as R-20, and then rezoned the area to R-40 in 1982. At that time, the Town incorrectly recorded that the property was 3.74 acres when it was actually 1.7 acres. This incorrect recording of size and rezoning to R-40 may have provided the assumption that subdivision of this lot was an option to correct the non-conformity. The rezoning to R-40 in fact removed any possibility for the property to become conforming by zoning by removing the possibility of legal subdivision;
4. The applicant has petitioned to amend the Jamestown Comprehensive Plan and the Jamestown Zoning Ordinance so that the proposed subdivision will be consistent with both once subdivided;
5. As proposed, in conjunction with the Zone Change and Comprehensive Plan Amendment approval, each lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance;

6. The Planning Commission held two evenings of public hearings for the Master Plan, February 3 (continued), February 17, and March 3, 2021 where, the following professionals testified:
 - a) For the applicant: Joseph D. Lombardo - Land Use Planning Consultant - JDL Enterprises; Harry Miller, Professional Land Surveyor – Alpha Associates, LTD. No written testimony was provided other than what was recorded in the minutes;
 - b) For the objectors: Edward Pimentel, AICP – Pimentel Consulting Inc; Eric Wishart – PE – Civil Cadd Services Inc. Both professionals provided written testimony;
7. The six residents of the West Passage Drive development to the north were represented by Attorney Christian Infantolino and supported by the professionals listed in #6 b) above;
8. The applicant has offered “no further subdivision” of parcel A; Riven Rock. As proposed, it has the proper size for subdivision but not the proper frontage;
9. No building lot is designed and located in such a manner as to require relief from Article 3, Section 308 of the Zoning Ordinance since both proposed lots are serviced by public sewer. Both lots will have individual sewer service connections. It was recommended by the Public Works Director that a private agreement be drafted for the shared force main between the applicant and the residence to the south (95 Melrose Avenue);
10. There is no evidence of significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions for approval. CRMC approval may be required prior to final approval;
11. The subdivision as proposed will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and buildings standards would be impracticable. There are two existing dwellings;
12. All subdivision lots have adequate and permanent physical access to a public street, namely, Melrose Avenue. The proposed subdivision parcel A (Riven Rock) has street frontage on the developed portion of Melrose Avenue. The proposed subdivision parcel B (Pebble) has street frontage on the undeveloped portion of Melrose Avenue. Lot frontage on a public street without physical access shall not be considered compliant with this requirement therefore a waiver has been requested and is granted below;
13. The subdivision provides for safe circulation of pedestrian and vehicular traffic, for adequate surface water runoff, for suitable building sites and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community (See 14 and 16 below). The applicant stated that Soil Erosion and Sediment Control Plans will be submitted at the Preliminary stage of approval;
14. It was noted in correspondence dated December 23, 2020 from RIHPHC that “Although there is no record of archaeological sites on the specific property, we consider it reasonably likely that a site might be present, and so when we review the project through Coastal Resources Management, we will almost certainly recommend that CRMC require an archaeological survey as part of the permitting process”. In addition “the site is within the Jamestown Archaeological District, which was listed on the National Register of Historic Places (in 1984)” and “Riven Rock, the existing structure, is not listed in the National Historic Register. However, during RIHPHC’s 1994 survey of the architectural resources of Jamestown, we noted that it deserves consideration and further study for entry in the National Register”;
15. The design and location of building lots, utilities, and other improvements in the subdivision minimize flooding and soil erosion (see 16 below). The applicant stated that

- Soil Erosion and Sediment Control Plans will be submitted at the Preliminary stage of approval;
16. Melrose Avenue discontinues at the subject property and continues onto West Passage Drive without any traffic signals. Melrose Avenue exists as a paper road to the north side of the subject parcel but not to Narragansett Bay. This unimproved portion was a natural channel for stormwater for the neighborhood up hill and is subject to severe stormwater runoff. The Town permitted and coordinated with the two abutters to pipe the stormwater from the neighborhood, including the Melrose School, to the Bay, mitigating the unnecessary overland channeling of stormwater flow on this paper road. Additional stormwater is mitigated by not developing the paper portion of Melrose Avenue. The town continues to own and maintain that paper road and it is not a public right-of-way to the shore;
 17. The Building Official and Public Works Director participated in the three Technical Review Committee meetings and their agency comments are reflected throughout this motion. Other agency comments were solicited and are as follows:
 - a) The Fire Department has reviewed the initial plans and the revised plan, which utilized a very small portion of the undeveloped Melrose right-of-way, and has no issues with service to the subdivision as proposed. In addition he noted that in his professional opinion a full cul-de-sac on this particular lot fronting on the paper extension of Melrose Avenue is not necessary since West Passage Drive, a public Street, ends in a proper cul-de-sac just 200 feet down the road and is accessible to emergency vehicles.
 - b) The Police Department has no issues with the subdivision as proposed as long as the addresses are properly marked.
 - c) The Conservation Commission Chair noted that the plan is acceptable as long as CRMC approved the “limits of disturbance and silt fence/compost sock” line outside of the CRMC setback. She also suggested that the driveway be permeable concrete/concrete pavers due to the proximity of the coastal buffer zone.
 18. All lots in the subdivision have access to sufficient potable water for the intended use as both lots are connected to public water; and,
 19. This application is a major subdivision as a result of the requested waivers from the Subdivision and Land Development Regulations.

B. Waivers from the Subdivision and Land Development Regulations

The Planning Commission agrees to grant the following waivers:

1. Article 13.B.1. Frontage on Improved Street. Requires that the area to be subdivided shall have frontage on an existing or proposed to be “improved” public street.
2. Article 13.b.8. – Cul-de-sacs – all dead end streets shall end in a cul-de-sac with center island with 50 foot radius (100 feet total width).
3. Article 13.C.3.d. – Shoreline Access – where a subdivision has waterfront shoreline, there shall be provided a pedestrian easement for access to the shore by the general public.

C. Findings of Fact for Granting Waivers

In Support of the waivers, the Planning Commission makes the following findings of fact:

1. The applicant seeks to utilize the unimproved portion of Melrose Avenue by crossing over a corner of it to access the proposed parcel B. The proposed lot access from the

- developed Melrose Avenue is more in keeping with the rural character of the town and neighborhood by not developing the frontage of the unimproved portion of Melrose Avenue and creating more paved surface;
2. A full cul-de-sac that is compliant with the Subdivision Regulation exists at the end of West Passage Drive, 200 feet to the north of this subdivision parcel;
 3. If subdivided, the two subdivision parcels would each have an existing dwelling and the existing combined driveway would be separated but parallel;
 4. Melrose Avenue is not listed as a CRMC Shoreline Access Point nor as an existing or recommended shoreline access point in the Jamestown Report on Public Shoreline Access. The full shoreline on the existing lot is approximately 400 feet. If created, a shoreline access point would be within 70 feet of the existing house on Parcel A, 30 feet from the existing house on parcel B, 50 feet from the abutting house and 25 feet from the adjacent abutters dock at 2 West Passage Drive (AP 8 Lot 858, owned by Ross). If a shoreline access easement were granted to the Town, no safe access to the shoreline is provided, no parking is provided, and no amenities such as bathrooms or benches are provided. This is not listed as a priority 1, 2 or 3 in the Towns shoreline Access Report so funding would not be readily available as allocation of funding should follow the priorities listed;
 5. For the reasons stated above, the request for "Waivers" to the Subdivision Regulations is reasonable and within the general purposes and intents of the Subdivision Regulations; and,
 6. Literal enforcement of the regulation is impracticable and will exact undue hardship because of peculiar conditions pertaining to the project parcel as described above.

D. Conditions of Approval

1. This approval is conditional and the final approval is dependent on the granting of a zone change from R-40 to R-20 and Comprehensive Plan Map Amendments for:
 - a) Existing Zoning Map #4 – change Plat 8 Lot 31 from R-40 to R-20
 - b) Future Land Use Map #5 – change Plat 8 Lot 31 from Moderate Density Residential to Moderate High Density Residential
 - c) Public Water and Sewer Service Area Map #22 – to include Plat 8 Lot 31 in the Urban Water and Sewer District
2. This approval is for a total of 2 lots, both lots will have an existing dwelling. No further subdivision of Riven Rock property shall occur, which shall be noted on the recorded Final Record Plan;
3. At Preliminary approval stage the applicant will determine applicability/apply for CRMC approval;
4. Prepare and submit Soil Erosion and Sediment Control Plans at the Preliminary stage of approval;
5. The driveway for Parcel A (Riven Rock) shall be removed from Parcel B prior to final approval;
6. That payment of a fee in-lieu-of land dedication shall be required for this subdivision in the amount required by Article IIID of the Jamestown Subdivision Regulations for the new lot. This fee in-lieu-of will serve as the alternative to dedication of land for public purposes, including the release of the requirement to provide shoreline access on the subdivision

- parcel. This fee shall be determined at the time of filing of the final plat and paid prior to recording of the final plan.
7. Granite monuments shall be placed at all corner points at the new property line;
 8. Prior to Final Approval, the applicant must provide the following legal document, acceptable to the Town Solicitor:
 - a) Sewer force main agreement between the two subdivision lot dwellings and 95 Melrose Avenue;
 9. If the conditions in Paragraph D.1 are conditionally approved by the Jamestown Town Council, the applicant must then apply to the Planning Commission for the Preliminary Plan approval of a Major Land Development in accordance with the precedence of approvals in the Subdivision and Land Development Regulations and applicable state law;
 10. This approval shall be recorded with the Town Clerk within 30 days of approval; and,
 11. This approval shall expire one year from the date of approval by the Planning Commission unless preliminary plan submission has occurred.

So voted:

Duncan Pendlebury – Aye
Dana Prestigiaco – Aye
Motion Carries – 5-0

Rosemary Enright – Aye
Michael Smith – Aye

Bernie Pfeiffer - Aye

III. Approval of Minutes Feb 17, 2021; review, discussion and/or action and/or vote

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

Page 5, para. 4: Does the ~~primary~~ **preliminary** plan submitted....

Page 5, para. 11: Attorney Foppert concludedd and statedd that if it would be beneficial...

Page 8, para 1, line 4: It is coming at the next **stage**

So unanimously voted:

Duncan Pendlebury – Aye
Dana Prestigiaco – Aye

Rosemary Enright – Aye
Michael Smith – Aye

Bernie Pfeiffer - Aye

IV. Correspondence

1. FYI – Jamestown Properties – Chris Pike – Extension. Received

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

VI. Reports

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

Ms. Bryer gave a status update, Building and Zoning officer Chris Costa has gone to Middletown, we are seeing it is difficult to replace him. First round of applicants have been interviewed and they will be advertising again. Lisa is handling all the zoning work reviewing building permits.

The council made some decisions for the 91 Carr Lane project, they gave CCHC an extension of the P&S and are supporting the change from 3 affordable houses and 3 affordable rentals to a mixed income development of 2 affordable houses and they will sell the other 2 lots. They have received some grant money for energy efficiency. It will come to us at Master Plan phase.

Bakers is sold, the new owner is planning on 6 residential units on the second and third floors and they will try 4 commercial units on first floor initially and switch to residential if it does not work out.

There will be no exterior changes at this point so they will not come before us for DPR.

VII. Adjournment

A motion to adjourn at 7:53 was made by Commissioner Swistak and seconded by Commissioner Enright. So unanimously voted.

Attest:



Cynthia L. Reppe