

Approved as written
PLANNING COMMISSION MINUTES
March 16, 2022
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 7:01 p.m. and the following members were present:

Mike Swistak – Chair	Duncan Pendlebury – Vice Chair
Mick Cochran	Rosemary Enright – Secretary
Diane Harrison	Bernie Pfeiffer

Also present:

Wyatt Brochu, Town Solicitor

Lisa Bryer, Town Planner

Carrie Kolb, Planning Assistant

12 Holmes Court:

Deb Foppert, Attorney at Archer & Foppert, LLC

David Hehman, Applicant 12 Holmes Court

Rob Lambert, AIA at Burgin Lambert Architects

Chris Pike, Builder

91 Carr Lane:

Christian Belding, Church Community Housing Corporation

Mike Darveau, Surveyor with Darveau Land Surveying

Nancy Letendre, Consulting Planner for applicant

Michael Resnick, Attorney at Kelly, Souza and Parmenter, PC

Ashley Sweet, Consulting Planner at Weston & Sampson for owner

Not Present: Dana Prestigiacomio

Chair Swistak recused himself from both new business applications. Vice Chair Pendlebury sat as Chair these applications.

II. New Business

- 1. 12 Holmes Court, AP 8 Lot 632. Application of David Hehman – Proposed single family dwelling per Zoning Ordinance Article 11, Development Plan Review in the**

Jamestown Village Special Development District - Approval; review, discussion and/or action and/or vote

a. Technical Review Committee Minutes - February 9, 2022; review

Pendlebury stated that he sat on the TRC and asked this application come before the Planning Commission so everyone could voice their opinion as well. This applicant is before the Planning Commission because the lot is undersized in the Village Special Development District. The Technical Review Committee (TRC) looked at the application.

Deb Foppert, Attorney with Archer & Foppert, 57 Narragansett Avenue, Jamestown, RI represented the application; she has appeared as an expert witness before noted Pendlebury. Foppert stated that the owner, David Hehman; Rob Lambert, architect; and Chris Pike, builder were all present. The approval needed is to build a single-family home in the Jamestown Special Development District. The lot is zoned R 20. There is an existing single-family home, the applicant proposes to remove the home and build a new single-family home. There are no variances or special use permits required.

Robert Lambert, 20 Maple Ave, Architect. Pendlebury noted he served on the Planning Commission in the past and is an architect, no further credentials needed and all in favor of adding Lambert as expert witness. Lambert reviewed plans with drawings, photos and google maps. Houses in the neighborhood with flat roofs were noted. The living room, dining room, master bedroom and kitchen all get view of the ocean and bridge. The less important spaces, garage and bathroom, have no views. Cedar boards for shingles will be used. The design is two gabled forms with flat roof projection bays and the gables have metal roofs. The general aesthetics fit in with the neighborhood.

Commissioner Pfeiffer questioned the purpose of the upstairs on the other side of the second-floor deck and the reply was an office.

Commissioner Cochran asked if the owners will live there or if it will be a summer home. Hehman replied that it will be their home. He and his wife Sarah have been coming to Jamestown for 20 years. His wife and mother-in-law have been coming to Jamestown since the 1960s. His brother-in-law and sister-in-law are here also. Their intention is to move here. The existing single-story house will be demolished and a two-story house will be built.

Commissioner Pfeiffer asked if it will be a slab on grade foundation? There will be a basement for the mechanicals and a crawl space. At this point they do not have subsurface details. They want to get design approval first.

Commissioner Enright questioned the metal roof fitting in the neighborhood because she only knows of one other metal roof in Shoreby Hills. Lambert replied that there are metal roofs around Jamestown and the design guidelines show it is an acceptable building material.

Commissioner Enright stated that she doesn't like garage projecting out, but in many ways the front of the house is facing the other direction. Lambert replied that the south and west will be the most visible. Commissioner Enright stated that they are trying not to have garages in the front. Lambert stated that is the primary reason why they are before the Planning Commission.

Pendlebury acknowledged it makes sense to put active side on the side with the view. It's a skinny lot and there is not access for entrance or garage on the side.

Commissioner Enright questioned the design with so many flat roofs? Lambert answered the overall idea is two single gable masses and the rest with flat roofs. There is an example of the Greek revival the packet with the geometry of the flat roofs in the front. They are doing this in a more progressive manner, but the precedent exists in Shoreby Hill.

Commissioner Harrison questioned where are they parking now? Lambert replied that it is very similar to where it is now.

Pendlebury – perfectly well understand what architect is doing design wise. The commission needs to pay attention that this is chapter 11 of zoning ordinance where we regulate the massing of buildings, regulations of spacing of windows, and other things for undersized lots. For the Commission to be comfortable with things it is important to recognize that this house is in R20, which is away from the Village. So many parts of chapter 11 are for the compactness of the village not Shoreby Hill. This is a progressive design in the Shoreby Hill space. That is important for how chapter 11 is applied for the context. Lambert pointed out that when you go down Conanicus you won't see the house because of the condos and historic structures.

Chris Pike of 12 Valley Street, Jamestown has been a resident for over 20 years. He feels that undersized lots are unduly penalized to have garage in the back. There are bigger lots that have the space to put the garages in the back and they have them in the front. He asked for an allowance given the space requirements.

Commissioner Pendlebury stated that the lot is 70% of the width of what it is supposed to be in the zone. The building will take up all of the setbacks. The Planning Commission still has to abide by the book. The Planning Commission tries to work with people who have undersized lots and are trying to make improvements.

Motion moved by Commissioner Pendlebury and seconded by Commissioner Pfeiffer to approve the Development Plan for 12 Holmes Court to construct a new house, Plat 8 Lot 362 per 82-1106C;

Discussion of motion ensued. Commissioner Cochran expressed concern that an LLC owns the property which protects people if they are going to rent the property. The floors plans show 2 bedrooms but there could be 3 bedrooms and there could be rental property possibilities. It's just a concern that he wanted to voice and he does not want to put in any additional conditions.

Motion approved as follows:

The building and site plans shall be approved as shown on the plans:

- 1) Town Submission for David Hehman by American Engineering, Inc. dated 9/21/21
- 2) Plans Submitted by Burgin Lambert Architects, Newport, RI dated 10-18-21:
 - a. Site Plan
 - b. First Floor Plan
 - c. Second Floor Plan
 - d. West and South Elevation

- e. East and North Elevation
- f. 5 Exterior Renderings

The approval is based on the following findings of fact:

1. The proposed house was reviewed by the Technical Review Committee on February 9, 2022 and it was voted to send to the Planning Commission since it did not meet the standard in 82-1106C.3. a;
2. The building will be used as a residence;
3. The plans meet the standards presented in 82-1106C.3. b through f and as shown in “The Jamestown Village Pattern Book and Design Guidelines for building in the village”;
4. The plan proposes off street parking via a garage and driveway. 82-1106C.3. a. addresses parking shall be on the rear or side of the house well behind the plane of the front door.
5. The proposed development plan does not alter the general character of the surrounding area and is not inconsistent with the Jamestown Comprehensive Plan; and,
6. Rob Lambert, Architect; Deb Foppert, Attorney; and Chris Pike, Builder testified on behalf of the applicant;
7. Applicant/Owner David Hehman spoke of his experience living in Jamestown and owning properties;
8. The rear elevation of the house is open and facing Conanicus Avenue;

Therefore the Planning Commission recommends approval to the Building Official of the building permit per 82-1106C.

So voted:

Commissioner Cochran – aye

Commissioner Enright – aye

Commissioner Harrison – aye

Commissioner Pfeiffer – aye

Commissioner Pendlebury – aye

- 2. 91 Carr Lane, AP 4 Lot 52. Owner – Town of Jamestown, Applicant – Church Community Housing Corp. Application for Comprehensive Permit for Affordable housing per Zoning Ordinance Article 17, a 3 Lot Major Subdivision with Zoning Variances where 2 lots proposed as LMI and one lot market rate. Preapplication Review and discussion.**

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 1 market-rate single family units.

As part of this application, Applicant is requesting the following waivers with respect to the project:

Parcel A:

1. Minimum Lot Size:

Required: 200,000 square feet

Proposed: 13,585 square feet

Relief needed: 186,415 square feet

2. Minimum Lot Width:

Required: 300-feet

Proposed: 78.96-feet

Relief needed: 221.04-feet

3. Minimum Side Yard Building Setback:

Required: 40-feet

Proposed: 12-feet from west side & 19.2-feet from east side lines

Relief needed: 28-feet from west side & 20.8-feet from east side lines

4. Lot Coverage Allowed: 5%

Lot Coverage Proposed: 8.95%

Relief Needed: 3.95%

Parcel B:

1. Minimum Lot Size:

Required: 200,000 square feet

Proposed: 13,836 square feet

Relief needed: 186,164 square feet

2. Minimum Lot Width:

Required: 300-feet

Proposed: 82-feet

Relief needed: 218-feet

3. Minimum Side Yard Building Setback:

Required: 40-feet

Proposed: 12-feet from west side & 18-feet from east side lines

Relief needed: 28-feet from west side & 22-feet from east side lines

4. Lot Coverage Allowed: 5%

Lot Coverage Proposed: 8.79%

Relief Needed: 3.79%

Parcel C:

1. Minimum Lot Size:

Required: 200,000 square feet

Proposed: 31,698 square feet

Relief needed: 168,302 square feet

2. Minimum Lot Width:

Required: 300-feet

Proposed: 175-feet

Relief needed: 125-feet

3. Lot Coverage Allowed: 5%

Lot Coverage Proposed: 11.88%

Relief Needed: 6.88%

4. Minimum Side Yard Building Setback:

Required: 40-feet

Note: Existing dwelling is located 11.3-feet from the east side line

Relief needed: 28.7-feet from the east side line

5. Existing garage is located within the front yard setback:

Required: 50-feet

Note: Existing garage is located 31.8-feet from Carr Lane

Relief needed: 18.2-feet from Carr Lane

6. Per Section 82-311:

The maximum size of an accessory structure on the lot is 900 square feet

Note: Existing garage is 1,312 square feet

Relief needed: 412 square feet

Additional Relief requested:

1. The entire area is subject to Zoning Ordinance Article 8, Section 82-800 thru 82-803 - Regulations for RR-200 Zoning Districts.

2. Waiver from Subdivision Regulation Article III, A(2)

Interested parties may examine the plans for the proposed Subdivision/Comprehensive Permit at the Jamestown Planning Office, located at the Town Hall, 93 Narragansett Avenue, second floor, Monday through Friday, between the hours of 9am to 4pm by calling 423-7210 to schedule a time to view the file. It is also available on line at <https://jamestownri.gov/town-departments/planning>

Commissioner Pendlebury stated that at pre-application it's an informational meeting and there will be no votes this evening. There will be discussion from the Commission and audience.

No Formal action need be taken by the Planning Commission at the pre-application meeting per the Jamestown Subdivision Regulations.

A motion to sit as Local Review Board was moved by Commissioner Cochran and seconded by Commissioner Enright. All in Favor.

Lisa Bryer stated she is present and represents the Town of Jamestown as the owner and she recuses as Town Planner. Ashley Sweet with Weston & Sampson is the consulting planner for this project.

Michael Resnick, Attorney at Kelly, Souza and Parameter, 128 Dorrance Street, Providence. Resnick stated that they are here for pre-application. He is joined by: Church Community Housing Corporation (CCHC) Executive Director, Christian Belden; Mike Darveau, Darveau Land Surveying Inc. Their engineer is unable to attend meeting. They have attained a land use planning expert, Nancy Letendre. They will be filing a Master Plan application on Monday (March 21) and formal report from Letendre will be included. This would normally be a 3-lot minor subdivision but because of comprehensive review, where planning and zoning act as one, this will be a major subdivision. This is a new application. They will go through the 4 phases of a major subdivision. As the Commission is aware, the initial parcel of land is 6.8 acres and 5.5 acres is in a conservation trust. The remaining 1.3 acres is the subject of the subdivision – with 3 parcels A, B and C. Parcel C has a pre-existing house and detached garage. Parcels A and B will contain the low-moderate income (LMI) units. They have retained a letter of eligibility from Rhode Island Housing. They have retained a monitoring agent. They will be utilizing 80% area media income (AMI) and they will have a 99-year ground lease.

Commissioner Pendlebury asked about the land lease under the LMI buildings if CCHC owns the rest of the land in each lot. Belden answered yes.

Resnick stated that as of October 2021, the Town had attained 4.6% of the State goal of 10% affordable housing. Municipalities are attaining the 10% with smaller projects with incremental developments. These lots will be served with OWTS systems. Patrick Freeman will join next time. They are very mindful of issues of watershed, reservoir and wetlands. In the future, at the preliminary phase they will provide a hydro-geological report. They want to demonstrate to the Commission and the community that this project will not have an environmental impact.

This goes with comprehensive plans twofold with watershed and affordable housing. Zoning board variances attained for 2 goals in concert with comprehensive plan. Conserve watershed and LMI.

Christian Belden, Executive Director, Church Community Housing Corporation, 6 Newport Ave, Newport, RI.

The genesis of this development is a partnership between the Town of Jamestown and Church Community Housing Corporation when the former owners, the Raffertys, wanted to sell their homestead. The Raffertys approached CCHC. The Town and CCHC saw buying this property as an opportunity to meet two needs of watershed protections and affordable housing development. It made sense for the Town to acquire the property first as it can take a long time for the permitting process. Having a patient seller is important with affordable housing development. The Town bought the property of 6.8+ acres. The plan was to then enter into a purchase and sales agreement with CCHC for the portion that would be developed as affordable housing. But at the time, DEM had a funding application open for open space preservation, so the Town, as required, subdivided the 6.8 acres into two lots; the 5.5 acres for watershed protection and open space and 1.3 for affordable housing, which is what this application is for. This was a conscious and intentional subdivision with discussions had about preserving as much of the property as open space as possible. Only retain 1.3 acre piece for the houses, OWTS, wells and frontage. The two needs of watershed protection and affordable housing were noted by the Zoning Commission in their July 2018 decision and in the purchase and sales agreement with the Raffertys. The original plan was

to create six affordable housing units with converting the house into three apartments, convert the garage into a small single family home; and two new single family structures. The initial hurdle with CCHC's funder was the cost of development was too high and this was pre-pandemic. The funder asked if it was possible to sell part of the property? CCHC made an amendment to the P&S to sell parcel C to subsidize building of the two single family homes. It's been a long process of meeting hurdles, and revising the plan. The original plan was to sell the house, convert the garage into a single family house and build the two single family houses. The community said that the density is too high. The application now is to sell the garage and single-family existing home as one parcel. CCHC has received funding from a State pilot program, ZERO Energy for the Ocean State, it is funding to produce full net zero energy homes for low- and moderate-income persons. The houses will have solar arrays facing the south, be super insulated, building envelope is very tight, highest efficiency hot water and heating systems, etc. Because the two-lot subdivision has been completed and the purchase and sales agreement was only for 1.3 acres, the relief requested makes it look like there was never a 6.8 acres parcel of land. It does appear to be higher density but if you understand the history of this development the three lots do not stand alone in actuality.

Michael Darveau, Darveau Land Survey, PO Box 7198 Cumberland, RI. Parcel is over 1 1/3 acres and zoned RR 200. It is mostly a wooded parcel. There are two structures on the property the house and the garage and there are driveways going to each. The septic is at the rear of the property and is a sub-standard system. The proposal is to upgrade and get rid of the old septic. Darveau review the topography and the parcel is relatively flat. The wetland edge was flagged and verified by DEM when the subdivision occurred. There are not wetlands on this parcel and the wetlands are 110 feet from the property, the regulations call for a 50 foot wetland setback. Soil testing was done at the time of the subdivision and there was a higher water table near the wetlands, which was to be expected. The testing near the street was done with seven test holes and the results were at least a 24-inch water table and up to 36 inches. All of the 7 test holes, are approved by DEM.

Darveau reviews the metrics listed above and reviews the waivers requested. For Parcels A, B and C. Commissioner Pendlebury asked if Parcel C will be sold at market rate "as is". Belden and Darveau answered that there will not be any changes to the existing structure. There will be permitting for a new septic and a new well. Darveau stated that the new septic system (for the house) was just approved for a four-bedroom house.

Additional relief requested as noted above was reviewed.

The proposed site plans are being developed and it is a work in progress. The three septic systems are designed and approved by DEM. The approvals are for a 4-bedroom septic for existing house and 3-bedroom for the two new houses to be built. The septic systems are GeoMat disposal fields based on previous discuss that the Planning Commission does not like to see big boxes in the front yards. GeoMat is a shallow narrow field in the strata with grass over it. A GeoMat requires a 24 inch water table and the parcels have that. A lot of time was spent planning to keep the land looking as natural as possible. The treatment unit that is part of the system will be a septitech in denitrification mode. Septitech also does not have a box above ground, just two green covers. The

existing dwelling will also be a GeoMat. The driveways have been placed away from the GeoMat systems. There should not be any driving over the systems. They wanted a straight driveway into the garage and a turnaround.

New wells are at the rear of the property. They are proposing to clear the lots for the efficiency of the solar panels. The two new homes will be on a slab above the water table. The land allows for walk outs out the back. There will be stormwater controls. They will meet all the requirements of run-off at a future date. Due to land slope and Carr Lane being higher, there will be no run off going onto Carr Lane.

Commissioner Pendlebury asked why the stormwater management is mostly swales. Darveau answered that per RI stormwater guidance document provides for different types of mitigation. The sizing calculations for swales and raingardens require the same. The swales do not need all the plants and it's a cost savings for the projects. It's at the rear of the property and they are trying to open up the properties for the solar component. It keeps it grass and easy to mow.

Commissioner Cochran pointed out that the swales were in different locations in Parcel A and Parcel B. Darveau explained that was due to pitch and setbacks to the wells.

Commissioner Cochran said that there were no swales on Parcel C. Darveau stated that there is no new impervious.

Commissioner Harrison asked Darveau to point out where garages are. Darveau showed that there are 16-foot garages on west side of the houses.

Commissioner Pendlebury opened the floor to public comment. Mike Swistak questioned the public comment during a preliminary application. Commissioner Pendlebury replied that Planning Commission is taking public comment to give to the applicant.

Bob Plain, 18 Calvert Place, Jamestown RI. He is on Town Affordable Housing Committee. He stated this a great project and great project for Jamestown. It is best seen as 7-acre parcel that there will be 3 units on. He pointed out that Attorney Resnick stated that there could be more done with the project. If they (CCHC) did do a lot more with the project, and he feels that they would win at density at the State Housing Appeals Board, if it goes there. He is disappointed the way the Land Trust has chosen to oppose this project. Plain wrote a letter to Jamestown Press printed on August 19, 2021 that he would like submitted into the record. See attachment for article that Plain read into record.

Commissioner Pendlebury noted there no voting on this. He appreciates getting an update on the status of the project and looks forward to the next steps. The next steps require public hearings. You will need to give notice for hearings. Attorney Renick thanks the Commissioners for feedback. It is their intention to be on the calendar for second meeting in April in coordination with Ms. Sweet.

A motion was moved by Commissioner Enright and seconded by Commissioner Cochran to close the Local Review Board. All in favor.

III. Citizen's Non-Agenda Item – none

IV. Correspondence

Correspondence was acknowledged that it was in the meeting information packets.

1. Final Administrative Subdivision Michael Scott Rutherford & Emily Alden Rutherford, Plat 10 Lots 40 and 99, 345 & 359 Highland Drive
2. Reinstate the Preliminary Plan Approval and Minor Subdivision of Plat 9 Lot 795; 30 Walcott Avenue

V. Reports

1. Planners Report – 91 Carr Lane from Ashley Sweet, Consulting Planner – not discussed

VI. Approval of Minutes - March 2, 2022; review, discussion and/or action and/or vote

A motion was moved by Commissioner Enright and seconded by Commissioner Pfeiffer to approve the minutes as amended. So unanimously voted.

Page 5: “Commissioner and Enright by” changed to “Commissioner Enright and seconded by”

VII. Adjournment

A motion to adjourn at 8:30 was moved by Commissioner Pendlebury and seconded by Commissioner Enright. So unanimously voted.

Attest:

Carrie Kolb

Zoning won't save watershed; housing won't doom it

ANOTHER VIEW

By [ohtadmin](#) | on August 19, 2021

BY BOB PLAIN

It's pretty close to a law of political physics that people of means find high-minded motives for opposing affordable housing.

From sea to shining sea, it almost always happens the same way— a seemingly well-intentioned group of residents cares so deeply about a shared asset or communal benefit that the proposed new housing cannot possibly be tolerated.

In San Francisco, the Sierra Club infamously opposed a 2018 state proposal for taller buildings along transit lines. Here in Jamestown, the Conanicut Island Land Trust vociferously opposes two affordable housing units on Carr Lane.

For whatever reason, the loudest complaints about affordable housing come not from small-government enthusiasts or free-market extremists but from affluent and otherwise liberal environmentalists. When NIMBYism (not in my backyard) is the end goal, greenwashing has proven to be the most effective means to get there.

To wit, our local land trust would have Jamestown believe two additional houses on Carr Lane will doom the island's watershed. Their logic isn't rooted in sound environmental science, modern land-use planning or state housing law. In no way, shape, or form does Jamestown have to make some sort of Sophie's choice between clean water and the Carr Lane project.

As a matter of fact, the new, more-efficient and better-sited septic system will have less impact on the watershed than the existing one on the property. It's the same way three new Toyota Priuses burn fewer emissions than one antique Ford Fairlane. Upgrading aging septic systems would do far more to protect the watershed than 5-acre zoning ever could.

The 5-acre zoning rule our local land trust holds so sacrosanct allows for the almost boundless construction of new mansions, exponentially larger and more harmful to the watershed than this project. Jamestown's watershed is not imperilled from modest, multi-unit cluster developments like the Carr Lane proposal. It's the sprawling estates with lavishly lush landscaping, in perfect alignment with the land trust's preferred 5-acre zoning, we need to worry about.

To be sure, Jamestown's 5-acre per unit zoning was created with the best of intentions — not the least of which was watershed protection. Decades after large-lot zoning rules

were first adopted in suburbs and rural areas across America, it's increasingly evident they harm more than help. Such regulations are known as "exclusionary zoning" and not "watershed protection zoning" because they are much better at protecting property value than preserving ecosystems.

Across the country, cities and states are taking action to mitigate the externalities of exclusionary zoning practices. Minneapolis and Oregon are moving away with single-family zoning altogether. Bay Area politics now includes YIMBY (Yes In My Back Yard) and Neighbors For More Neighbors activist groups that are pushing for more, not less, housing. Several states, including Rhode Island, have inclusionary zoning laws that can supersede local exclusionary zoning practices.

Healthy, sustainable communities have clean drinking water and a diverse mix of housing options for a diverse mix of residents. Not one or the other. With the second-highest percentage of preserved land of any municipality in Rhode Island, Jamestown has succeeded wildly in preserving land. In the process, we've made it exceedingly difficult for anyone but the very wealthy to get to live here. With regards to the Carr Lane project in particular, and inclusionary zoning laws in general, it doesn't have to be a choice between the two. Our local land trust does this community a disservice when it suggests otherwise.

Plain is both an environmentalist and a member of the Jamestown Affordable Housing Committee.