

Approved as Written
PLANNING COMMISSION MINUTES
April 6, 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
Bernie Pfeiffer	Dana Prestigiacomio

Not present: Diane Harrison

Lisa Bryer - Town Planner
Wyatt Brochu – Town Solicitor
Carrie Kolb – Planning Assistant
John Welch – applicant
Michael Darveau – PLS, Darveau Land Surveying
Matthew J. Viana – PE, Millstone Engineering
Chris Pike - applicant
Shahin Barzin, AIA – Architect, S. Barzin Architect

II. Citizen’s Non-Agenda Item - none

III. New Business

- 1. Jamestown Properties, LLC, Chris Pike, AP 9 Lot 795, 30 Walcott Avenue –
2 Lot Minor Subdivision;**
 - a. Set Bond; review, discussion and/or action and/or vote**
 - b. Final Approval; review, discussion and/or action and/or vote**

Commissioner Swistak recused himself. Commissioner Pendlebury asked Town Planner Bryer about the agenda items to be voted on. Bryer explained that they are voting on the bond and final approval this evening and that the Planning Commission had extended the preliminary plan approval at a prior meeting. Commissioner Pendlebury asked about the signature line on the drawings. Mike Darveau, professional land surveyor, answered that every time there is a subdivision the owner needs to sign off on the change in the lot lines because it goes from one to two lots. Bryer explained that some of the conditions of approval have not been met and the bond

is in place to address those. In order to sell the lots, a final approval has to be granted. The Fee in-lieu-of land dedication is \$17,652 and the draft motion and FILO was provided to Chris Pike previous to this meeting. Chris Pike, Jamestown Properties, applicant, stated he approved the fee.

A motion moved by Commissioner Pendlebury and seconded by Commissioner Cochran as follows:

Final Approval is hereby granted for the Jamestown Properties, LLC Subdivision - Two Lot Minor Subdivision. The Planning Commission voted on March 2, 2022 to reinstate the Preliminary Plan Approval and extend the application to (originally approved February 19, 2020, approval extended on February 17, 2021 to February 19, 2022) of the application for Chris Pike, Jamestown Properties, LLC, AP 9 Lot 795, 30 Walcott Avenue to February 17, 2023.

1. That payment of a fee in-lieu-of land dedication has been paid, \$17,652.00 as required in Article III D of the Jamestown Subdivision Regulations;
2. Monuments, rebar, have been placed at both corner points at the new property line;
3. The Final Record Plan has been signed by the Planning Commission Vice Chair;
4. This approval shall be recorded with the Town Clerk within 20 days of receipt of approval;
5. The Planning Commission approved a bond for the remaining improvements to the sewer line and the stone wall for \$30,000 on April 6, 2022;
6. The applicant has provided a bond in the amount of \$30,000 which shall be held until the improvements have been completed and inspected by the applicants engineer/representative as well as the public works department and historical society representative (stone wall). That bond shall be refunded either in installments as construction progresses or once the project is completed and inspected.

So voted:

Commissioner Cochran – aye

Commissioner Enright – aye

Commissioner Pfeiffer – aye

Commissioner Prestigiacomo – aye

Commissioner Pendlebury – aye

2. High Groundwater Table and Impervious Overlay District, Sub-District A

a. John Welch: AP 1, Lot 221; 11 Bay View Drive North, Jamestown, RI – Recommendation to Zoning Board of Review; review, discussion, and/or action, and/or vote;

Commissioner Swistak took the Chair. John Welch, applicant, purchased property last summer and the house was built in 1936. He would like to build new house. His team is Shahin Barzin, architect; Matt Viana, engineer; and Mark Liberati, lawyer. He wants to go by all the proper procedures for the application. He has read Jean Lambert's letter and concurs with everything stated in the letter.

Matthew J. Viana, PE, Millstone Engineering took the podium and stated his credentials for RI and MA as he hasn't testified in Jamestown for 10 years.

Commissioner Swistak moved to accept Matthew J. Viana, PE as expert witness and Commissioner Pfeiffer seconded. All in favor

Viana stated the square footage and dimensions of the property. He explained that Bayview Drive North is a gravel road and the driveway is gravel. The property currently has 3 bedroom single family home, an old septic system, a private well, gravel driveway. The proposal is to remove the home and rebuild essentially the same size, install new advanced treatment septic system that has already been approved, decommission the existing well that doesn't have the proper separations and install a new well in a different corner of the property that does have all the proper separations. They have gone through the check list. There are four sheds on the property, they will remove two sheds and it's a small decrease in impervious coverage. There are no mitigation measures required but they are proposing to install a 210 sq. ft. rain garden to improve water quality. They have read through Jean Lambert's memo and Lisa Bryer's memo and they agree with all of them.

Commissioner Enright asked reason for slight movement for baseline of the house? Viana answered that there are no reasons for engineering. Shahin Barzin, licensed architect gave further explanation that he reduced two feet from the 32-foot side, added a staircase for circulation and kept the square footage the same. He reduced the proposed house and added stairs for circulation. Commissioner Swistak asked Solicitor Brochu if since razing the structure and building new home, the impervious cover is going to be reduced but not to the point where it meets the ordinance, is a variance still required? Bryer stated that a Special Use Permit for Section 314 and a zoning variance are needed.

Commissioner Swistak asked what the shed allowance is? Bryer answered that it is 120 sq. ft. And it allows for a shed as long it is raised and water flows underneath it. It's an exemption because many of the lots and houses are small and they need storage. Commissioner Swistak asked if the shed allowance counts towards pervious or impervious. Bryer stated that it doesn't count towards the impervious cover. Commissioner Swistak asked if the applicant can go down to one shed? Commissioner Cochran stated that the applicant is exempted with one 10x12 shed. The applicant stated that they could go down to the one 10' x 20' shed. The one shed that will remain is the western-most shed that is 10x12 feet. The new impervious cover number in #13 is going to change.

Commissioner Swistak asked if there is a way to get to 10%? Barzin stated there would need to be a lot of compromises. They would have to find 500 sq. feet, which is a lot of space. Commissioner Swistak asked if they are handicapped by the pre-existing size of the lot? Getting to 10% is a question that could be asked at Zoning. Discussion ensued regarding going up another level, but the gross area remains the same.

Commissioner Swistak asked if the well is also approved? Viana answered yes.

Commissioner Pendlebury asked if there is a basement? Viana said no. Barzin stated that it's an older foundation that they will get rid of.

Commissioner Pfeiffer asked if the applicant will be asking for variance for 533 sq. ft. Discussion ensued regarding the square footage. Barzin stated they are maintaining the same square footage of the house.

Commissioner Swistak asked Welch if he understands that the drive is gravel and must be gravel in perpetuity. Welch states that yes he understands this.

Commissioner Swistak asked Welch if he has a copy of draft motion? Welch stated that he did. Commissioner Swistak asks if they can approve the motion without reading the whole draft? Welch agrees. Commissioner Swistak stated that there are a couple of minor changes.

Commissioner Pendlebury asked about the foundation and discussion ensued. Barzin talked with Jean Lambert. Putting holes in the foundation is not a code requirement. It's a strategy to equalized ground water. Bryer doesn't know about the engineering but she does know that many engineers over the years have used this strategy to answer the ordinance requirement. Commissioner Pfeiffer read from the ordinance 314.c.2 regarding subsurface structures. Barzin stated that meeting this will not be a problem.

A motion moved by Commissioner Swistak and seconded by Commissioner Enright as follows:

At the April 6, 2022 Planning Commission meeting, the Planning Commission voted unanimously to recommend to the Jamestown Zoning Board, approval of the application of John Welch AP 1, Lot 221; 11 Bay View Drive North, Jamestown, RI; being reviewed under Zoning Ordinance Section 314 - High Groundwater Table and Impervious Overlay District Sub-district A review in accordance with the plans entitled **Welch Residence, 11 Bay View Drive North AP 1 Lot 221, Jamestown RI, Sheet 1 Existing Conditions, Sheet 2 Proposed Site Plan, Sheet 3 Notes and Details all dated March 2022, Sheet 1 Proposed On-Site Waste Water Treatment System – Alteration December 2021. Plans by Millstone Engineering, P.C. 250 Centerville Road, Building E-12, Warwick, RI 02886.** The recommendation for approval is based on the following findings of facts as amended:

Findings of Fact Section 314

Existing Conditions:

1. Property is 10,866 square feet (sf) in area; an existing substandard lot in an RR80 zone
2. The existing site is developed with 1260 sf house, gravel driveway and 4 sheds (total existing impervious area is **1,620 sf or 14.85%**);
3. Topography on the lot slopes from south to north on the site;
4. There are no freshwater wetlands on the property;
5. Soil evaluation results show that the site falls under **Sub-district "A"** requirements of the High Groundwater Table and Impervious Overlay District with 16" to the seasonal highwater table and 24" to impervious soil; and,
6. The maximum impervious cover allowed is **10.0% or a maximum of 1087 sf**. The existing site exceeds the allowable area by 533 sf.

Proposed Conditions:

1. The applicant is proposing to raze the existing house and rebuild a new house (1260 sf) on a slightly different foundation with a covered stair tower (99 sf);
2. A new crushed stone driveway will be provided;
3. The OWTS permit is for 3-bedrooms and was issued on 1/04/2022: An advanced treatment OWTS (RIDEM #2115-1576 Advantex to bottomless sand filter);

4. Three of the existing sheds will be removed, leaving only the 120 sf shed.
5. The applicant is proposing to decrease the impervious area on the site therefore stormwater peak flow mitigation is not required;
6. A rain garden is proposed to provide water quality treatment of the runoff from the new rooftop. The total proposed treatment volume is 210 cf;
7. The total proposed impervious cover will be 1479 sf. (13.61%), a decrease of 141 sf. Note – no allowance was made for shed exemption in this calculation. The property is eligible for a one-time 120 sf shed exemption;
8. The applicant’s representatives Matthew J. Viana, PE, accepted as an expert witness, and Shahin Barzin, AIA, represented the applicant as expert witnesses before the Planning Commission on 4/6/22;
9. Jamestown Engineer Jean Lambert provided correspondence to William Moore, Building Official and Lisa Bryer, Town Planner dated March 17, 2022 regarding the Welch application (attached) which notes that, in her professional judgement, the proposal meets the requirements for development within 82-314 of the Zoning Ordinance;
10. The applicant testified that the lot is 10,886 square feet in area in an RR-80 zoning district where 80,000 square feet minimum lot size is required; and,
11. Matthew J. Viana, PE, testified that 1) the current well will be decommissioned and a new well will be installed in a different corner of the property and 2) the 1,479 square feet of impervious cover included the 120 sq ft shed.

Recommended Conditions of Approval

1. A Special Use Permit for Section 314 and a zoning variance for being above the permitted 10% impervious cover is required from the Zoning Board of Review;
2. An as-built plan should be provided at the completion of construction to the Building Official depicting the size and location of the house, size and location of the rain gardens, and verifying the elevations and grading shown on the proposed site plan.
3. The OWTS must be inspected and maintained as required by the Town Onsite Wastewater Management Program. A maintenance contract must be recorded in the land evidence records and a copy of the recorded document shall be submitted to the Planning Department.
4. The rain garden shown on the approved site plans must be installed and maintained as outlined on the notes on the approved site plan. The Operation and Maintenance (O & M) Plan (reproduced in 8.5” x 11”) for stormwater mitigation (rain gardens) shall be recorded in the Office of the Town Clerk with Zoning Approval and evidence of such shall be provided to the Zoning Board and Enforcement Officer.
5. An erosion and sediment control permit will be required from the building official prior to commencement of construction. Erosion and sediment controls shall be installed at the down gradient limit of disturbance shown on the site plans. Erosion controls shall be maintained until final stabilization is achieved on the site.
6. Any additional future site work that increases the area of impervious coverage, including paving the driveway, will require a review following the requirements of the High Groundwater Ordinance.

7. Subsurface structure standards shall be met in regards to foundation based on ordinance 314.c.2 “any foundation elements below the season high groundwater table shall be engineered to allow for free passage of water”.

So voted:

Commissioner Pendlebury – aye Commissioner Cochran – aye
Commissioner Enright – aye Commissioner Pfeiffer – aye
Commissioner Prestigiacommo – aye Commissioner Swistak - aye

3.

b. Lino Corredora 86 Stern Street: AP 14, Lot 80; Recommendation to Zoning Board of Review; review, discussion, and/or action, and/or vote;

Michael Darveau, professional land surveyor, spoke for the applicant who is traveling. Darveau has authority to make changes to the motion. Mr. Corredora owns property in the Shores area. There is an existing 2-bedroom raised cape. This house was previously approved in High Groundwater Overlay and it was one of the first ones built. It’s currently a rental property but the applicant’s plan is to retire to Jamestown. They are looking to build a detached garage for more space. The number is under the 13% of impervious cover. The slab of the garage will be raised to be more than a foot above the water table. The reason being that the road is a little higher than the site of the garage. They want to make it higher and add crushed stone in the driveway to raise it up as well. The garage will have a vegetated swale for stormwater controls. Darveau explains the vegetated swale is a better situation for the site, as it is a long and skinny area. The garage is for storage and the owner’s use.

Commissioner Swistak moved that Michael Darveau with Darveau Land Surveying be accepted as an expert witness, seconded by Commissioner Cochran. All in favor.

A motion moved by Commissioner Swistak and seconded by Commissioner Pfeiffer to recommend to the Jamestown Zoning Board, approval of the application of Lino Corredora as follows as amended:

At the April 6, 2022 Planning Commission meeting, the Planning Commission voted unanimously to recommend to the Jamestown Zoning Board, approval of the application of Lino Corredora: AP 14, Lot 80; 86 Stern Street, Jamestown, RI; being reviewed under Zoning Ordinance Section 314 - High Groundwater Table and Impervious Overlay District Sub-district A review in accordance with the plan entitled **Corredora Residence, 86 Stern Street AP 14 Lot 80, Jamestown RI, Sheet 1 of 1 dated March 14, 2022. Plans by Darveau Land Surveying, Inc., P.O. Box 7918, Cumberland, RI 02864.** The recommendation for approval is based on the following findings of facts as amended:

Findings of Fact Section 314

Existing Conditions:

1. The property is 14,400 square feet (sf) in area. This is a substandard lot of record where 40,000 sq. ft. minimum lot size is required in this R-40 district;

2. The existing site is developed with a 1033 sf house (with stairs) and crushed stone driveway;
3. The total existing impervious area is **1,033 sf or 7.17%**;
4. Topography on the lot slopes from south to north on the site;
5. There are no freshwater wetlands on the property;
6. Soil evaluation results show that the site falls under Sub-district “A” requirements of the High Groundwater Table and Impervious Overlay District with 24” to the seasonal highwater table and 32” to impervious soil;
7. The maximum impervious cover allowed is **13.0% or a maximum of 1872 sf.**
8. There is an existing 3-bedroom advanced treatment OWTS (RIDEM #0315-2313: Advantex to bottomless sand filter). The system is current for inspection (last inspected in March 2022);

Proposed Conditions:

1. The applicant is proposing to construct a garage (576 sf), a new crushed stone driveway and vegetated swale;
2. A vegetated swale is proposed to provide water quality treatment and stormwater mitigation of new rooftop runoff. The required stormwater treatment volume for the new rooftop is 189 cubic feet (cf). The total proposed volume is 192 cf;
3. The total proposed impervious cover will be **1609 sf or 11.2%** where 13% is permitted;
4. The applicant’s representative Michael Darveau, PSL, Darveau Land Surveying, represented the applicant as an expert witness before the Planning Commission on 4/6/22;
5. Jamestown Engineer Jean Lambert provided correspondence to William Moore, Building Official and Lisa Bryer, Town Planner dated March 25, 2022 regarding the Corredora application (attached) which notes that, the proposed project complies with the requirements of the HGWT ordinance.
6. Michael Darveau testified that the slab of the garage is raised over 12-inches and 12-inch of fill in front of the garage is the minimal necessary. The driveway will have crushed stone fill to meet the level of the street to mitigate any potential water run-off issues into the garage.

Recommended Conditions of Approval

1. A Special Use Permit for Section 314 is required from the Zoning Board of Review;
2. An as-built plan should be provided at the completion of construction to the Building Official depicting the size and location of the garage, size and location of the vegetated swale, and verifying the elevations and grading shown on the proposed site plan.
3. Erosion and sediment controls must be installed at the down gradient limits of site disturbance and maintained until stabilization of the site is attained. Erosion controls shall be maintained until final stabilization is achieved on the site.
4. Maintenance and inspection of the OWTS shall continue as required by the Town Onsite Wastewater Management Ordinance.
5. The vegetated swale shown on the approved site plans must be installed and maintained as outlined on the notes on the approved site plan and the Operation and Maintenance plan. The Operation and Maintenance (O & M) Plan (reproduced in 8.5” x 11” for the stormwater mitigation (vegetated swale) shall be recorded in the Office of the Town Clerk with the Zoning Approval and evidence of such shall be provided to the Zoning Board and Enforcement Officer.
6. Any additional future site work that increases the area of impervious coverage will require a review following the requirements of the High Groundwater Ordinance.

So voted:

Commissioner Pendlebury – aye Commissioner Cochran – aye
Commissioner Enright – aye Commissioner Pfeiffer – aye
Commissioner Prestigiacomo – aye Commissioner Swistak - aye

IV. Correspondence

Correspondence was acknowledged that it was in the meeting information packets

1. Memo to Zoning Board of Review for Secret Garden, 12 Southwest Avenue, Plat 9 Lot 592, Development Plan Review
2. Memo to Zoning Board of Review for Emily Bowab Seaside Drive at Dory Ave, AP 3, Lot 139; Zoning Ordinance Section 82-314 – High Groundwater Table and Impervious Overlay District Sub-district A

V. Approval of Minutes - March 16, 2022; review, discussion and/or action and/or vote

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

VI. Reports

1. Town Planner's Report
 - Future meetings – topics and applications

Bryer thanked the Commissioners for using the microphones.

Final approval granted for restaurant, Our Table, at 53 Narragansett Avenue, they have received their liquor license and CO which will allow them to open.

There are a lot of TRC needing to be scheduled in the next 2-3 weeks.

The Town Council approved the budget on Monday night (April 4) at the 4% cap. The Town approved the start an Affordable Housing Land Trust which is different from the Affordable Housing Trust Fund. The Town Council allocated \$25,000 and they took that money from the revenue funds that will not add to the debt of the Town. Bryer briefly explained the program.

VII. Adjournment

A motion to adjourn at 8:04pm was moved by Commissioner Enright and seconded by Commissioner Cochran. So unanimously voted.

Attest:



Carrie Kolb