

Approved As Written
PLANNING COMMISSION MINUTES
June 2, 2021
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.
THIS MEETING WAS TELECONFERENCED VIA ZOOM
Meeting ID: 814 4381 5013

I. Call to Order and Roll Call

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

Mike Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Bernie Pfeiffer	Dana Prestigiacommo

Michael Smith – arrived via zoom at 7:38 p.m.

Also present:

Lisa Bryer, Town Planner
Wyatt Brochu – Town Solicitor
Cinthia Reppe – Planning Assistant
Mark Liberati – Attorney
John O. Mancini – Attorney
Nick Piampiano – Engineer
Enrico DiGregorio

Commissioner Swistak recused for the next agenda item.

A motion was made by Commissioner Enright and seconded by Commissioner Pfeiffer to have the Planning Commission sit as the local review board and open the hearing. So Unanimously voted: Duncan Pendlebury, Rosemary Enright, Mick Cochran, Bernie Pfeiffer, Dana Prestigiacommo

**The Jamestown Planning Commission sitting as the Local Review Board pursuant to
RIGL 45-53 Low and Moderate Income Housing Act**

**NOTICE OF PUBLIC HEARING – Continued from 5-5-21
JAMESTOWN PLANNING COMMISSION**

TO HOLD A COMBINED SUBDIVISION MASTER PLAN INFORMATIONAL MEETING
AND PRELIMINARY PUBLIC HEARING FOR THE PROPOSED (MAJOR) 4 LOT
SUBDIVISION WITH (THE FOLLOWING) WAIVERS/VARIANCES FOR PROPERTY
LOCATED AT PLAT 4 LOT 52, 91 CARR LANE, JAMESTOWN, RI OWNER, TOWN OF
JAMESTOWN, AND APPLICANT CHURCH COMMUNITY HOUSING
CORPORATION

The Local Review Board will review and act on the proposed Major Land Development Project as well as the requested variances through the Comprehensive Permit process. The Local Review Board shall have the authority to issue the comprehensive permit for subdivision per Jamestown Zoning Ordinance Article 17 and RIGL Title 45 Ch. 53 as amended, including the necessary relief from the Zoning Ordinance as stated below.

Said lot proposed for subdivision begins less than 2/10th of a mile (approximately 770 feet) east of North Main Road on Carr Lane and less than 2/10th (approximately 1380 feet) of a mile west of East Shore Road on Carr Lane.

This project consists of development of 2 “affordable” single family units and 2 market-rate single family units. The Applicant reserves the right to create 3 “affordable” single family units and 1 market-rate single family unit. The Applicant requests variances to the Zoning Ordinance as follows including any and all other necessary relief as determined:

1. Article 16 - Single Family Cluster Land Development Projects
 - a. 82-1603 – Maximum Number of Dwelling Units
Permitted number of lots = 1, Proposed = 4
Relief requested = 3 additional lots
 - b. 82-1604 – Table 16-1 Dimensional Regulations for Cluster Developments
 - i. Area in Square Feet – 20,000 square feet required
Parcel A – 13040 sq. ft. proposed, relief requested = 6,960 sq. ft.
Parcel B – 13040 sq. ft. proposed, relief requested = 6,960sq. ft.
 - ii. 82-1605 – Location of Structures
No Single-family dwelling structure or accessory structure within a cluster land development project may be located within 30 feet of the perimeter thereof.
Parcel D –existing house - 11.3 feet from the property line
 - c. 82-1606 – Open Space within a cluster development.
Relief from the requirement that no more than 50% of the open space shall be land unsuitable for development.

Section 82-1705 Inclusionary Zoning

- d. Incentives. Reduction in minimum lot area. Area required is 14,000 square feet with density bonus. Parcel A relief requested is 960 SF. Parcel B relief requested is 906 SF.

Relief Requested – Waivers from the Subdivision Regulations
Waivers are needed from the following:

1. Article III, A(2) Each lot shall conform to the standards of the Zoning Ordinance.

Article IV – Special Requirements, A. Residential Cluster Developments

- a. 2. Uses, Lot areas and Dimensional Regulations

Relief as requested for the Zoning Ordinance above pertaining to Lot Area, and Maximum Number of Dwelling Units.

- a. 3. Density Calculation

Land suitable for development is 59,119 SF plus upland of 91,740 SF for a total of 150,859 SF. A waiver is needed as total land area required (for four single family homes) is 800,000 SF.

Approvals Required

- Subdivision – Minor 4 lot reassigned to “Major” for the purposes of granting variances and Waivers (above)
- Section 82-801 et seq. Development Plan Approval required in RR 200 zone

Mark Liberati representing Church Community housing, they wish to continue this until the next meeting a month from now. The economics of the project and hiring experts to testify has created a delay. He would like to continue the matter until the July 7th meeting. On advice from our Legal Council Solicitor Brochu said if we change the number of units we need to re-notice and readvertise because it is different then what was presented initially.

Commissioner Pendlebury said the applicant is not making changes at the moment.

A motion to continue the hearing until July 7, 2021 at 7:00 p.m. was made by Commissioner and seconded by Commissioner Pfeiffer. So unanimously voted: Duncan Pendlebury, Rosemary Enright, Mick Cochran, Bernie Pfeiffer, Dana Prestigiacomo

A motion was made to sit as the Planning Commission again.

Commissioner Swistak rejoined the commission.

II. New Business

1. **29 Narragansett Avenue, AP 9 Lot 631, Jamestown, RI. Proposal to develop a 3 residential, 3 commercial unit Multi-Family Structure in CD Zoning District;**
 - a. **Development Plan Review; review under Zoning Ordinance Article 11, discussion and/or action and/or vote**
 - b. **Recommendation to Zoning Board on Special Use Permit for Multi-Family Structure per Zoning Ordinance 82-301, Variance for Lot Size, 10,254 square feet, where 20,000 square feet are required, Variance for 3 story building where 2 stories max are permitted per Zoning Ordinance Table 3-2**

Commissioner Swistak gave an update on the application before the Planning Commission. Attorney John Mancini is representing the applicant/owner this evening.

He has with him Nick Piampiano Engineer to answer questions and the owner Rico DiGregorio.

The Attorney summarized the project. The project is located at 29 Narragansett Avenue, the site that previously housed Bank of America. The application is for 3 residential units with 3 commercial office space units.

They have assembled a competent team they believe that the project is aligned with the Village Design guidelines. It consists of a 3-story structure, parking will have 2 spaces per unit within the garages. A total of 15 parking spaces. The commercial component will be office and no food/restaurants will be allowed. The units will be subject to a condominium association with restrictions. The residential units will be comprised of 2 br 2 bath units, townhouse style. Units will not be more than 35 feet high. They will be applying to zoning for lot size variance, 3 story and special use permit for multi-family.

Chair Swistak noted that at the TRC meeting the initial feeling was they wanted to see more detail in terms of things like shadow lines which do not seem to appear and it was also suggested to take a look at a minor shift or step in the foundation or the three structures to reduce the massing and give more character and a feeling of not one large building.

Commissioner Pendlebury who was a member of the TRC for this application made several comments. He reiterated if you are not going to recess the balconies, then a solid rail for privacy would be suitable. This way they feel protected and pedestrians do not intrude on private space. The building should not be a flat wall surface. There should be some variation in the façade. Commissioner Pendlebury said Mr. DiGregorio has seen the original Don Powers drawing that was done during the Charette that represented an appropriate streetscape.

John Mancini said he understands the point of view to break up the façade for character of streetscape. Commissioner Pendlebury said the architect is giving you a 3-building roof line on 1 large building. The valleys in between will fill up with water or snow. The balconies need to be carefully designed. Commissioner Pfeiffer agrees with Pendlebury. Three buildings would rise as the grade goes up Narragansett Ave.

Commissioner Pendlebury said there is an opportunity to engage in a peer review which might be helpful to the applicant and he thinks it would be reasonable for outside thought as well. Ms. Bryer said the Planning Commission always has that option in cases where we do not have ample credentials on staff feel the need for such. We have done this on Narragansett Avenue previously. The Planning Commission should vote on this and we can get cost estimates. It was around \$3500 last time.

Commissioners Swistak and Pendlebury said because of the critical location of this site it might be a wise thing to do. Commissioner Pendlebury said he wanted to emphasize the importance of this

site and he requests to take a vote on peer review. Swistak said what is the process to find an architect and the financial obligation so they understand how it works.

Lisa Bryer read from the ordinance, Section 410 project review fees. It allows the Planning Commission to bring in an architect (or other professional) to review plans and make suggestions to further the intent of the Village guidelines and ordinance.

Commissioner Cochran noted the current architect is not here tonight. You can request that the applicant be present next time to ask questions. The applicants want to ask the current architect to make the changes first.

Commissioner Swistak said we can take more time if the applicant wants to take all of this input and come back with another iteration without outside guidance. Cochran agrees with Swistak and said Commissioner Pendlebury laid out quite a bit that can be used as guidance.

Attorney Mancini said you showed us a vision and if they can focus their architect on that they can have an award-winning design in a few weeks. They were trying to move quickly because they are anxious to build. Commissioner Pendlebury rescinded his request to invoke project review fees at this time.

Town Planner Lisa Bryer said some of our board members have not been here when we have used this process before; it is not a failure on the part of the project architect, but a collaborative process to help move the process along and if the applicant would rather try to address the Planning Commission comments then they can and if there is not agreement at that time then the Planning Commission can go back and utilize a peer review architect at a later date.

Attorney Mancini said if they can't get it right then at that point they would agree to that. Alternatively, he would like to get the variance so asked if they can go to zoning then come back to planning for DPR. Lisa Bryer noted that the Zoning Board depends on the Planning Commission review and recommendation before it goes before Zoning.

This application has been to the TRC 2 times with input from Bill Moore, Mike Gray and Ms. Bryer.

Commissioner Enright asked about all the glass on the back, she does not understand that amount of glass and it's not a façade that fits with the guidelines she thought, and wants to know why its all open? The applicant noted it seemed to be a lot and it was reduced and toned down a bit and it won't be transparent both ways.

Chair Swistak noted that the project is described as 3 units, but it was described by your attorney as 6 units. Will those 6 only be owned by 3 owners? Attorney Mancini said it is definitely 6 units and they can all be owned separately. Swistak noted that during the TRC we talked about signage and occupancy and subletting of the unit. Signage would have to comply with our regulations and

we like to see it as part of the approval process. Attorney Mancini noted they have not drafted condo docs yet but the occupancy will be restricted to certain uses in the commercial units and they will restrict to office they are going to prohibit restaurant.

Commissioner Prestigiacommo asked are there any caveats that say office or retail and does it matter? They will allow personal service like hair salon or yoga, it will be marketed as office but retail is ok but no food.

Sublet can this be done? Attorney Mancini said when we send this on to zoning we understand that we need to look at this before they get the zoning approval and C/O. This will be done at final and also part of the conditions of approval. they have not discussed subletting as of yet, it's not in our zoning ordinance.

Commissioner Swistak brought up some issues that were discussed at the TRC:

- The left (west) property line, we asked for communication with the fire dept regarding the lot line and access and building code issues.
- There are notes about working with Mike Gray regarding runoff and cisterns,
- Roof pitch issues and 3rd floor area.
- Landscaping curious about condition of approval screening do we want to see before approval or can it be a condition.
- Signage
- Outdoor lighting
- Trash Collection, Dumpster or individual

Mancini said it would all be looked at.

Bryer mentioned parking layout. Because what is shown on the plan when approved is what gets constructed. Bryer said in her report it is difficult to scale it, 9x18 spaces seem to be confirmed but the buffer on all sides do not seem to meet the ordinance so that may be a variance and aisle width is difficult to measure. It is definitely close. We need to make sure no variance is needed.

Swistak said leading up to this meeting there were some neighbors that have issues that were in touch with the planning office. Swistak made specific mention that the neighbors on Green Lane are concerned about the access and it is inappropriate according to some of the neighbors.

Commissioner Pendlebury said going back to the closeness of the building to the west have you shot any grades to the restaurant seating next door? From my scaling, from the closest rear deck to the outdoor seating platform is about 6 feet.

Green Lane access: Engineer Nick Piampiano for the applicant said currently there are 2 access points, one on Narragansett one on Green Lane. They are proposing to close both openings and

that will open up additional parking spaces on Narragansett Ave. They will be dropping it back 40 or 50 feet from the current entrance on Green Lane. This will alleviate congestion on Narragansett Ave.

The Chair recognized the audience:

Jen Starr 12 Green Lane – when she heard about this she said the end of Green Lane has always had significant traffic, between Union and Narragansett Ave. The new access is about 50 feet from 8 residences and not all of them have parking, they always have residents in these homes that park in the street and it is quite narrow. 6 new units and 15 new parkers. There is always heavy pedestrian and bike traffic and she thinks this is a bad plan, too much, too big for too congested of space. It was said but again, making the access on Narragansett Ave would be preferable. Why do you think it wouldn't be a better plan to enter from Narragansett?

Alicia Bell 34 Green Lane – first she wants to second what Jen said... congestion, safety, cars going in and out, pedestrians, bicycles, trash and recycling. There is already so much going on. I didn't know it was going to be 3 stories high. The congestion and height dimensions of the building that is her concerns. What would typically be allowed and what they are reaching beyond?

Lisa Bryer was asked to clarify the variances requested: The primary variance is lot size for multi family requires 20,000 sq ft and it is undersized for that use where 10,000+ exist. So that is a lot size dimensional variance. The other is the 3 stories and not 2. The height limitation is 35 feet which is what is being proposed. The use is permitted by Special Use Permit. They meet the parking requirements. They are providing 15 and they are allowed to count the three spaces on Narragansett Ave.

Mancini said the use is a conditionally permitted use, what they are proposing and asking for and the dimensional relief is not out of the realm. The comp plan supports this with regards to parking they have followed the code by putting the parking to the rear of the building. They think it is a de-intensification.

Donna Gricus corner of Green Lane and Union St. The area is congested already with residential use and she is also concerned about the pipe structure under the road and the town needs to address the sewage issue. On March 12 pipes started spurting water from her 2 different houses and the town has not addressed it.

Swistak said the lot is in the CD zone and there are rules that have been in place in order to make it work.

Jen Starr has not heard anybody respond to the congestion or safety or explain why it can't be redesigned to provide access from Narragansett.

Nick Piampiano can respond to the congestion issue. By getting the opening away from Narragansett he feels this will help the congestion.

Town Planner Lisa Bryer lives on Clinton Ave and it is not as narrow but when she leaves she goes to High St. because the traffic on Narragansett is always great. Ms. Bryer asked Ms. Starr what do you feel is an appropriate traffic solution for this? The town is requiring the building up front. She would like to know what a solution could be. She disagrees the number of cars will not increase. It is a common cut through during the summer. There are 8 residences within 50 feet. She is asking for a redesign so that it comes on Narragansett Ave, she wants the builder to be successful. Its narrow and congested.

Commissioner Pendlebury said there are a number of traffic concerns on Narragansett Ave. Traffic from residences is minimal. He is not sure it would require a traffic study for three new residences and businesses. He anticipates that it is not constant, it will be focused in the morning and afternoon. With regards to the siting of the building this is consistent with the village guidelines. Applicant has done a good job in siting the building to the guidelines.

Town Planner Lisa Bryer said the last 2 proposals to this site were restaurants. 30-40 seat restaurants were going to be there prior to this use and in terms of parking there would have been more traffic and there will be much less with this project.

Jen Starr, she realizes that the parking lot has been used heavily sometimes people access from Green Lane but that is the difference.

Swistak asked Attorney Mancini if they have enough to proceed. Yes, he does.

Swistak said we meet twice a month how much time do you need. He thinks they can do this for the next meeting. Ms. Bryer noted that the packet goes out next week; once submitted we will give them a date. She requested the applicant submit this by June 9th if they want the date of June 16th. Swistak noted that we do not need to continue this because it is not a hearing.

III. Approval of Minutes May 5, 2021; review, discussion and/or action and/or vote

A motion was made by Commissioner Enright and seconded by Commissioner Smith to accept the minutes as written. So unanimously voted: Michael Swistak, Duncan Pendlebury, Rosemary Enright, Mick Cochran, Bernie Pfeiffer, Dana Prestigiacomo, Michael Smith.

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

V. Reports

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

As far as the Zoning Ordinance we were encouraged to go outside by our town solicitors so our consultant has come up with a group, Ursillo, Teitz and Ritch will be on the council agenda at the next meeting for approval.

We have an offer/proposal of a wood fired oven at Fort Getty from the former owners of Village Hearth Bakery hat will go to the council for approval.

Proposal from someone in the community interested in making Jamestown a net zero community, she is contracted through Northeast energy this will come to planning commission as part of our sustainability plan. Workshop notices will go out. Bee initiative with the new Bee group that was formed here in Jamestown.

Commissioner Prestigiacommo asked about us being back in person. Currently the State order has been extended until end of June. If it changes we may have to provide a hybrid meeting, they will give the towns extra time to prepare for that.

VI. Adjournment

A motion to adjourn at 8:46 p.m. was made by Commissioner Enright and seconded by Commissioner Smith. So unanimously voted.

Attest:

Cinthia L Reppe