

**Approved as Amended**  
**PLANNING COMMISSION MINUTES**  
**January 19, 2022**  
**7:00 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**  
**THIS MEETING WAS TELECONFERENCED VIA ZOOM**  
Meeting ID: 840 0463 4963

**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	Mick Cochran
Rosemary Enright – Secretary	Bernie Pfeiffer
Dana Prestigiacomio	Michael Smith

Not present: Duncan Pendlebury

Also present:

Lisa Bryer, Town Planner  
Wyatt Brochu – Town Solicitor  
Carrie Kolb – Planning Assistant  
Sanford Resnick – Resnick & Caffrey  
Joshua Rosen – Principe Engineers

**II. Citizen’s Non-Agenda Item** – nothing at this time

**III. New Business**

1. 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 review  
- Recommendation to Zoning Board of Review; review, discussion and/or action and/or vote

Sanford Resnick of Resnick & Caffrey 300 Centerville Road, Warwick, RI. Resnick is representing 5A Builders LLC. The property has been in the Bowab family for 54 years. Resnick stated that they have made all the proper applications, they meet all the requirements for setbacks and the Town Engineer (Jean Lambert) has made recommendations.

Joshua Rosen of Principe Engineers 27 Sakonnet Ridge Drive, Tiverton, RI. Rosen had not appeared as an expert witness to Planning Commission prior. His credentials were presented. Commissioner Swistak made a motion to recognize Joshua Rosen PE as an expert witness and seconded by Commissioner Smith. So unanimously voted. Rosen described the site plan. Commissioner Swistak asked a question pertaining to the impact of groundwater on the neighbors. Rosen answered that the applicant has an infill corner lot. The adjacent wells are 75 feet away. There shouldn't be issues for the applicant or abutters.

Commissioner Swistak asked about the threat of salt water intrusion and was this taken into consideration in design. Rosen answered that with the grading of the property around the house they went an extra three feet above the nearest flood plain for the elevation of the proposed slab.

Commissioner Cochran asked if this will be a year-round residence or a partial year residence for the owners? The answer was unknown to Resnick and Rosen.

Commissioner Swistak asked if the property is being sold by Emily Bowab to 5A Builders or Alex Petrucci because the operations and maintenance plan was prepared for Alex Petrucci, and the zoning application references Alex Petrucci. Resnick answered yes, that Alex Petrucci is the principal of 5A Builders. There is a purchase and sales agreement. Emily Bowab must provide an owner authorization form that is notarized or a copy of purchase and sales agreement prior to appearance before Zoning. This will be added to the recommended conditions of approval.

Resnick has a copy of the draft motion dated January 14, 2022. He doesn't have any questions and waves the condition to read the whole motion.

A motion was made by Commissioner Swistak and seconded by Commissioner Smith as follows:

At the January 19, 2022 a Planning Commission meeting, held remotely by Zoom, where six Planning Commissioners were present, the Planning Commission voted unanimously to recommend to the Jamestown Zoning Board, approval of the application of Emily Bowab, owner and 5A Builders LLC, applicant: AP 3, Lot 139; Seaside Drive, Jamestown, RI; being reviewed under Zoning Ordinance Section 314 - High Groundwater Table and Impervious Overlay District Subdistrict A review in accordance with the plans entitled "On-Site Wastewater Treatment System for Ap 3 Lot 139", Seaside Drive, Jamestown Rhode Island dated revised 4/6/21. The plans are prepared by Principe Company, Inc. Engineering Division, PO Box 298, Tiverton, RI 02878, 401-816-5385.

The recommendation for approval is based on the following findings of facts and recommended conditions of approval as noted in the Memo from Jean Lambert, PE and amended at the Planning Commission meeting:

#### Findings of Fact Section 314

1. The property is 14,280 square feet (sf) in area;

2. The existing site is undeveloped. Topography on the lot slopes from east to west on the site. There are no freshwater wetlands on the property.
3. Soil evaluation results show that the site falls under Sub-district “A” requirements of the High Groundwater Table and Impervious Overlay District with 18” to the seasonal highwater table and 26” to impervious soil.
4. The maximum impervious cover allowed is 10.0% or a maximum of 1428 sf.
5. The applicant is proposing to develop the site with a house, crushed stone driveway, pervious walkways, well, and an advanced treatment OWTS (Advantex to bottomless sand filter).
6. The OWTS permit for 3-bedrooms was issued on 6/24/2021.
7. The total proposed impervious cover will be 1408 sf or 9.86%.
8. 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 518 cubic feet (cf). The total proposed volume is 547 cf.
9. In Conclusion, the Town Engineer Jean Lambert, PE stated that the proposal meets the intent of the ordinance in that the proposed impervious cover is 9.86%. The maximum allowable impervious coverage for this site is 10%. The rain garden provides treatment and mitigation for the new impervious rooftop;
10. The applicant’s representatives Joshua Rosen of Principe Co, Inc, accepted as an expert witness, and Sanford Resnick of Resnick & Caffrey were present at the Planning Commission meeting and represented the applicant before the Planning Commission on January 19, 2022; and,
11. Jamestown Engineer Jean Lambert provided correspondence to William Moore, Building Official and Lisa Bryer, Town Planner dated December 20, 2022 regarding the Bowab application (attached).

#### Recommended Conditions of Approval

1. An erosion and sediment controls must be installed at the down gradient limits of site disturbance and maintained until stabilization of the site is attained;
2. Maintenance and inspection of the existing OWTS shall continue as required by the Town Onsite Wastewater Management Ordinance;
3. The vegetated swale shown on the approved site plans must be installed and maintained as outlined on the rain garden noted on the approved site plan;
4. The Operation and Maintenance (O & M) Plan (reproduced in 8.5” x 11” for the stormwater mitigation (rain garden) shall be recorded in the Office of the Town Clerk with the Zoning Approval and evidence of such shall be provided to the Zoning Enforcement Officer as well as the Planning Department; and,
5. Any additional future site work including a change to the driveway surface that increases the area of impervious coverage will require a review following the requirements of the High Groundwater Ordinance.
6. Purchase and Sales agreement and/or owner authorization form that is notarized be submitted prior to appearance before Zoning.

So voted:

Michael Swistak – Aye

Rosemary Enright – Aye

Mick Cochran – Aye                      Bernie Pfeiffer - Aye  
Dana Prestigiaco – Aye                Michael Smith – Aye  
Motion carries 6-0

#### IV. Correspondence

1. Final Subdivision Approval for Riven Rock, 113-115 Melrose Avenue, Plat (AP) 8 Lot 31
2. Email from Barbara Cunha dated December 22, 2021, re: variances for Green Lane & Narragansett Avenue condominium project

#### V. Reports

1. Town Planner's Report
  - Nice to have Carrie Kolb on board and reach out to her if you have questions, don't be shy. Cyndee is officially retired.
  - 91 Carr Lane, application expected back in the next few weeks and it will get on the agenda fairly quickly because no notifications or agency review necessary prior to the application.
  - Subcommittee on the short term rental ordinance will be meeting in the next couple of weeks. The Solicitor has the ordinance now and is making a few suggested edits based on the comments by Councilor Meager. Anticipate have to Town Council in the next month or longer.
  - Letter from Riven Rock in correspondence and note that is recorded.

#### VI. Approval of Minutes December 15, 2021; review, discussion and/or action and/or vote

A motion was made by Commissioner Enright and seconded by Commissioner Smith to accept the minutes as amended. So unanimously voted: Rosemary Enright, Mick Cochran, Bernie Pfeiffer, Dana Prestigiaco, Michael Smith, Michael Swistak recused from voting on a Beech Restaurant portion of the minutes.

Page 4: 3<sup>rd</sup> paragraph Brito spelled correctly

Page 4: 4<sup>th</sup> paragraph changed "zoning is adequate" to "parking is adequate"

Page 6: 11. Brito spelled correctly

#### VII. Adjournment

A motion to adjourn at 7:41p.m. was made by Commissioner Smith and seconded by Commissioner Cochran. So unanimously voted.

Attest:



Carrie Kolb

