

Approved as Amended
PLANNING COMMISSION MINUTES
June 15, 2022
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

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

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

Also present:

Carrie Kolb - Planning Assistant
Lisa Bryer, AICP – Town Planner
Wyatt Brochu, Esq – Town Solicitor
Dale Jerald, 63 Carr Lane

II. Citizen’s Non-Agenda Item - none

III. Correspondence

1. Conditional Administrative Subdivision approval William J. Mayer/Palo Alto LLC, Plat 1 Lots 234 and 302, Jamestown, RI
2. Memo to Zoning Board of Review for Zoning Ordinance Section 82-314 – High Groundwater Table and Impervious Overlay District Sub-district A, Michelle Martins-Botelho: AP 15, Lot 143; Buoy Street, Jamestown, RI
3. Appeal of Master Plan Approval to State of Rhode Island and Providence Plantations Newport County Superior Court, C.A. NO. 2022-162; Bernard F. Radobicky, Jr, Morgan W. O’Hara, Robert L. Fadden and Susan Fadden v. Town of Jamestown, Town of Jamestown Planning Commission and Church Community Housing Corporation

IV. Election of Officers

Commissioner Swistak stated that elections need to be held each year for the positions of Chair, Vice-Chair and Secretary.

A motion was moved by Commissioner Pfeiffer and seconded by Commissioner Enright to nominate Mike Swistak as Chair. No other nominations were made.

All in Favor.

A motion was moved by Commissioner Enright and seconded by Commissioner Pfeiffer to nominate Duncan Pendlebury as Vice-Chair. No other nominations were made.

All in Favor.

A motion was moved by Commissioner Swistak and seconded by Commissioner Cochran to nominate Rosemary Enright as Secretary. No other nominations were made.

All in Favor.

V. New Business

1. Jamestown Zoning Ordinance update - review, discussion and/or action and/or vote
 - A. Legal Review from Ursillo, Teitz & Ritch, Ltd.

Bryer stated that they have been working on revising the Zoning Ordinance for quite a while. Everyone received:

- a new copy of the January 2020 document so we are all working from same document.
- Two memos from Ursillo, Teitz & Ritch, LLC: one on existing ordinance and one on proposed ordinance changes.
- A copy of the table of contents comparison and please note that the section numbers don't match up right now, but they will match once the documents are finished.

Bryer stated that she would like to have Jeff Davis, zoning consultant from Horsley Witten, at the next meeting when things are discussed. There are changes that have been made due to State law changes, for example the Town no longer has the authority to regulate OWTS near Wetlands. That is now done by DEM and CRMC starting in January 2022. As other changes happen at State Level, we will keep up with them.

Commissioner Swistak asked how far along are we? 90% done, 60% done or in between? Bryer stated that we are closer to 90% than 60%. We don't need to address all the changes any more since we have done that, that is why we sent it for legal review. What does need to be addressed are the gray boxes, which are remaining decision points within the document and the changed items per the legal review. The document goes from Planning Commission to the Town Council. They will review, hold a hearing and adopt.

Commissioner Swistak asked one meeting should be set aside to make changes?

Bryer stated that the changes could be made in a few meetings, one meeting with Jeff Davis present.

Commissioner Pendlebury stated that at this point he is comfortable. We are very close to being ready to go to Town Council. He has notes that he will forward along to Bryer.

Solicitor Brochu asked if the legal comments will be addressed before the next meeting?

Bryer stated that they will be addressed and the Commissioners will get updated pages.

Commissioner Swistak asked Bryer if there was anything else that she wanted to address? Bryer stated that she is still concerned about Accessory Family Dwelling Units (AFDU) and guest house proliferation. We discussed the previously. When there is a second or third structure on the lot. She is not sure if they looked carefully at the overall dimensions in the dimension table. For example, our building lot coverage is fairly generous. We have very large homes with accessory units and multiple accessory units, it becomes very clear that we have a lenient building lot coverage ordinance. Is this something we want to look at, just as a second look? How do we regulate AFDUs?

Commissioner Harrison asked about language because the AFDU ordinance reads: “family members with a disability, over 62 years of age or family members...” Why family member with disability and family member? Bryer stated that it was a change that came from the State Law.

Bryer read the comments from the consultants about accessory and affordable units. She needs to speak with Jeff Davis about them. Should they be kept together or separated?

Commissioner Swistak stated that a couple of years ago the Town spent a lot of time on the issue of marijuana, it is prohibited in town, medical or otherwise. Now that it is legalized at the State level, are we still protected because we took action prior? Solicitor Brochu replied that it’s a policy decision that the Town Council needs to make. Bryer stated that the town lawyers have been in touch with the Town Administrator already.

Dale Jerald of 63 Carr Lane, questioned state law vs. Jamestown ordinances?

Commissioner Swistak stated as an example just because marijuana is now legal, it doesn’t mean that you can come to Jamestown and open up a shop in town.

Bryer asked the Commissioner to refamiliarize themselves with the document and prepare questions for Jeff Davis.

Solicitor Brochu brought up the proposal for dog groomers. Bryer explained the situation, where the Building Official denied a permit for a dog groomer because the use is not listed in the use table, it’s prohibited and was denied. The applicant is appealing the decision to the Zoning Board. If the Zoning Board thinks it is similar enough to another use, like a hair salon, then we will not need to go through a zoning change. If the Zoning Board denies the appeal then a zone change is necessary for this use to occur. This issue may cause a zone change before the current ordinances get updated, and we would have to be consistent.

VI. Reports

1. Planner’s Report –

- Future meetings – topics and applications
Palo Alto: the maintenance easement going before the Town Council on Tuesday, June 21st.

Summer Schedule: Commissioner Swistak asks if there will be one meeting in July and one meeting in August? There are no restrictions for July 6 and 20 and August

3 and 17. In the past the Commission has taken off one meeting in either July or August. There are no applications for July 6th meeting at this point. Bryer will check with Jeff Davis to see if he can meet on the 6th? If no then we take off that date.

Commissioner Swistak directed a question raised by Commissioner Pendlebury to Solicitor Brochu: Can Carr Lane proceed with the appeal to Superior Court? Solicitor Brochu replied that yes, Carr Lane can proceed because the appellant did not file a request for a stay/injunction.

Commissioner Swistak asked what their exposure is sitting as Planning Commissioners? Solicitor Brochu asked if he meant personal exposure? Commissioner Swistak asked if there was any situation where they would be liable. Solicitor Brochu explained that this instance is different because they are sitting as the Local Board of Review. Normally the Planning Commission's decisions go to the Zoning Board and the Zoning Board's decisions get appealed to court. Bryer stated the Planning Commission is covered under the Town Interlocal Trust insurance.

VII. Approval of Minutes – review, discussion and/or action and/or vote

1. June 1, 2022

A motion was moved by Commissioner Enright and seconded by Commissioner Harrison to approve the minutes as amended. All in favor.

Page Five: Last paragraph the word ~~offsite~~ changed to “onsite”

Page Seven: Duplicate information was removed: ~~Motion to approve the minutes with the following changes by Commissioner Pfeiffer and seconded by Commissioner Enright. Town Planner Lisa Bryer said she will make the changes on page 9 of 19 as Nick Robertson was not present.~~

VIII. Adjournment

A motion to adjourn was made by Commissioner Cochran and seconded by Commissioner Enright at 7:39pm. All in favor.

Attest:

Carrie Kolb