

Approved As Amended  
**PLANNING COMMISSION MINUTES**  
February 11, 2014  
**7:30 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

The meeting was called to order at 7:30 p.m. and the following members were present:

Duncan Pendlebury – Vice Chair	Bernie Pfeiffer
Mick Cochran	Rosemary Enright
Michael Smith	

Not present:

Michael Swistak  
Michael Jacquard

Also present:

Lisa Bryer, AICP – Town Planner  
Justin Jobin – Environmental Scientist  
Wyatt Brochu, Solicitor  
John Murphy, Esq.  
Michael Darveau, PLS  
Douglas DiSimone  
David Russo, PE, DiPrete Engineering

### **Approval of Minutes December 18, 2013**

A motion was made to approve the minutes as written. So unanimously voted.

### **I. Correspondence**

1. FYI – Approval Letter - Aston Plat minor subdivision.
2. FYI – Approval Letter – Administrative subdivision – Plat 11 – Lots 9,46,49,51 AKA Fox Hill Farm.
3. FYI – Approval Letter – Administrative subdivision – Plat 8, Lots 85 & 569 – Robert Nunes - Watson Ave.
4. FYI – Letter from James Burgess – Re: Historic Zoning of Lower Shoreby Hill

### **III. Citizen's Non Agenda Item**

Sav Rebecchi – addressed the Planning Commission. He is addressing the Zoning Ordinance, Section 82-1105.

A building on **Walcott Ave.** in Shoreby Hill was given **a demolition permit** ~~permission to tear down a historic building~~. He would like the Planning Commission to take up this issue. He wants the highlighted section (the last sentence) to be removed from 82-1105. He felt that that home should have been reviewed by the Planning Commission before demolition. The Chair

noted that repairing the language in 82-1105 is part of what the Planning Commission is working on and he thanked him for his request.

### III. Reports

1. Town Planner's Report
2. Chairpersons report
3. Town Committees – nothing to report at this time
  - a. Harbor
  - b. Buildings and Facilities
  - c. Affordable Housing Committee
  - d. North Rd. Bike Path Committee
4. Sub Committees

### IV. New Business

#### a.i.1. **Anna Templeton-Cotill – Plat 9, Lot 98 – 34 Columbia Ave. – Minor Subdivision**

John Murphy representing Ms. Templeton-Cotill addressed the board regarding the subdivision. Mike Darveau also represented the applicant as a PLS. Both lots meet the requirements of Zoning. They have water and sewer available. Mr. Darveau stated that it will be difficult to install a granite monument. He would like to offset them several feet inside the line. It would be shown on the final plan. John addressed several items in the draft motion. Motion was made by Commissioner Enright and seconded by Cochran as follows:

“At the February 5, 2014 Planning Commission meeting, the Planning Commission voted To Grant Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Minor Subdivision Plan for, “Anna Templeton-Cotill” Assessors Plat 9, Lot 98, 34 Columbia Avenue, Jamestown, Rhode Island;** prepared by **Darveau Land Surveying, Inc., PO Box 7918, Cumberland, RI 02864;** dated **December 16, 2013** based on the following Findings of Fact and subject to the following Conditions of Approval:

#### **A. Findings of Fact**

The Planning Commission makes the following findings:

1. The subdivision is consistent with the requirements of the Jamestown Comprehensive Plan;
2. Each lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance. The property is zoned R-8 and both lots will be over 8,000 square feet in size and the existing dwelling will respect the required setbacks for that zone for the new lot line;
3. No building lot is designed and located in such a manner as to require relief from Article 3, Section 308 of the Zoning Ordinance as both lots will be serviced by public water and sewer;

4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions for approval;
5. 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;
6. All subdivision lots have adequate and permanent physical access to a public street, namely, Columbia Avenue and/or Windsor Street;
7. 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;
8. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion;
9. All lots in the subdivision have access to sufficient potable water for the intended use. Both lots will be serviced by public water and sewer;
10. The applicant has stated intentions of preserving the new lot by a gift of development rights to the Town of Jamestown that will protect it from development in the future;

**B. Conditions of Approval**

1. The approval is for a total of 2 lots;
2. That payment of a fee in-lieu-of land dedication shall be required for this subdivision for the new lot only in the amount required by Article IIID of the Jamestown Subdivision Regulations. This fee shall be determined at the time of filing of the final plat and paid prior to recording of the final plan. This fee shall not be required if at the time of recording of this plan the property is protected from development by a legal means acceptable to the Town of Jamestown;
3. Granite monuments or where granite monument are not suitable, other suitable survey markers other than concrete, shall be placed at all corner points at the new property line or as near to the corner as practical and shown on the recorded plan;
4. The Planning Commission delegates final plan review to the Town Planner with the signature of the Planning Chair to appear on the Final Record Plat;
5. This approval shall be recorded with the Town Clerk within 30 days of signature; and,
6. This approval shall expire one year from the date of approval by the Planning Commission.”

Duncan Pendlebury – Aye  
 Mick Cochran - Aye  
 Rosemary Enright– Aye

Bernie Pfeiffer– Aye  
 Michael Smith– Aye

All in favor

**a.i.2. Maria Sousa - Plat 3A, Lot 472 – Sloop St. - Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table Impervious Overlay District – Recommendation to Zoning Board**

Mr. Russo, P.E. from DiPrete Engineering and Douglas DiSimone, applicant represented the application. Mr. Russo is the Engineer on the application. This OWTS received DEM approval from another firm in 2010. They are proposing drywells for stormwater mitigation. The home is proposed to be a 1400 square feet, which meets the impervious cover regulations of the ordinance. The Town is requiring an operation and maintenance plan for drywells and driveway. They addressed runoff towards abutting properties. Stormwater will be directed to flow towards Sloop Street. Discussion of using driveway as infiltration and freezing. They do not count the driveway infiltration as part of the stormwater plan. A motion was made by Commissioner Cochran:

“At the February 11, 2014 Planning Commission meeting, the Planning Commission voted to recommend to the Jamestown Zoning Board, approval of the application of Maria Sousa, Plat 3A Lot 472, Sloop Street. The Planning Commission reviewed this application under Zoning Ordinance Section 314 High Groundwater Table and Impervious Overlay District Sub-district A in accordance with the plans by DiPrete Engineering entitled **Plot, Soil Erosion Control/Utility Plan, and the Storm Water Narrative Report**. The recommendation for approval is based on the following findings of fact and subject to the following conditions of approval:

### **Findings of Fact**

1. The applicant is proposing to construct a three-bedroom dwelling on a 14,400 SF lot.
2. There are no wetlands on the subject property nor are there any wetlands within 150 feet from the applicable components of the OWTS per Zoning Ordinance Section 82-308 per the letter dated December 11, 2013 to Justin Jobin, Jamestown GIS Coordinator from Christopher A. Duhamel, P.E. Vice President, DiPrete Engineering.
3. Based on soil evaluation reports, the subject lot is in sub-district A.
4. Justin Jobin, Environmental Scientist, has been meeting with the applicant throughout the design phase to insure the application meets the criteria of the ordinance.
5. A Memorandum (attached) dated January 22, 2014 to Town Planner Lisa Bryer, provided by Michael Gray, PE and Justin Jobin, Environmental Scientist notes that the proposal has addressed all previous recommendations and in their opinion the application meets the requirements of the Ordinance as follows:
  - a. Is below the allowable impervious coverage limit of 13%. The applicant is proposing 9.9% impervious coverage;
  - b. The applicant is not proposing more than 12” of fill and it does not appear that the predevelopment runoff patterns will be significantly altered or that additional runoff will be directed towards abutting properties;
  - c. The proposed 3 bedroom Advantex and bottomless sand filter OWTS provides advanced treatment, and meets the requirements of this ordinance. The applicant has enclosed a copy of the RIDEM OWTS Approval;
  - d. The proposed two drywells exceed the criteria of the Ordinance to accommodate the increase in runoff for a 10 year storm.

### **Conditions of Approval**

1. The Operation and Maintenance (O & M) requirements for pervious driveway, stormwater mitigation and OWTS shall be recorded in the Office of the Town Clerk with the Zoning Approval. The language for such O and M shall be approved by the Director of Public Works prior to recording.
2. The O & M shall indicate that driveway shall remain pervious in perpetuity. Any change in this requirement will require additional approval by the Zoning Board of Review. “

Attachments:

- 1) Memo from Michael Gray, PE and Justin Jobin, Environmental Scientist dated January 22, 2014
- 2) Plot Plan for A.P. 3A Lot 472 Sloop Street, Jamestown, Rhode Island dated 12-23-2013

The motion was seconded by Commissioner Enright. All in favor. Motion carries.

## **V. Old Business**

### **1. Workshop Discussion – Distribute results of workshop**

Joe Jachinowski addressed the Commission as the new owner, with his wife and family, of the Tausseg Cottage on Alden Road. He is now subject to the moratorium and he needs to do maintenance to the house for insurance purposes. He was instructed to work with Fred and if he is not satisfied, Fred's decision is appealable to the Zoning Board.

Takeaways from the workshop:

The crowd was primarily pro preservation, but there was minority sentiment for anti-regulation. It is difficult to get people to show up to a meeting when they are in favor of something, and generally much easier to get those who object to something to come out. The comment at the meeting regarding some people are not able to attend, specifically the summer population. This is a long recognized fact of residents of Jamestown. The Town does not stop doing business in the winter. If they are interested they will participate through the mail or e-mail. We have received two letters regarding the workshop. Several people addressed Rosemary with the comment; what is regulation? People are still unaware what the potential for regulation is and what it would address and what it means to be regulated. Duncan commented that Chamber of commerce has not weighed in on the issue. Historic character is part of the draw of Jamestown and our commercial district. Smith noted that some members of Chamber would be reluctant to state an opinion. Smith thought the meeting went very well. We need to either get rid of “buildings of value” or define it. Education and technical assistance were both embraced. Rosemary is in favor of demolition delay. Cochran noted that the intention of original ordinance is to have a review process. There should be a clear process for repair or replacement of these historic properties. Jamestown has a demolition permit process but it does not include any review.

Mike Smith talked about the biggest change in the island is the change in the landscape not change to buildings. The end of farming caused this change as well as the CRMC regulations prohibiting keeping the vegetation low at the coast and he wants landscapes to be included in the discussion.

Bernie Pfeiffer was welcomed to the Board as a new member. Duncan wanted to thank Richard Lynn for his service. Lisa will work on action agenda with Rosemary and Mick.