

Approved As Written
PLANNING COMMISSION MINUTES
Jamestown Town Hall
93 Narragansett Ave.
August 4, 2021
7:00 PM

I. Call to Order and Roll Call

The meeting was called to order 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 Prestigiacomo
Michael Smith	

Also present:

Lisa Bryer, AICP – Town Planner
Wyatt Brochu – Town Solicitor
Chris Arner, Architect
Gino DiFante – Applicant
Connie Slick
Marla Romash

Michael Swistak recused from the following application.

II. Old Business

- 1) 53 Narragansett Avenue, Plat 9 Lot 207 – Change of Use in the Jamestown Village Special Development District, Jamestown Zoning Ordinance Article 11 - Development Plan Discussion, Review and Approval, recommendation to Zoning Board on Special Use Permit for liquor.**

The Planning Commission has looked at this application at a prior meeting and there were a couple of things they wanted clarification on.

Chris Arner, Architect will be making a presentation for the owner/applicant Gino DiFante. An overview, first floor is retail divided into 3 spaces, 2 will be occupied by one use. The second and third floors will remain the same.

Parking Requirement: First floor 16 spaces, second floor – 10 spaces, and the third floor – 3 spaces for a total of 29 spaces. 27 spaces on the property and 2 additional on the street for a total of 29.

Lighting was a concern, they have done a plan that includes lighting and also signage.

They went through and inventoried the existing lighting currently on the outside of the building and have included a lighting plan, what will be removed and remain.

Commissioner Pendlebury said they talked about lighting distribution at the last meeting and in particular the parking area lighting. The floodlights that do not work will be replaced and directed downward. Pendlebury said this was discussed in the last meeting and the parking lot needs to have ample lighting in the parking lot and not shining into the residences. We need to see the distribution. Mr. Arner said all of the lights will be directed downward as to not impact the neighbors.

The other issue Commissioner Pendlebury said was the retaining wall. There were areas that were hit and are now protruding into the neighbors property. Mr. Arner said he did check it out. They can be pulled back in place and maintained he said. The fence posts can be tightened up. He thinks if they fix the posts on the chain link fence it will be ok.

Connie Slick – Narragansett Avenue is a direct abutter. She said unfortunately the press said some things that are not true. She wants to set the record straight. She reached out to Gino DiFante when he first purchased the building to welcome him into the neighborhood. She also reached out to Marla Romash to get together but those discussions fell apart. Her feeling is as a property owner you can do whatever you want to your building within reason. You want to address each others needs. She thanked Pendlebury for asking for the lighting plan. The light up high goes directly into her house, it is not down lit. She wants the reassurance that it will be downlit. She hopes the research for the lighting will continue. The fence has been a problem for quite a while. They have gone back and forth with the wall over the years. When Bakers put up the fence he said they hope they don't have a problem because of something that was done with the fence. From the time it was done, in 2006 a car drove over and into her building. She wants to make sure that with an establishment serving wine and beer she wants to make sure that does not happen. She would like to see more of a barrier and privacy for a fence. The one thing that has not been addressed is the entrance. She does not want them to be smoking close to her property. She is concerned about the wall/fence. Part of the recommendation is to move to zoning for a liquor license. She discussed about moving forward that it is a beer and wine license. She wants to know what the hours are too. These are her concerns as an abutter. Not trying to stop business.

Lisa Bryer said it says liquor because that is how it is addressed in the zoning ordinance. Their application is a class B which is wine and beer. Lisa Bryer also explained the cap set by the town can be raised and lowered which is routine. The council will look at hours of operation too.

Chris Arner said the boards can add limitations on the license in addition to the council. The type of license itself can add its own restrictions too.

Marla Romash said they have tried to address the concerns of the boards and the neighbor. They want to be good neighbors. There are limits with the license with regards to hours of operation, etc. She said they are not the Ganny and will not be the Ganny. There will be no smoking on the restaurant premises. She said with the restaurant they will not allow it near the restaurant.

Commissioner Cochran made a comment about the lighting plan from the proposal and conditions of approval. It can be reviewed administratively. Duncan Pendlebury there are standard parking lot standards of 2 foot candles.

The Planning Commission made some changes to the proposed motion with Findings of Fact and Conditions of Approval that are included in the motion.

A motion was made by Commissioner Pendlebury and seconded by Commissioner Enright That the application of Gino DiFante, 53 Narragansett Ave. was reviewed by the Planning Commission and hereby grants Development Plan approval based on the following finding of fact and subject to the following conditions of approval:

Findings of Fact:

1. The application was reviewed under the standards of Zoning Article 11 as a new use.
2. This application has been reviewed by the TRC on 6-16-21, 7-28-21 and by the Planning Commission on 7-7-21;
3. The applicant was represented by Chris Arner, AIA, and has provided the following information for the current application:
 - Plans entitled COMMERCIAL BUILDING 53 Narragansett Avenue, Jamestown, RI, Plat 9, Lot 207 dated 7-28-21:
 - Proposed (location) Site and Lighting Plan, Photographs, Parking Calculations, and;
 - Floor Plans, Zoning and Code Requirements;
4. The proposed improvements consist of:
 - a) Interior Improvements to the second and third floor, but no change in use. Conversion of the first floor from a Pharmacy/retail use to Restaurant/Office/Personal Service/Retail;
 - b) Exterior improvements including lighting, signage, rubbish collection, and parking compliance;
5. This property is located in the Commercial Downtown (CD) District. Restaurant, office, personal service and retail uses are permitted in the CD District. Restaurant with Liquor requires a special use permit. The Planning Commission finds this application is consistent with the Jamestown Comprehensive Plan.
6. The restaurant and additional uses as shown on the plans have shown to comply with parking based on proposed uses including a 46 seat inside restaurant. Therefore, there is adequate parking for the intended use, 27 on-site and 2 on street as permitted by Zoning Ordinance 82-1204J.
7. A joint trash receptacle area (dumpster) is provided for all site uses in the rear of the site.
8. Throughout the process, the direct abutter at 49 Narragansett - Plat 9 Lot 208 has provided comments and concern over the retaining wall leaning towards her property by 6 inches, the fence on top of the retaining wall needing repair and maintenance, providing curb stops, noise from proposed outdoor dining, inappropriate lighting, on-site liquor nuisances, and trash location;
9. The applicant has committed to no smoking outside on the premises; and,

10. The applicant has revised the application to include No outdoor dining.

Conditions of Approval:

1. The site improvements shall be built in strict accordance with the plans referenced above, including:
 - a. Prior to final approval, It should be concluded whether the fence on the eastern property line is structurally sound and replaced and/or painted on both sides if necessary;
 - b. Prior to the certificate of occupancy, the building official will insure lighting compliance with Zoning Ordinance Sec. 82-312;
2. A Special Use Permit is required for liquor service;
3. A liquor license is required for serving liquor;
4. Board of Water and Sewer Commissioners approval is needed prior to a building permit;
5. A final lighting distribution plan, using a parking lot standard of 2 foot candles, shall be approved administratively prior to final approval; and,
6. Final Development Plan Approval shall be granted administratively when all conditions of approval are satisfied and the Special Use Permit has been granted by the Zoning Board of Review.

So unanimously voted: Duncan Pendlebury, Rosemary Enright, Mick Cochran, Bernie Pfeiffer, Dana Prestigiacomio, Michael Smith.

III. Correspondence

1. Letter to Planning Commission from Donna Cameron Gricus – Re: Sewer Pipes. This is not the Planning Commissions jurisdiction. Received
2. FYI – Administrative Subdivision A.P. 5 Lots 401&404 Brissette/Carney. Received
3. FYI – Administrative Subdivision A.P. 9 Lots 360&615 Neri/Iannetta Trocki. Received

IV. Approval of Minutes July 7, 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 with the following change:

Page 4, 3rd line, The main issue at the TRC was the plans were **not** detailed and did not answer the necessary questions.

So unanimously voted.

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

VI. Reports

1. Town Planner’s Report

We are moving forward with our energy and resiliency plan I have sent an email to you and asked who would like to be involved so please let me know.

The Town Council is taking up the short-term rental ordinance, minor changes made. It will be received by them again with minor changes for their next meeting and possible workshop in September and October public hearing. They had an informal discussion, adding bedroom

count possibly so council might make changes and now about limiting it to owner occupied units. Difficult to enforce.

- Future meetings – topics and applications

First meeting in September possibly 29 Narragansett Ave. will be on and also Freebody LLC might be on for that meeting too.

Commissioner Enright has asked about Carr Lane. Wyatt Brochu reported that Ashley Sweet and Jim Reardon will be replacing Lisa Bryer who will be representing the town as owner, Church Community will be the applicant.

Pendlebury asked if Don Powers is going to make a presentation to us or the applicant? The peer review architect, Don Powers, will do the presentation. They just re-submitted yesterday and with cursory review it appears they are somewhat similar plans and did not include many of the changes Don Powers suggested. Don will need to review them and provide comment.

VII. Adjournment

A motion to adjourn was made by Commissioner Enright and seconded by Commissioner Smith. So unanimously voted.

Attest:

Lisa Bryer