

Approved as written
PLANNING COMMISSION MINUTES
September 21, 2022
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.
Jamestown, RI 02835

I. Call to Order and Roll Call

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

Mike Swistak – Chair, recused	Duncan Pendlebury – Vice Chair
Mick Cochran	Diane Harrison
Bernie Pfeiffer	Dana Prestigiacomio

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

Not present: Rosemary Enright – Secretary

II. Citizen’s Non-Agenda Item – none

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

1. August 17, 2022

A motion was moved by Commissioner Cochran and seconded by Commissioner Pfeiffer to approve the minutes from the August 17, 2022 meeting as amended. All in favor.

Page 7 – paragraph 3: “salt” changed to “soil” and “site locations” changed to “locations”

Page 7 – paragraph 5 – “stairs” changed to “steps”

Page 8 – paragraph 2 – addition of “with the” changed to “sold with the permit from DEM...”

Page 8 – paragraph 2 – ~~can~~ is removed after the word “could”

Page 8 – paragraph 8 – “OTWS” changed to “OWTS”

IV. Old Business

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

Chair Swistak recused himself from the next application. 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 Prestigiacomo. 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 – Continued from 8-17-22 JAMESTOWN PLANNING COMMISSION TO HOLD A SUBDIVISION PRELIMINARY PLAN PUBLIC HEARING 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 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)**

Commissioner Pendlebury stated that they have been discussing this application for quite some time and there has been a lot of evidence submitted to support the application. Commissioner Pendlebury asked if the applicant had anything additional? Attorney Resnick stated that there is no additional testimony. The applicant had received a copy of the draft motion and there were no objections to draft motion. Resnick also stated that all of the experts are here today if there are any further questions.

Commissioner Pendlebury addressed the audience stating that most of the attendees had been to the Public Hearing on August 17th. He asked that only new questions and new information be presented. He noted that all previous comments had been entered and recorded into the minutes

Bonnie Hogan 56 Carr Lane – questioned why CCHC was not replacing the septic system? She questioned the amount of parking provided? She questioned who would pay to repair the Geomat septic if it was driven over?

Commissioner Pendlebury replied that the Town signed a letter saying they would discontinue the septic system. The buyer of the existing house would need to put in a new well and septic system to get a Certificate of Occupancy.

Belden – the letter from Town administration to CCHC dated June 10 states that the Town will abandon septic system of the existing house per RI DEM. The existing house will be sold with an approved permit for a state-of-the-art septic system.

Resnick stated that the new owner would not get a Certificate of Occupancy until septic is installed.

Commissioner Pendlebury asked for the parking question to be addressed.

Darveau stated at each new home will have a 1 car garage, and 2 parking spots off the driveway for a total of three parking spots. They are designed with entrance on Carr Lane. Driveways are 14 feet wide on average and there is enough room for guest parking. Regarding the Geo-mat question: The septic system is shallow. They are elevated and 15 feet from the driveway. If someone is driving a 4x4 anything can happen, the likelihood that the septic system would get driven over on purpose is slim. If it did get run-over, it can be repaired.

Commissioner Pendlebury said that this scenario came up in a previous meeting and there was no need for bollards around the Geo-Mat.

Commissioner Cochran asked Darveau is there any place you can see a Geo-mat system?

Darveau stated that 1046 East Shore Road near the stone wall near the property line, had just been installed a few weeks ago and he was not sure if it has been re-seeded yet.

Commissioner Cochran stated that he wanted members of the public to be able to see an example and that they are raised.

Belden answered the question- who owns the septic for the new construction houses? There is a 99-year ground lease to the home buyers, and CCHC retains ownership of the land. The home buyer has all the rights and responsibility, as a fee simple ownership, through the ground lease. They are responsible for the maintenance, all improvements and paying the taxes.

Commissioner Pendlebury asked if the owner is responsible make sure that there is a contract in place to make sure that there are inspections to the septic system.

Belden explained that when CCHC is building the houses that the contract for the septic system will be with CCHC, however when the home is purchased, the contract transfers to the home buyer.

Sweet stated the Zoning Ordinance requires two parking spaces per unit by zoning and they have provided three spaces so they are exceeding compliance.

Commissioner Pendlebury asked if there were any further questions? There were none.

Commissioner Pendlebury asked the other members of the Commission after having listened to issues regarding water, watershed, storm water run-off, quality of storm water systems, etc., if any commissioners had further questions? Commissioners did not have any further questions.

Hogan asked if the appeal (of the Master Plan approval to Superior Court) had that been resolved?

Commissioner Pendlebury stated that they have no information about it.

Resnick answered Hogan that there was an appeal of the Master Plan approval. It is still pending in court and the parties entered into a briefing schedule. The briefs will be deposited into the court in November, probably after Thanksgiving. There is usually not an oral argument, and it is decided upon the records.

Hogan asked why not wait until it is resolved?

Resnick stated that the appeal has no effect on the applicant's ability to move forward and that the applicant is moving forward at their own peril. It's CCHC intent to move forward with the project.

Commissioner Pendlebury stated that there is a draft approval letter which includes procedural history, and what applicant is asking for. He had two things further that he needs to ask applicant regarding police and fire department approvals. Sweet explains that they are covered in the #6 in conditions of approval.

A motion was moved by Commissioner Pendlebury and seconded by Commissioner Cochran for the Jamestown Planning Commission sitting as Local Review Board to accept the DRAFT motion letter from Planning Consultant Ashley Sweet dated September 21, 2022 which approves the Preliminary Plan/Comprehensive Permit for the 91 Carr Lane project.

So voted:

Commissioner Cochran – aye

Commissioner Harrison – nay

Commissioner Pfeiffer – aye

Commissioner Prestigiacomo - aye

Commissioner Pendlebury - aye

Motion carries: 4-1

Commissioner Swistak was recused and Commissioner Enright was not present.

A motion was moved by Commissioner Cochran and seconded by Commissioner Pfeiffer to close the Local Board of Review. All in favor.

V. Correspondence

1. Approval letter for Administrative Subdivision, AP 10, Lots 30, 31 & 154

Letter was recognized as received.

VI. Adjournment

A motion to adjourn at 7:35pm was moved by Commissioner Cochran and seconded by Commissioner Prestigiacomo. So unanimously voted.

Attest:

Carrie Kolb