

2. William Tracey, Plat 8 Lot 467, 15 Fowler Street, Jamestown, RI. Application for Development Plan for construction of duplex/second dwelling in Jamestown Village Special Development District – CL Zoning District – review as significant alteration per Jamestown Zoning Ordinance Article 11 Section 82-1100. Variance required for side yard setback of existing house – Review, Discussion, and/or Action and/or Vote - recommendation to Zoning Board

Christian Infantolino, Esq. represented the applicant, William Tracey for 15 Fowler Street. The plan went through the TRC process and the outcome is that the project requires zoning relief. He believes that this does not require zoning and will work with the Town Solicitor and Building Official.

Neal Hingorany, PLS, a principal at Narragansett Engineering, Inc., presented his credentials. A motion was moved by Commissioner Swistak and seconded by Commissioner Enright to accept Neal Hingorany as an expert witness. All in favor.

Hingorany stated that the property is in CL zone. A very large maple tree is located in the back yard that they are trying to work around. The existing property has water and sewer service in the back and they will be brought up to the front. A boundary survey was completed and the property is 10,000 sq ft with topography that is almost flat. The overhead electric lines will be moved underground. Propane tanks are shown on the north side of the plans, and will be well screened to hide the elements from the road. There are fences on some of the perimeters. The garage is up front. In the center of the property will be a pool, a courtyard and a trellis for shade. Stormwater will be mitigated and the swales are designed so stormwater does not affect abutting properties. Based on feedback from the TRC meeting, a 1,000-gallon cistern has been added to the plans. The parking was revised based on feedback at the TRC meeting. The new construction meets the setbacks and the lot coverage is close to 35% at 34.7%.

Albert Garcia, AIA, a principal and co-owner of KITE Architects, presented his credentials. A motion was moved by Commissioner Swistak and seconded by Commissioner Enright to accept Albert Garcia as an expert witness. All in favor.

Garcia explained that the existing cottage is 1,000 sq ft. There is a large maple tree that takes up south western quadrant of the property. The goal is to make the property a duplex by adding on a dwelling. They recognize the importance of the scale and character of the existing structure, and have come up with a design that will balance old with new. The design for duplex is 3 main components: cottage, new main house, and connector structure. These with the tree create a courtyard. There will also be a Pool, patio, and rain gardens around the perimeter. The spirit of the project is coastal farmhouse with a linear quality. There are weathered wood shingles on cottage and perimeter of the new buildings. The inward side of courtyard will have vertical siding. There is rainwater and stormwater management throughout the project. Post and beam frame the two new entrances, and it's a way to organize and layer canopies and massing the site line of the complex. Trellises provides shading and structural support to collect rainwater. The plan now has a 1,000-gallon cistern, based on TRC feedback, to fill the pool and feed the plants. Those are key elements to the design.

Commissioner Harrison stated that her problem is with the garage facing the street because her eye goes right to the garage with two big black doors. Garcia explained that he worked on the design with the doors and making the openings as slender as possible. The character of the street is more 1-story residential. They kept the lines down to a 1 ½ story and there was care taken in the design. They wanted to get the cars off the street and into the garage. Commissioner Harrison asked if the parking for the existing house is for two cars? Garcia replied that they reduced from 2 bedrooms to a large 1-bedroom. They are anticipating a single car. The landscape plan shows a trellis on the left and right. Commissioner Harrison said the landscape will soften the look.

Commissioner Pendlebury questioned the landscape plan as it looks like it ends 10-feet from the pavement? Hingorany stated that the landscape plan has not been updated since TRC and it will be updated. Commissioner Pendlebury asked if there was landscaping into public right of way? Hingorany said that to some degree there is room within the curb space to put some landscaping in and it is at the homeowner's risk.

Commissioner Pendlebury said that he feels that there should be a variance sought because the existing house is now connected to the new dwelling. Solicitor Brochu said that the Planning Commission has two options: continue this application or issue a decision with the issue of a variance listed within the conditions of approval. Infantolino respectfully requested not to continue the application.

Bill Tracey, 15 Fowler Street, Jamestown RI is the applicant. He thanked the Planning Commission for listening to the application. He wanted to say that he respects that everyone needs to do their job. He told the commission that he went to great length to save the existing cottage. He could have demolished and built a larger project, but they didn't.

Discussion ensued regarding the need for a variance. It was decided that Infantolino, Solicitor Brochu and Peter Medeiros, Zoning Official will discuss the case law. Medeiros can change his mind based on case law presented if a variance is still required.

A motion was moved by Commission Swistak and seconded by Commissioner Pendlebury as follows:

The Planning Commission, at a meeting on October 19, 2022, voted to approve the development plan for 15 Fowler Street and recommend variance approval to the Zoning Board of Review for a south side lot line of 4.9' where 6 feet are required for the existing house, now being attached to the new duplex structure.

This approval is based on the following findings of fact, and subject to the following conditions of approval as amended:

Findings of Fact:

1. This application proposes to add onto an existing house creating a duplex and there will be no exterior alternations to the existing cottage. In addition, a driveway, pool and patio will be added;
2. The dwelling units is proposed to have three bedrooms;
3. The subject lot for construction is 10,000 square feet or .23 acres and is located in the CL Zoning District where duplex is a permitted use with 5,000 square feet;
4. The Technical Review Committee (TRC) reviewed this application on October 11, 2022;
5. Lot Coverage is proposed to be 34.7%, under the 35% maximum;
6. The site is currently serviced by town sewer and water where the connections for duplex is permitted by right;
7. The TRC recommended providing an alternative/reduction for the parking spaces in the front of the site. The applicant has revised the plans to reduce area allocated for parking in the north and south parking spaces;
8. The TRC recommended the applicant provide a cistern for outdoor watering as recommended in the Jamestown Design Guidelines. A 1,000-gallon cistern has been incorporated into the project on the western property boundary;
9. Landscaping and Stormwater retention is proposed on site;
10. The applicant's representatives, Albert Garcia, AIA, of KITE Architects, Inc., and Neal Hingorany, PLS, of Narragansett Engineering, Inc., were accepted as expert witnesses, and present at the Planning Commission meeting representing the application before the Planning Commission on October 19, 2022;
11. The existing structure predates zoning and was built in 1920;
12. The landscape plan needs to be updated to conform to site plan as it relates to the driveway in front of the garage;
13. Zoning Ordinance lists Single Family and Duplex separately in use table and therefore the change from single family to duplex is a change in use.

Conditions of Approval:

1. If required by the Town Zoning Officer, a Zoning Variance be sought for the existing house setback of 4.9' where 6' is required;
2. Landscaping is proposed in right-of-way and all vegetation will be maintained at no more than 3-feet in height.

So voted:

Commissioner Pendlebury - aye

Commissioner Enright – aye

Commissioner Harrison – aye

Commissioner Pfeiffer – aye

Commissioner Swistak - aye

Motion carries: 5-0

V. Old Business

1. Jamestown Zoning Ordinance Update - Review, Discussion, and/or Action and/or Vote

A. Cannabis Review, Discussion, and/or Action and/or Vote – change cannabis location to RR-80

Commissioner Swistak stated at the last Planning Commission meeting that they would initiate a zoning ordinance for cannabis in advance of the main zoning ordinance change.

Bryer stated that the cannabis ordinance can be sent to the Town Council now and they can always withdraw if the referendum does not pass. If we agree to go forward with this and the Town Solicitor can put in proper format to send the ordinance to Town Council.

A motion was moved by Commissioner Swistak and seconded by Commissioner Pfeiffer to forward zoning ordinance changes related to cannabis sections: 82-103, 82-301 and 82-1800 to Town Council for advertisement, public hearing and adoption. All in favor.

Discussion ensued regarding size greenhouses. Bryer will forward to the cannabis motion with a memo to the Town Council and the memo will mention the discussion and concern regarding greenhouses.

B. Accessory Dwelling Units Review, Discussion, and/or Action and/or Vote

The October 14, 2022 memo from Horsley Witten on Accessory Dwelling Units (ADUs) was reviewed and key provisions discussed.

Horsley Witten (HW) asked for an interpretation from our Town Attorney. HW memo states that Jamestown AFDU zoning provisions largely meet the ADU state law.

Discussion ensued regarding water. Allowing ADUs will increase water usage. The Town hits its peak water usage on July 4th weekend and we do not have the ability to expand. We need to take a conservative stance with the ordinance today and we can go back and make changes to be lenient later. This is an area of concern. Build out analysis for the water system in the Comp Plan, is being updated. The Comp Plan is a snap shot in time of what our development is today and what it is for tomorrow. To date there are probably 75 ADUs that we know of, 50 that were existing and 25 that have been built.

Discussion ensued regarding parking. An ADU would have 1 parking space and the primary would have 2 spaces. If there were not enough parking, a variance could be requested.

Solicitor Brochu asked if F-ADUs and O-ADUs are something that the Commission is comfortable with? What standards would determine a hardship? Bryer questioned if we need to still have notice requirements?

Bob Plain, 18 Calvert Place, Jamestown, RI. Plain lets the Planning Commission know that he corresponded with the author of the bill and the intent was if a municipality allows ADUs that they have to be governed consistently. Plain stated that he feels that the proposed ordinance is moving away from the intent of the state law. The example of F-ADUs but not O-ADUs can be in a detached structure. Plain discusses the descriptions of F-ADUs and O-ADUs. Plain questioned the public policy good for having an interior connection between the units? Plain questioned why one unit must be owner occupied? Plain stated if the Town is really concerned about water, then do not allow new pools.

Greg DiGasper, 19 Prudence Road, Jamestown, RI. DiGasper has a single family house and AFDU. He has a concern with ADU being 1/3 of gross liveable area, because an ADU can be too big. The second concern is with water. His father-in-law put in a cistern when he was building. He states that Commission should consider putting in a cistern requirement.

Discussion ensued regarding shared utilities. When are separate utilities required? An example of when there isn't enough capacity in a septic, then there would need to have two OWTS. Solicitor Brochu stated that when you have separate utilities, then it is a duplex or a detached duplex.

Bryer will work on getting some answers to questions raised this evening for further discussion at the next meeting.

VI. Reports

1. Planner's Report –

- Future meetings – topics and applications

Planner's report – 9:35 (listen)

Rosemary – the library come before the Planning Commission?

Swistak – renovation

Lisa= does not think it meets significant alternation criteria

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

1. October 5, 2022

A motion was moved by Commissioner Enright and seconded by Commissioner Swistak to approve the minutes from October 5, 2022 as amended. All in favor.

Page 2 paragraph 1: Commissioner Enright asked is changed to: if

Page 6 paragraph 1: ~~disables~~ changes to : disabled

Page 6 paragraph 3 : not is added "...if the property is not on town water..."

Page 7 paragraph 3: total is added "...less than 33% of the total primary."

Page 7 paragraph 6: changed to: Commissioner Enright stated that there are water and sewer problems. The zoning in the shores area allows for ADUs.

Page 7 last paragraph: ~~Petrarca stated, in the past, for a hearing to take place for an application, there needed to be 5 members present and 4 positive votes for it to pass with majority vote. The change is now there need to be 4 members of the board to be present and 3 positive votes. There were many 3-2 votes that were denied.~~

VIII. Adjournment

A motion to adjourn at 9:42pm was moved by Commissioner Pendlebury and seconded by Commissioner Enright. So unanimously voted.

Attest:

Carrie Kolb