

Approved as amended
PLANNING COMMISSION MINUTES
April 20, 2022
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

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

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

Lisa Bryer, AICP – Town Planner
Wyatt Brochu, Esq. – Town Solicitor
Carrie Kolb – Planning Assistant
Ashley Sweet – Consulting Planner for owner
Christian Belden, CCHC, Applicant
Michael Darveau, PLS - Darveau Land Surveying
Michael Resnick, Esq. - Attorney at Kelly, Souza and Parmenter, PC
Nancy Letendre, Esq. AICP, Consulting Planner for applicant

Chair Swistak is recused himself from old business. Vice Chair Pendlebury sat as Chair for the application. A motion to sit as the Local Review Board was moved by Commissioner Enright and seconded by Commissioner Pfeiffer. All in Favor.

II. Old Business

1. Master Plan Application 91 Carr Lane, AP 4 Lot 52; review, discussion, and/or action, and/or vote;

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

NOTICE OF PUBLIC INFORMATION MEETING
JAMESTOWN PLANNING COMMISSION

TO HOLD A SUBDIVISION MASTER PLAN PUBLIC INFORMATIONAL MEETING FOR THE PROPOSED (MAJOR) 3 LOT SUBDIVISION WITH 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 Jamestown 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 the development of 2 “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:

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)

Chair Michael Swistak and Town Planner have both recused from this application. Commissioner Pendlebury is sitting as Vice Chair for this application. He explained that this meeting is for Master Plan review of the application for 91 Carr Lane. The Town of Jamestown owns the property and Lisa Bryer sits as the owner of the property. Ashley Sweet is the consulting planner for this application and is sitting as a planning advisor to the Planning. Commissioner Pendlebury stated that the applicant, Church Community Housing Corporation (CCHC) will present their application, then the Planning Commission members will ask questions and then open up for public to make comments. Members of the public were asked to speak at the podium, sign into the sign in sheet, and state their name and address for the record.

Resnick, attorney representing the applicant, presented the application and stated they appreciated the input received at the pre-application information meeting. Resnick shared with the commission that they spoke at the Jamestown Conservation Commission (JCC) special meeting last night. The JCC stated they need further information from the applicant, that will be available at the preliminary application phase, specifically that will be hydrogeological and environmental. CCHC agrees to and welcomes the opportunity to appear before JCC at that time.

This is a Master Plan Comprehensive Permit application, arising under State law for low- and moderate-income housing act. Sitting as the Local Review Board the Commission has the ability to provide zoning relief as well, and Mr. Darveau will explain the waivers requested. CCHC received a Certificate of Completeness for the Master Plan application.

This is a 3-lot subdivision with one existing house and there will be two low- and moderate-income homes on the other two proposed lots. Under State law, a Comprehensive Plan Application must consist of 25% affordable housing. In this case it's 2/3 (66+ percent) of the property and the highest percentage that Resnick has been involved with as an attorney. The property will be protected for 99 years in CCHC's land trust model. This project is at 80% AMI. The parcel of land is located in RR 200 zone and it is 1.357 acres. Presently, the Town is at 4.5% for LMI units and State law requires 10%. It's these types of projects with incremental change that make gains in LMI. CCHC has reviewed the report and draft motion from Ms. Sweet and have no objections to the information it contained. The genesis of the project is that 5.5 acres (of the original lot) are in conservation easement and it is 1.35 acres that are part of the development. The background is that the Town went before the zoning board in order to subdivide the lot to preserve the open space, as required by RIDEM and sought variances to create two lots. The findings of the Zoning Board were:

1. 5.5 acres for a conservation area are aligned with the Towns goals of preserving watershed and open space protection and is consistent with the Comprehensive Plan.

2. Selling parcel A (1.35 acres) to Church Community Housing Corporation, an affordable housing developer, is aligned with the Town goals of developing more affordable housing, is consistent with the Comprehensive Plan.

This project is in accord with Comprehensive Plan with regards to watershed conservation and affordable housing. The conservation has been effectuated and CCHC is before you now to effectuate the second part.

CCHC is here tonight for a Master Plan information meeting. The Master Plan application describes the general plan and gives outlines, not details, which come in the Preliminary application. Resnick stated that this project will only be constructed if the project does not have negative effect on environment, watershed and aquifer. A hydrogeological report will come down the line at Preliminary application and the applicant is not obligated to have it ready at the Master Plan application. CCHC has done more work and due diligence than required at the Master Plan stage since they were before you last year.

Christian Belden, Executive Director of Church Community Housing Corporation, 6 Newport Avenue, Newport, RI. CCHC has been working on the development for quite some time. They have made revisions to the project to ease concerns voiced with the previous application. The genesis of the project started with the previous owners the Rafferty's. When the Rafferty's decided to sell their homestead on Carr Lane they wanted to do something good with it and reached out to CCHC and the Town. The Town bought the property. The Town had two goals for the property of open space conservation for the watershed and affordable housing. Belden stated that in retrospect, it's frustrating because with the subdivision they intentionally left as little as possible for the affordable housing so as to have as much land preserved as open space as possible. The open space has been conserved and the Conanicut Island Land Trust is saying ignore the conserved land and the 1.35 acres for affordable housing has too much density. Belden stated if he could go back, CCHC would buy the whole 6.8 acres, not subdivide first, build the affordable housing and all this nonsense would not be happening. Of the 6.89 acre lot, 80% of original parcel is preserved as open space. The affordable houses will be net zero housing. CCHC has the funding to build the houses. The updated income limits median is \$97,000 and 80% is \$77,000. CCHC runs a home-buyer course and they have buyers lined up already. They will be utilizing a land trust model for the affordable homes. The owner buys the home and CCHC provides a 99-year ground lease for \$25 per month. Upon resale of the house, the next buyer has to get a ground lease from CCHC and this is how it stays as affordable. This program builds equity because over time the home owner pays down the cost of the home, incomes rise over a period of time and it builds equity for first time home buyers. CCHC has 105 units in their portfolio.

Commissioner Pendlebury asked a question if there are any land trust homes in Jamestown? Belden replied yes, and the most recent were 3 on Swinburne Street. Commissioner Pendlebury would like to prioritize Jamestown residents and asked if this is part of the program. Belden said that in a sense that they do because applicants identify where they would like to live. CCHC gets the question often about "others" coming into the community and they have found that people want to live where they have family, support and a connection. In a few instances it is been a

senior moving into a community where their kids now live. CCHC has not found this issue to be a problem.

Belden stated that this project has been portrayed to have excessive density. There is already a home with a garage there and existing house has a poor septic. The existing house is not doing any favors to the watershed. There is a chain link fence on the property and the previous owners let the neighbors cattle graze on the property and that situation no longer exists. Five and a half acres have been conserved. CCHC will sell the existing house but with the permits for a new advanced de-nitrification septic system. The existing septic system will be abandoned. The new houses are models for sustainability and are intended to be zero energy homes.

Belden spoke to the density on Carr Lane. He has an enlarged street map with sticky notes locating where the existing houses are (Darveau Exhibit – page 3). Belden speaks to the development in the watershed district (Darveau Exhibit – page 5) and stated that 91 Carr Lane is not the only development in the watershed. There have been 9 homes built in the watershed before this since the CILT incorporated and this affordable housing project is the only one that the Land Trust has objected to. The Environmental Protection Agency (EPA) has stated that 91 Carr Lane project will not impact the sole source aquifer as long as certain requirements are met and those requirements will be incorporated into the site plans. The RI Historical Preservation and Heritage Commission wrote a letter stating the project will not affect historic resources.

Michael Darveau, PE has been before the Commission as an expert witness. Resnick asked Darveau when he was designing and working on Master Plan application if he reviewed all relevant ordinances for Jamestown, RI DEM and Federal statues? Darveau answered yes to each question.

Darveau reviewed sheet 2 of 3 which is the property line plan. He reviewed the list of waivers utilizing the plan. The applicant is being conservative and covering all the bases with the waivers requested.

Darveau reviewed sheet 1 of 3 which is an existing conditions plan. Topography, wetlands, soil conditions, and water tables were reviewed. Wetlands were reviewed and verified by RI DEM. The soils and the water tables were very favorable. He did not think it would be that good. The septic for the existing house will be moved closer to Carr Lane and away from the wetlands.

Darveau reviewed Sheet 3 of 3, which is the proposed site plan. Parcel A & B each 1/3 acre and parcel C is 2/3 acre. Dimensions for the new houses were planned to not be shot-gun style and roofs were planned for solar maximization. Three-bedroom septic systems were approved by DEM and no waivers were requested for the new houses. Types of septic systems were discussed. The combination of septi-tank and geo-mat is the best system for the site. The existing house has been approved for a four-bedroom septic. The existing house was built in 50s or 60s and in the early 70s septic was installed. The existing septic system runs into seasonal water table. Septic systems do not have to be upgraded as long as they pass the requirements. Commissioner Pendlebury asked if the geo-mat system is invisible. Darveau replied that it is not a raised system but is not 100% invisible because there are inspection ports. Commissioner

Pendlebury asked about not parking or driving over the system. Darveau stated that you don't want to drive over any septic.

Darveau explained that the driveways have turn arounds to not back out into Carr Lane, and the houses will be at same level as the road. Slabs, wells, storm water controls and run-off were described.

Resnick asked Darveau about the EPA correspondence to CCHC, if he was aware of the letter, if the referenced regulations and guidelines were built into the design and the answer to all the questions was "yes". Darveau believes that the OWTs are in compliance with ordinances in Jamestown and that there are no significant negative environmental impacts. Darveau is of the opinion, to a reasonable degree of certainty in his profession, that there will be no significant impacts on the health and safety of current or future residents in areas including but not limited to: safe circulation of pedestrian and vehicular traffic, provision of emergency services, safe sewage disposal, availability of potable water, adequate surface run-off, the preservation of historical features that contribute to the attractiveness of the community at this Master Plan stage. Darveau is of the opinion, to a reasonable degree of certainty in his profession, that the proposed land developments and subdivisions have adequate access to the public street pursuant to Rhode Island general laws. Darveau is of the opinion, to a reasonable degree of certainty in his profession, that the proposed development will not result in the creation of individual lots with physical constraints to development.

Nancy Letendre presents her credentials with education and work experience. She was municipal land use attorney, working with boards and commissions. She is a certified planner with AICP and a full-time planner in town of Westerly. Her degree from URI is in Art History and her first job was in historic preservation. A motion to accept Nancy Letendre as expert witness was moved by Commissioner Enright and seconded by Commissioner Pfeiffer. All in favor.

Resnick asked Letendre if she reviewed the Town of Jamestown's Comprehensive Plan, pertinent local ordinances, pertinent State Law including the Comprehensive Permit Act? She answered "yes" to all the questions. Letendre further explained that she has a great deal of experience with the LMI Housing Act, she was worked with non-profits for the production of LMI housing, and she is a housing advocate. She has conducted analysis and submitted a report which is distributed to the commissioners.

Letendre explains that she did research with Jamestown ordinances and Comprehensive Plan. The Comprehensive Plan was established in such a way that conservation and housing were balanced out so well. An opportunity for a development, like 91 Carr Lane, wasn't a happenstance, it was planned for in the Comprehensive Plan. In looking at the history of 91 Carr Lane, the application is part of a cooperative strategy with the Town of Jamestown and CCHC and the result is 5.5 acres is conserved and 2 more units of workforce housing will be added. Zoning board approved a dimensional variance and sought to balance the watershed and affordable housing. CCHC has a long-proven track record, maintaining property, managing it and making sure it stays as affordable housing for a very long period of time.

The zoning allows a system of analysis that ensures that watershed protection, aquifer protection and wellhead protection can be achieved even with development. The zoning relief requests made are typical and minimal. This development is the equivalent to other properties in the community. RR200 doesn't prevent development, it says proceed with caution. The local concern does not outweigh the need for LMI. LMI is part of state law and the need is great in Jamestown. The capacity of the land demonstrates what can be built on it. There is a plan in place to meet all the standards. Town of Jamestown balances the need for LMI and open space preservation. The plan for Carr Lane and the Comprehensive Plan is working together. Resnick asked the members of the Planning Commission to look at the required findings on pages 7-8 of Letendre's report and the conclusion on page 8. Resnick asked Letendre if the testimony she gave this evening, including the findings of fact that were rendered, were based on her opinion to a reasonable degree of planning and land use expertise? Letendre answered "absolutely".

Commissioner Pendlebury reserved the next few minutes to entertain questions for the Planning Commissioners:

Commissioner Cochran asked Bryer if there is a plan for the town to fence off 5.5 acres? Bryer stated that the land is conserved and there are no plans for fencing but the town would entertain it if it is determined necessary. Resnick stated that they would agree to fencing to demarcate the subdivision as a condition of approval. Commissioner Enright pointed out that there is a stonewall between the properties. She would like to have the stonewall taken into consideration if they are discussing demarcation. Resnick agreed that it could be a condition. He did state the applicant received correspondence from the Historical Preservation and Heritage Commission and it was a non-issue, but certainly would agree to work with the town ensuring that the stonewall was not disturbed.

Commissioner Harrison asked for further clarification about the Conservation Commission. Resnick replied that the applicant will go before conservation commission again because conservation commission wants more information. Resnick stated that the hope is for a positive recommendation.

Commissioner Pendlebury stated that there are partial stone walls along Carr Lane. He asked if it is the intention to repair partial stone walls and bring them up to reasonable condition? Resnick is unaware of the stone walls. Commissioner Pendlebury asked about the existing retaining walls labeled on the plans? Darveau stated that there is an existing retaining wall and he doesn't believe that its historic. They are not proposing any changes to the retaining wall, and just keeping it there. Darveau stated that there are remnants of a stone wall along Carr Lane that are not significant, in his opinion. They do need access for driveways and Darveau does not know if the stonewall falls in that area and he can do more investigating if it is a major concern. Commissioner Pendlebury stated that there are parts of the stonewall on Carr Lane that are in disrepair, and if they are improving part of Carr Lane that they should try to improve the stonewalls.

Commissioner Pendlebury asked if there is intent to take down part of the garage, the non-garage part of the building to make it smaller? And at the same time make the driveway to garage pervious?

Belden showed on one of the photo exhibits that the stonewalls are within the 5.5 acres of preservation and there is a small section that runs north/south. They have no intention of touching that at all. The remnants of stonewall on Carr Lane, they will look into. The existing garage and house will not have improvements and will be sold as is. It is not in the budget to reduce anything. Resnick stated that the garage is a pre-existing non-conforming existing structure and they are requesting waivers out an abundance of caution.

Resnick noted that they have not received any information that the stonewalls have historical value. He commended Belden for agreeing to look into restoring the stonewall. However, it can be very expensive to build a stonewall. He does not want to create a situation to jeopardize the financial viability of the project. It is appropriate for the applicant to look into costs for due diligence. He stated that a condition of approval to restore a stone wall without an understanding of the wall and the numbers to repair it, is pre-mature. Commissioner Pendlebury stated stonewalls along Carr Lane are a front piece to the proposed dwellings and one or two stone-high walls would be a great improvement. Belden stated that he can't commit to it at this process. Resnick stated that they will look into costs for due diligence. Commissioner Pendlebury asked the applicant at this stage to look into it and report back to the Planning Commission at the next stage. Resnick agreed to the condition to do due diligence and report back to the Commission at the Preliminary Application with an understanding of what the costs will be.

Commissioner Pendlebury asked if the garage will be separated into a separate lot? Belden replied "no".

Commissioner Enright asked about the cattle on the farthest west part and the chain-link fence? Darveau replied that they noted remnants of barbed wire and it was unbeknownst to him that the two previous land owners had a verbal agreement between them but it is no longer being used for cattle.

Commissioner Pendlebury opened up the meeting for discussion of comments and questions. He stated that this is one of the stages and it is at the Master Plan. This process goes through several stages and this is not the last stage. He asked not to go through comments based on previous application, just comments on this application. If you have written comments – please give to Carrie.

Kelly Fracassa, Naccarato & Fracassa, 85 Beach Street, Westerly, RI. He represents Jamestown Land Trust (sic) which objects to the proposal. The objections are based on Comprehensive Plan. Under the required findings, you must find the proposed development is in compliance with standards and provision with local Zoning and Subdivision Regulations and that the relief granted doesn't outweigh the need for low and moderate income housing.

The local concerns are that Jamestown has an issue with water because water is scarce and valuable. Jamestown is sole source aquifer and watersheds in the town. Comprehensive Plan

reasons are evident. If you have a property that is RR 200, it's important to protect the groundwater aquifers. The Comprehensive Plan states the Town is encouraged to buy as much of the properties within the watershed and 5.5 acres has been protected for the watershed. For any development plan, the applicant has to submit a plan that won't likely have any negative impacts on surface and subsurface waters with regards to construction, sewage and paving methods. Fracassa doesn't doubt that the applicant will do this at a further date. He mentions this because it's the goals of the town that are stated within the Comprehensive Plan.

Comprehensive Plan also talks about affordable housing. The goals of affordable housing and watershed protection can clash. This proposal clashes with the protection of water supply and affordable housing policies. Fracassa introduces a copy of certain pages of the Comprehensive Plan as an exhibit and tells Resnick that he will get a copy. Resnick asked, for the record, if Fracassa is representing the Land Trust this evening? Fracassa replied "yes." Fracassa reads from the Comprehensive Plan, Affordable Housing section, policy 2A.

The variances requested are other issues that the Land Trust has with the project. The variances granted by Zoning in July 2018 subdivided the property, which the applicant now wants to be further subdivided into three. Fracassa discussed the findings of fact by the Zoning Board. He has copies of the Zoning Board transcripts that he will introduce to the record. Fracassa speaks about the Town not fixing the bad septic system and he doesn't know if the house is being used now. He reads sections of zoning transcripts and concludes that the foundations on which the Zoning Board made their findings of fact are no longer true.

Fracassa discussed the work done by Darveau Land Surveying, Inc with the seven test holes. He introduces the bill paid as an exhibit for the record. He questioned whether the Town knew if the proposal was going to have more than one house or if they didn't know the proposal at the time?

Fracassa also introduced to the record: the soil logs for the seven test holes; memorandum from TRC from August 2019; and Zoning Board ruling from July 24, 2018.

Commissioner Pendlebury asked if any Commissioners have questions for Mr. Fracassa. There are none.

Resnick responded to the public comments from Fracassa. He stated that Fracassa isn't giving testimony, and he isn't speaking as a lay-person but as an attorney. He stated that the comments were a closing argument and are an attack on the Town, the Town Planner and an expert witness. What he (Resnick) presented was testimony by experts and Fracassa is simply stating argument not testimony by professionals.

Commissioner Pendlebury stated the Planning Commission will look at the timeline, documents provided and form their own opinions.

Fracassa stated that the facts are within the documents that he presented into the record.

Commissioner Pendlebury stated that the Commission will look at the merits and completeness of all records because anything can be taken out of context.

Letendre asked the Planning Commission to look at Ms. Sweet's report. She stated that there are at least eight affordable housing strategies in the Comprehensive Plan. One strategy that works in the Village, zoned R8, doesn't mean that it can't work in RR 200. Based on her testimony and research, this proposal is very consistent with the Comprehensive Plan. She stated that the Zoning Board ruling in 2018 is a moment in time. The point in time is when the Zoning Board was creating the back lot. The zoning still allows the applicant to ask for additional relief. It was made clear that this was going to be used for affordable housing. This is a new moment in time.

Pam Carr of 6 Antham Street, represented Carr Homestead at 90 Carr Lane. She remembers stonewall on both sides of the road when she was a little girl and it fell apart over the years. There have been water shortages and water bans over the last 8-10 years. At the Carr Homestead, water has run low. Where will the water come from when there is a water shortage? There is only so much water in the ground. Think about the water.

Resnick stated that a hydrogeological report will come out at preliminary application and will address concerns just raised.

Ken Froberg of 735 North Main Road. He owns 4 acres of land. Froberg spoke to when the town did oil refining in the 1950s and they didn't know what they were doing. He lost his water in the 1950s when the crusher was drained. He worked URI in Civil and Environmental Engineering as the office manager. He worked with a professor who was asked by the Town of Jamestown a question: can we drill wells at the reservoir? The professor replied be very careful because you will hit salt water. The Town Council didn't listen to the professor and hit salt water. He is not against housing, what he is against condensing it all into a small lot. He loves the nature and has lots of blueberry bushes on his property that he leaves alone for nature. Once the water is gone you can't get it back.

Julie Wright of 46 Carr Lane and her brother Adam Wright. She had a question about the proposed three new septic systems that are expensive. It is her understanding that they cost money to be serviced between \$200-\$500 every few years. What happens when folks that need affordable housing aren't able to pay for this? And what would happen if the systems were to malfunction? The property is right next to aquifer. She stated that visual display from Darveau and Belden shouldn't have big stickie notes showing the houses but small yellow dots, that it's a mispresenting. She isn't against affordable housing because she would qualify for it. She works really hard and her family members have had to buy a house off-island due to high prices.

Belden answered that advanced di-nitrification system has to have an Operations and Maintenance agreement, it's a legally binding agreement that requires the system to be serviced. All the yellow labels (on the visual display) just show where the houses are because when the image was printed at a larger scale the resolution was low. There are only 2 advanced systems on the street. A family of four making \$77,000 can afford to pay \$250 service agreement per year. Commissioner Pendlebury stated that from his own personal experience with a property that he used to own that you have to enter a maintenance agreement and its filed with the deed with the Town. Each time maintenance is done it is filed with the Town. The system has bells

and whistles that go off in the middle of the night when the system isn't working. It isn't failsafe but it's pretty close to failsafe.

Pam Carr of 6 Antham Street. Talked about the size of Carr Lane. Even though it has been repaved, you can't get two cars down Carr Lane safely. You can't make it bigger.

Reid Losee of 64 Frigate Street. She questioned the visual display from Darveau and Belden. It doesn't have 91 Carr Lane on it. Resnick said it's demonstrative, not drawn to scale and only to show where the houses are. Belden puts a yellow sticky note on the visual display to show 91 Carr Lane. Losee questioned if the septic was below standard that the new owner had to replace it? Commissioner Enright answered that it depends how far below (standard) it is. If there is a cesspool that you have to replace it. There was a condition of approval listed about the OWTS. Darveau stated if there is a cesspool on a property it has to be replaced within a year of buying a property. In our case, there is a septic system that was installed in the 1970s. If you compare it to a car, its 200,000 miles on a car. There is mechanism or law that states that it has to be replaced when the house is sold. Commissioner Pfeiffer stated that the Town has a requirement for septic tanks to be pumped every three years, at a minimum, and the person who does that report on the status of the system if its functional. The existing home has not been lived in since the town bought it.

Bonnie Hogan of 56 Carr Lane. She gave a handout for the record. She has a concern with the density of the proposed project which is on 1.3 acres in the watershed. For the past 40 years preserving the watershed has been a top priority. Town bought 9 acres adjacent to the lot that goes all the way to Carr Lane. According to the Comprehensive Plan, 70% of watershed area is protected. Hogan goes over tables and figures within the handout. She refutes the zoning variances requested for each parcel. There are no 1.4 acre lots on Carr Lane that have 10 bedrooms and four bathrooms. In the summer of 1993, the Town was unable to meet the public water needs and water was imported with water tank trucks. She goes over the maps listed within the handout. She gave an example of 725 North Main Road where owner requested a variance to subdivide land into three 2-acre lots, one for herself and two for her daughters to enable the owner to be able to stay on the island. The owner was denied and had to sell land and move. Granting this will set precedent for the future and where does it end? She asked the Planning Commission not to grant the variances.

A motion to extend the meeting past 10:00pm for 30 minutes moved by Commissioner Enright and seconded by Commissioner Cochran. All in favor.

Solicitor Brochu clarifies that comments should be made on this application only.

Julie Wright read letter for Marcia and Dan Wilcox 461 East Shore Road. Letter submitted for the record. They are tax paying residents who are concerned about three houses on 1.3 acres of land. It is their understanding that the zoning is for one house on 5 acres of land. Granting the variances will put the watershed at risk and go against the town goals. Also, it wouldn't be fair to grant one request and not allow others to have the same advantage.

Quentin Anthony of 105 Bayview Avenue. He has lived through water crises. He thinks the proposal to create three significantly substandard lots is an assault that goes against 40 years of water policies, planning, zoning laws and zoning decisions. Few know or remember the repeated water crises that have been experienced by the Town. The crises are attributable to two factors: geology and small reservoir, small watershed and their dependence on rain water only. We can't make more watershed. Anthony submits Appendix B – Rules and Regulations of the Board of Water and Sewer Commissioners into the record and goes over the exhibit. The development of the shores and the fear that there would be contamination of wells is behind some of the reasons of the zoning ordinances. It is the duty of those with power to protect water for future generations and it's a big responsibility. He discussed a DEM study from 2011. 2018 Jamestown Water Management Plan prepared by Pare Engineering was cited. The February 2021 from the Office of Water Resources at DEM was cited for Jamestown preserving land in watershed. He gave an example of Providence Water Board buying watershed land for Scituate Reservoir. There is the Rhode Island Penny for Hundred which was enacted in 1989 to give grants to protect watersheds. The Zoning is RR200 is to protect the watershed. Anthony entered a second hand out into the record which is Sec. 82-709 of the Zoning Ordinance. He discussed the merger of substandard lots. It hardly moves the needle of 10% for affordable housing, and it sets precedent for any owner of a large lot can partner with a non-profit to build within the watershed. Other things will become available for the Town where they can put Affordable Housing. The Town owns many properties like Fort Getty and Fort Wetherill. Commissioner Pendlebury interrupts due to time constraints. Anthony thanks the Commission for the time.

Nick Robertson of 109 Carr Lane. He stated that earlier they talked about the stone walls on Carr Lane. He encouraged the stone walls to be rebuilt. He stated that he has used the Narragansett Indians to rebuild stone walls. He used to have a car wash and it closed due to the water issues. They used to have to get water from North Kingstown and the National Guard. There is a water issue in Jamestown. Affordable Housing is an important issue and it should be in small areas. The questions are: Is water more important? Or is housing more important? You have to make a choice. He doesn't envy the position of the Planning Commission.

Commissioner Pendlebury stated that the Planning Commission will look at all the information that has been presented.

Due to the time, Bob Plain stated would like to speak at another time.

Resnick stated that a water study will be introduced in a later phase.

Commissioner Pendlebury stated that Planning Commission needs to sort out Master Plan approval.

A motion was moved Commissioner Enright and seconded by Commissioner Pfeiffer to continue 91 Carr Lane until May 18, 2022. All in favor.

A motion was moved by Commissioner Enright and seconded by Commissioner Cochran to close local review board. All in favor.

II. Old Business

2. Zoning Board of Review Ruling, July 25, 2018
Not discussed at this meeting

III. Citizen's Non-Agenda Item

Not discussed at this meeting

IV. Correspondence

Not discussed at this meeting.

1. Approval of Development Plan for 12 Holmes Court to construct a new house, Plat 8 Lot 362
2. Final Approval of Jamestown Properties, LLC, Chris Pike, AP 9 Lot 795, 30 Walcott Avenue – 2 Lot Minor Subdivision
3. Memo to Zoning Board of Review for Zoning Ordinance Section 82-314 – High Groundwater Table and Impervious Overlay District Sub-district A
 - a. John Welch: AP 1, Lot 221; 11 Bay View Drive North
 - b. Lino Corredora 86 Stern Street: AP 14, Lot 80
4. Letter from Jamestown Affordable Housing Committee dated April 12, 2022 re: 91 Carr Lane

V. Reports

Discussed as part of the listed application

1. Planner's Report – 91 Carr Lane from Ashley Sweet, Consulting Planner

VI. Approval of Minutes – April 6, 2022; review, discussion and/or action and/or vote

Minutes not voted on at this meeting.

VII. Adjournment

A motion to adjourn at 10:30pm was moved by Commissioner Pendlebury and seconded by Commissioner Cochran. All in favor.

Attest:



Carrie Kolb