

Approved as amended
PLANNING COMMISSION MINUTES
August 17, 2022

6:00 PM – Zoning Ordinance Amendment discussion of cannabis
7:00 PM – Public Hearing for Preliminary Plan for 91 Carr Lane
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 6:00pm and the following members were present:

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

Also Present:

Lisa Bryer, AICP – Town Planner
Wyatt Brochu, Esq. – Town Solicitor
Carrie Kolb – Planning Assistant
Ashley Sweet – Consulting Planner for owner
Christian Belden, CCHC, Applicant
Christopher Chutz, CCHC
Michael Darveau, PLS - Darveau Land Surveying
Michael Resnick, Esq. - Attorney at Kelly, Souza and Parmenter, PC
Anthony Urbano, PE, GZA
Patrick Freeman, PE, American Engineering
Bonnie Hogan
Nick Robertson
Ken Froberg

II. Citizen’s Non-Agenda Item -none

III. Old Business – Part 1

1. Zoning Ordinance Amendment related to Cannabis; review, discussion, and/or action, and/or vote; (6:00PM)

In November the voters in Town will be asked to vote on: "Shall new cannabis-related licenses for businesses involved in the cultivation, manufacture, laboratory testing and for the retail sale of adult recreational use of cannabis be issued in the Town of Jamestown?" The referendum cannot be separated, it is voting "yes" for all four aspects or voting "no". If the voters approve to allow cannabis, then the Planning Commission will have to draft an ordinance quickly. The Town Council cannot take a position either for or against the referendum. The Planning Commission can take a side and send a letter to the Town Council. The plan was to discuss and come to an agreement either positive or negative to send the reasoning to Town Council. The reasoning will give the Town Council some tools to educate the public.

When medical marijuana was discussed in 2017, operations were not talked about. The question now is how do we feel about recreational usage?

Bryer had a discussion with Chief Mello and he is making recommendations to the Town Council on public smoking and vaping. It will be proposed to be prohibited in restaurants and open public areas, similar to drinking alcohol in public areas.

Commissioner Enright asked for clarification that people can smoke in their own home or property, but not an area that police would be interested in? The answer was "yes".

Commissioner Pendlebury asked Solicitor Brochu if the new law changes the way that the Town had medical marijuana structured now? Solicitor Brochu stated yes because the Town is putting the subject to a vote in November.

Commissioner Pendlebury asked if medical marijuana and marijuana are now the same?

Solicitor Brochu stated that from a zoning perspective "yes". In other aspects they are different, and example is department of health regulations.

Commissioner Pendlebury asked if the Planning Commission needs to change medical marijuana ordinance? Solicitor Brochu stated that they do because the new statute does not make a distinction between the two. Bryer stated that the law talks about "cannabis establishments" not compassion centers. We may have to change our ordinance wording.

Commissioner Swistak stated that the Comprehensive Plan and Zoning Ordinances do not encourage large scale business operations. Industrial manufacturing is almost all "no". A grow facility must happen indoors because marijuana is not traditional agricultural use.

Manufacturing of marijuana also must happen in same type of facility, and in his view that is large scale manufacturing. Growing and manufacturing do not line up the zoning use table. Jamestown has a rural character and small-town feel. He endorses saying "no" at the expense of laboratory testing or retail sales. The ability to purchase marijuana will be readily available throughout the State.

Commissioner Enright stated that the growing of marijuana is very water intensive. We don't have that kind of water to support the large-scale use of an indoor facility. She said that Jamestown has enough water problems and let's not add to them.

Commissioner Harrison agreed with Commissioner Enright's points. She read the minutes and memo from 2017, the reasons towards "no" are sound.

Bryer stated that with zoning, if a use is permitted in a certain district, the land size has to be available. The example was given of permitting in a CL district where 1 acre of land is required, if there are not any 1 acre lots in the CL, then you are effectively not permitting the use because the site size needed is not available. It is unclear why the referendum question was written as all or nothing.

Solicitor Brochu said that the legislature gave the towns a choice to say “yes” or “no”. Discussion ensued regarding zoning if the referendum passes. Commissioner Swistak referred to the memo from Amy Goins of Ursillo, Teitz and Ritch, which says that we can’t be so heavy handed that we make any of the four aspects of cannabis prohibitive. Solicitor Brochu brought up that it cannot be prohibitive and the determination comes from the voters in the Town.

Commissioner Cochran questioned why the Planning Commission isn’t weighing in on public use as well? He has some concerns about that and will send Kolb ordinances he has found for Lowell, MA, and Nantucket, MA. Bryer stated that public use is in the code of ordinances and not zoning.

Commissioner Pendlebury stated that the cannabis issue is so complicated and with so many loose ends. This issue should be voted down and the Town can relook at it when things get straightened out. Retail sales are cash only and the cash can’t go into the bank. The Town is only benefitting on the tax of retail sales, and the State could take that away in the future. If the State is giving the Town tax money from the sale of marijuana, then why are we not getting money from the sale of alcohol, for example, whiskey and beer? How are police going to deal with people under the influence? Commissioner Cochran stated that industry is separate from public use. He does that think that marijuana industry should be allowed.

Commissioner Prestigiacommo stated that our natural resources are so fragile that we need to put water at the top of the list of priorities. Ordinances can always get changed in the future when things are straightened out, but natural resources cannot be replaced.

Commissioner Enright stated that marijuana is a difficult topic because no one knows what it is yet and it is hard to enforce. Because the legislature has put all four aspects together and they cannot be separated, she is against it.

Commissioner Pfeiffer stated that he is on board for ‘no’.

A motion was moved by Commissioner Swistak and seconded by Commissioner Pendlebury to instruct the Town Planner to send a memo to the Town Council with findings of fact stating the Planning Commission’s opposition against the adoption of an ordinance that allows the cultivation, manufacture, laboratory testing and the retail sale of adult recreational use of cannabis. Part two, the memo will also request that the Town Council initiate efforts to educate the public/voters that the referendum is not just about retail sales, but includes cultivation, manufacture and laboratory testing. Part three, the memo notifies the Town Council that we are preparing a draft ordinance in the event that the voters approve the referendum on cultivation,

manufacture, laboratory testing and the retail sale of adult recreational use of cannabis. All in favor.

IV. Correspondence

1. Letter for Development Plan Approval for 29 Narragansett Avenue, Plat 9, Lot 631 Letter was recognized as received.

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

1. August 3, 2022

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

Page 6 – last paragraph, second sentence “For the Zoning change,” was added before: The Planning Commission makes are recommendation to....”

Page 7: second full paragraph, third sentence ~~Their~~ is removed. ~~Is~~ changed to “are”.

Old Business - Part 2

2. Preliminary Plan Application 91 Carr Lane, AP 4 Lot 52; review, discussion, and/or action, and/or vote; (7:00PM)

Chair Swistak 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 Cochran and seconded by Commissioner Enright. All in favor.

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

NOTICE OF PUBLIC HEARING

JAMESTOWN PLANNING COMMISSION

TO HOLD A SUBDIVISION PRELIMINARY PLAN PUBLIC HEARING FOR 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 Preliminary Plan for the (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)

Attorney Resnick stated the project is for a three-unit development with two units are Low-and Moderate- income and one unit is market rate. They have Master Plan approval from this board. They are before the board with the Preliminary application. They have received and reviewed the planner's memo and proposed decision and conditions of approval. The only objection is to the stone wall. Mr. Belden will address his due diligence and taking a position relative to the condition. Attorney Resnick submitted another waiver related to subdivision regulations and he has found out that it is superfluous and not needed. The waivers requested are the same as requested in the Master Plan application.

Testimony was provided by: Darveau for overall site layout and OWTS; Patrick Freeman, civil engineer, for storm water management plan; Anthony Urbano, professional engineer, for hydrogeological report and Christian Belden, for his due diligence to the stone wall.

Attorney Resnick asked if Darveau should go through the list of waivers? Commissioner Pendlebury stated that they have gone through the waivers several times. He asked if any of the Commissioners needed the waivers reviewed? They did not need to review the waivers again. Darveau, President of Darveau Surveying, presented his background and credentials. A motion was moved by Commissioner Cochran and seconded by Commissioner Pfeiffer to accept Michael Darveau as an expert witness. All in favor.

Darveau presented the three pages of plans submitted. Page 1 is the layout of the property, Plat 4 Lot 52. The property consists of an existing 3-bedroom dwelling and existing garage. The septic system for existing dwelling is located off the property, within the land that was conserved. The agreement with the Town is that when the property is developed that the septic has to be upgraded and existing septic will be abandoned.

The wetlands are located offsite and approximately 110 feet from SE corner of the property. The wetlands have been verified by RI DEM for their location. The letter of approval from DEM has been submitted with the application. The second application has been submitted to DEM in June, out of an abundance of caution, to ensure that there were not any unknown impacts and they are still waiting for review/approval. The wetland rules changed as of July 1 and this application will be reviewed under the old rules. In the worst-case scenario, the wetlands setbacks would be at 100 feet.

They have performed soil testing at 7 locations that were parallel with Carr Lane with water table ranges from 24-36 inches and that is common for Jamestown. They have designed septic systems based on those requirements.

Darveau reviewed Page 2, which shows the two new houses and existing house site. All the setbacks that correspond the waiver requests are detailed on the page. Darveau reviewed the house specs. On the new dwellings, the roof area will be facing south to take advantage of the sun for solar panels. The approved septic for the new dwellings will be for 3 bedrooms and the approved septic for the existing house is for 4 bedrooms.

Darveau reviewed Page 3, which shows the proposed site plan. The three DEM approved septic systems are of the highest treatment quality that do not require variances. The treatment units are septi-tank. The disposal fields are geo-mat, which allow for grass to be grown over them and are shallow in nature. Each new dwelling will have a crushed stone driveway with parking for three cars consisting of a 1-car garage and 2 parking spaces. The 2 parking spaces are perpendicular to the garage, which allows for vehicles to turn around and not backing out onto Carr Lane. The existing dwelling has two driveways that will remain. The proposed dwellings will be built on slabs one-foot above the water table, with no basements and a split-level type home. The grading has been designed to work with the geo-mat and there will only be a few steps in the front of the house. Stormwater is proposed at the back of the site and Patrick Freeman will discuss. With the grading of the site, there will be no runoff onto Carr Lane.

Commissioner Pendlebury asked if there is runoff from Carr Lane onto the site? Darveau stated that there is a small berm and no run-off. Prior to the re-paving of Carr Lane, there was no berm, but the berm that is there now directs the run-off.

Parcels A, B, and C have sufficient area for septic systems, new wells, new dwellings and gradings with no variances required for State approvals. Zoning variances are required. There is sufficient parking. There are sufficient stormwater controls. They are not in any wetlands.

Commissioner Harrison asked who is responsible for putting in the new septic in the existing home? Commissioner Harrison was asking for clarification because she thought that CCHC was putting in the new septic system. Christian Belden with CCHC replied that with the existing house, the existing septic is on the back conservation lot. The Town will make the disconnection of the septic system. The existing house will be sold with the permit from DEM for a 4-bedroom septic system. Commissioner Harrison asked if they have to put in the de-nitrification septic system? Darveau replied that the septi-tank system is what was approved by DEM. A purchaser could make changes with DEM. The purchaser will be required to meet State requirements.

Commissioner Pendlebury asked who writing the purchase and sales agreement for the existing house? Belden stated that the Town still owns the property. CCHC and the Town has not ironed out how it will proceed. Commissioner Pendlebury asked if the purchaser is required to have septic and water before they are able to move in. Solicitor Brochu said that the purchaser will need to have the septic installed in order to get a Certificate of Occupancy. Darveau stated that it is his opinion that if someone wanted a different system, there might not be enough room. Commissioner Cochran asked when the last time the septic system was inspected? Bryer stated it was prior to purchase and sale in 2017. The house is currently vacant.

Attorney Resnick asked Darveau:

Based on your testimony this evening, and your work related to this project, are you of the opinion that this project is within the zoning ordinance considering the requested waivers? Darveau replied yes.

With respect to the design of the OWTS, are you of the opinion that there are no negative impacts on the surrounding environment as it relates to that system. Darveau replied yes.

Are you of the opinion that there are no negative impacts on the health and safety of the future community residents as it relates to the design of the OWTS system? Darveau replied yes, that there are no State variances on any regulations. The only variances are on setbacks and lot size.

Are you of the opinion that all lots have adequate access to the public street? Darveau replied yes.

Are you of the opinion that the proposed development will not create lots with physical constraints to development? Darveau replied yes, that in his presentation he explained all the required improvements to support a single-family home.

Have you offered your testimony with a reasonable degree of certainty with respect to land surveying and OWTS? Darveau replied yes.

Patrick Freeman, PE, American Engineering, presented his background and credentials. A motion was moved by Commissioner Pfeiffer and seconded by Commissioner Cochran to accept Patrick Freeman as an expert witness. All in favor.

Freeman explained they were responsible for the stormwater management system design, The existing topography slopes from north westerly corner to the south easterly side of the lot. Parcels A & B are wooded. Prior to land disturbance they would install a perimeter silt fence. Freeman explains required run-off capture. Due to concerns from previous meetings, they decided to oversize the water quality treatment practices to meet the requirements of the High Groundwater Overlay District, which designs for a Ten-Year Storm. Freeman explains the calculations of the vegetated swales, which will hold 300% more than required. Once the site is stabilized the silt fence will be removed. By using the silt fence erosion controls and by oversizing the stormwater management, there will be no significant negative impact to the drinking water reservoir or its associated wetlands as a result of stormwater run-off.

Commissioner Pendlebury asked if lot with existing building need more stormwater control. Freeman said no because they are not putting any impervious surfaces on the lot and do not have to do any further stormwater controls. Commission Pendlebury asked if the owner decided to make changes, then it's a different story. Freeman answered correct.

Attorney Resnick asked if the testimony was offered to a reasonable degree of engineering certainty? Freeman answered yes.

Anthony Urbano, PE, GZA, presented his background and credentials. A motion was moved by Commissioner Enright and seconded by Commissioner Pendlebury to accept Anthony Urbano as an expert witness. All in favor.

Urbano explained that he was hired to evaluate the 3 water supply wells for the residential homes for the proposed development will impact the abutting properties in the surrounding area to evaluate the yield that the wells could pump. The scope of work included reviewing the development plans, the test logs that were performed at the site. He reviewed US Geologic Survey published reports on the bedrock groundwater. He reviewed private supply well logs regarding the well depth and well yield that were available from the Town of Jamestown and Rhode Island Department of Health. He also sent out a questionnaire to the residences within a 600-foot radius that asked them for information on well depth and yields for those water supply wells. He performed a site reconnaissance to walk over the site, look at the conditions of the site itself. Also try to identify, from the street right of way, the approximate locations of the wells that were on the surrounding properties.

The subsurface conditions at the site are comprised of a glacial till, a very dense mixtures of sand, gravel and silt. The underlying rock is relatively shallow, about 10 feet below ground surface. The bedrock geology is called Rhode Island Formation, which is comprised of quartz conglomerate, sandstone and schist.

There are nine water supply wells within the 600-foot radius. The wells (at 91 Carr Lane) will be placed at the rear of the property to be as far away from the existing properties. The closest well was 200 feet to the west. The farthest one is 600 feet away to the north-east. Based on the

logs that were reviewed, most of the wells are bedrock wells, are drilled to a depth of 100-feet. One well was drilled to 160-feet. The yields are generally reported at four gallons per minute and that rate is more than enough water for typical use in a residential home. One well, located further down the road, had a yield of 20 gallons per minute, which is a high yield.

He looked at the wells relative to one another. Some of the homes within the 600-foot radius are close to each other, it looked like a couple of homes could have private wells within 100 feet of each other. The homes had woods in the back and houses located in the front were close together. Further down the road $\frac{1}{4}$ of a mile to the west, there are numerous wells within 100 feet of one another. He took away from all that, is that this area can support homes with wells within 100 feet of each other.

The average water use is 150-300 gallons per day. He used upper value of 300 gallons per day in his calculations. A conservative estimate of the recharge rate of the water supply is eight inches per year. On average the rainfall is 45 inches per year. He looked at 8 inches of recharge per year and consuming 300 gallons per day to calculate the radius needed to replenish the water for a typical home and the calculation came out to 85 feet. What wasn't taken into account, was that of the 300 gallons used per day, only a small fraction is consumed and most is put back into the water table.

Attorney Resnick asked Urbano to repeat the distances from the closest wells. Urbano stated that they have seen homes within 100-foot radius of each other. He calculates an 85-foot radius is all that is needed to recharge the water. The closest homes are located at: one is 200 feet away; one is 300 feet to the west; and then others are further to the northeast and east up to 600 feet away. The homes are much further away than the area required. We take that these three water supply wells could easily be utilized without seeing an adverse impact on the yield of the wells (on abutting properties). Those wells are 100 feet deep, and the water table is typically 10-20 feet below. There is 70 feet of water in the wells. There is no draw down impacts for common domestic use.

Commissioner Pendlebury asked Urbano have you looked at the layout of the site with regards to the septic areas and stormwater control areas? Does that layout coincide with the recharge?

Urbano said yes, the water supply wells are located at least 100 feet away from the onsite waste water treatment systems and that is a requirement that you want to maintain.

Commissioner Cochran asked about the two new subdivided lots that their wells will be pretty close about 60 feet apart? Urbano answered that they will be closer together and when the wells are drilled that the drawdown should be measured in each well.

Attorney Resnick asked Urbano based on your geohydrologic study and your analysis is it your opinion to a reasonable degree of engineering certainty that the private water supply wells of this project will not have an adverse impact on the yield of abutting properties? Urbano answered yes.

Belden discussed going to the Carr Lane property two different times to take pictures of where the stone wall had been. He explained that there are so few stones left, that is more remnants.

For the photos, he had to zoom in close to get one stone and zoom out to get a row of stones. He explained that it is not economically feasible for the project to build a new stone wall.

Commissioner Pendlebury asked if the stones will be cleaned up? Belden said that the site will be cleared and the stones will be cleared as a part of it. Commissioner Cochran said that he can concur that there is no wall.

Commissioner Pendlebury asked about drilling the new well at the existing house? Belden said that house will be sold and the new buyer will put in new septic and drill a new well. The new owner will hire the contractors. Commissioner Pendlebury asked if the abandonment of the existing well is going to be on the site plan that is handed over at the time of purchase of the property? Belden said yes. Commissioner Pendlebury asked if the well is pumping water? Darveau explains that there is an existing well and that it will be abandoned as a condition of approval of the septic system. When the new septic has been constructed, rules have to be followed to abandon a well and it must meet the setbacks. Commissioner Enright asked if it was up to the new owners to do and get the approvals? Belden reviewed the third to last page in the packet which is a letter from the Town Administrator to CCHC that documents that the Town is committed to: abandon the septic system for the existing house on Town Land per RI DEM regulations. The new owner will have to locate the new well at least 100 feet away from the new septic system. Darveau stated that the abandoning the well is a condition of approval.

Commissioner Pendlebury stated that the letter from the Town Administrator also states that Town is committed to putting up fencing to demarcate the house lot and prevent encroachment onto the conservation land. The fencing is just across the rear of the three sites? He asked about the 20-30 feet of planting that Town is going to put in and questioned if the land will be cleaned up first? Bryer stated that the Town is committed to the abutter and the town will follow through with the planting.

There were no further questions from the Commissioners. Commissioner Pendlebury entertained comments from the public.

Bonnie Hogan - 56 Carr Lane: She stated at the last meeting it was said that there would be a peer review of hydrogeological survey. Has that been done? Commissioner Pendlebury stated that they would have a peer review if they needed to. He stated that the hydrogeological study was reviewed at a Technical Review Committee meeting. The study was reviewed by Town Engineer, Town Environmental Engineer and Building Inspector and it was accepted. Hogan has presented information at previous meetings. The Zoning in RR200 is for 1 house on 5 acres, not 3 houses on 1.7 acres and the variances they are seeking are astronomical.

It is obvious to the public at the last hearing that the decision was predetermined before public input was presented. She stated that the decision was sent to CCHC prior to the meeting. She brought up that it was stated at the last meeting that the town has lots of water. We need to protect the water supply.

Attorney Resnick stated that they came today to prove the engineering. They can only get the density at Master Plan if they show the project not will have a negative impact on the environment or abutters.

Commissioner Pendlebury responded to the comment that the decision is already made. He explained that they usually prepare a motion ahead of time that can be voted up or down. The motion makes the process go more smoothly. The facts in the motion are based on the findings and discussion. The points that come from the audience are developed as a condition of approval or finding of fact. He apologizes if it seems that way, but they listen and take into account public comment.

Nick Robertson - 109 Carr Lane: He stated that his concern is with the water. He supports affordable housing. He gave an example with a family of five in each house that uses 100 gallons per person per day, and would be 1,500 gallons per day. He stated that when you increase density, you increase water usage. He stated again that he is concerned about water. Robertson gave Commissioner Pendlebury a handout.

Ken Froberg - 735 North Main Road: He complimented the presentation, but said it is for the wrong place. He questioned the amount of money spent on the presentation and hiring of experts. He said that the RR 200 zoning is there for a reason. He questioned, why have a planning commission?

Belden gave an example of the how the wells work. He said that most people think of the water as one pool, but it is really like 1,000 little cups all next to each other. If you put too many wells into a tiny cup then you have a problem. You cannot negatively impact the aquifer with drilling three more wells that are at a distance from the neighbors. The prevalent feeling in town because of 5 acres zoning, is that the drilling of three more wells will negatively impact the overall aquifer. Belden asked Urbano to further explain.

Urbano stated that Jamestown has 5-acre zoning through the island and most towns have much smaller zoning. You can have small areas that have density. You can build three wells, but you can't build 25-75 wells on one lot.

Attorney Resnick followed up on a comment of why the all the money was spent. He stated that it was spent to hire experts to prove to the Planning Commission and the community that there concerns, while listened to, are unfounded as it relates to hydrogeological and environmental issues. Having to do a hydrogeological study is a rarity.

Commissioner Pendlebury stated procedural history of how we got to where we are right now. The Rafferty's offer to the Town with the condition that it be made into affordable housing. Since the zoning was put in place for watershed protection, the science has advanced from 30-40 years ago. There is now the science of denitrification of septic systems, and the science of the re-utilization of stormwater run-off. This project has shown that they tripled the normal stormwater retention. Testimony has been given that we are not losing water. The density issue has to deal with affordable housing and the density makes it affordable to build. It is a State mandate to create more affordable housing. Part of the Town's Comprehensive Plan is to network affordable housing all over the island. The watershed issues have been addressed. The lack of more questions from the Commission means they have been addressed. A lot of

information has been put into a motion, which is not fully prepared. A suggestion is to revise the memo and continue the hearing until we can have a vote of a completed memo. The earliest date is September 21.

A motion was moved by Commissioner Pendlebury and seconded by Commissioner Enright to continue the Public Hearing until September 21st at 7:00pm in the Town Council Chambers at Town Hall. Discussion: Attorney Resnick questioned if the hearing should be closed this evening? Solicitor Brochu answered no.
All in favor.

VI. Reports

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

VII. Adjournment

A motion to adjourn at 8:19pm was moved by Commissioner Pfeiffer and seconded by Commissioner Cochran. So unanimously voted.

Attest:

Carrie Kolb