

Approved as amended
PLANNING COMMISSION MINUTES
December 7, 2022
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

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

Mike Swistak – Chair

Duncan Pendlebury – Vice Chair

Rosemary Enright - Secretary

Diane Harrison

Bernie Pfeiffer

Dana Prestigiacomo

Not present: Mick Cochran

Also present:

Lisa Bryer, AICP – Town Planner

Carrie Kolb - Planning Assistant

David Petrarca, Esq – Ruggiero, Brochu & Petrarca

Michael Darveau, PLS - Darveau Land Surveying, Inc.

Deb Foppert, Esq - Archer & Foppert, LLP

Elena Hughes

Bob Plain

II. Citizen’s Non-Agenda Item - none

III. New Business

1. The Richardson Family Subdivision, 165 Hamilton Avenue, AP 9 Lot 351 application for minor 2-lot subdivision on Hamilton Avenue and Highland Drive- Review, Discussion, and/or Action and/or Vote.

Deb Foppert, Esq. with Archer & Foppert represented the Richardson Family Trust for the minor subdivision application. The property is located at the corner of Hamilton Avenue and Highland Drive. Foppert called upon Michael Darveau, PLS to explain the subdivision.

A motion was moved by Commissioner Swistak and seconded by Commissioner Pendlebury to accept Michael Darveau, PLS, of Darveau Land Surveying, Inc., as an expert witness. All in favor.

Darveau described the subdivision. Plat 9 Lot 351 is 1.15 acres and the applicant is looking to divide into two lots. The area is zoned R-20 and requires 20,000 sq ft per lot. Property has

existing dwelling and meets setbacks. The proposed site plan shows that a new dwelling can be built, and water and sewer is available on Hamilton Avenue. Hamilton Avenue is a state highway and they have requested a Physical Alteration Permit from RIDOT to create a new driveway opening. The proposed driveway will have a turnaround area, so vehicles will not back out onto Hamilton Avenue. The completed soil test records a 4-foot-high seasonal water table. The slope on the land is 2 feet difference. The plans propose in ground infiltration under the roof area. The slab of proposed house will be above the water table. Darveau pointed out the area in front of the proposed house that will be filled in. A 30-inch retaining wall will have water infiltration and grade gradually towards the street to ensure that an increase of water will not fall into the neighbor's property.

Discussion of water flow ensued. It was noted that this neighborhood has had water flow issues in the past. Darveau explained that the expectation is that the infiltration systems will work properly. The water discharge is from roof run-off and rain run-off, so it should be clean and go into the ground. Darveau also stated that the seasonal high-water table is a conservative number. The proposed infiltration system needs the least amount of maintenance and most work properly 20 years later.

Discussion of the stone wall ensued. Commissioner Enright believes that the stone wall at the back of the property is historic. Darveau stated that it is located on the property line. Foppert stated that the applicants have no intention of removing the wall. Elena Hughes, 15 Canopy Drive, Warwick, RI will be the owner of record of the new lot and stated that stone wall will not be touched.

Commissioner Harrison asked if the size of the proposed dwelling is definite? Hughes stated that their plan is for a one-level house that will not exceed 2,000 square feet.

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

At the December 7, 2022 Planning Commission meeting, the Commission voted to grant Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Minor Subdivision Property Line Plan for The Richardson Family Living Revocable Trust Agreement – 2007, Plat 9 Lot 351, 165 Hamilton Avenue, Jamestown, RI**" prepared by **Darveau Land Surveying, Inc., P.O. Box 7918, Cumberland, RI 02864 dated November 7, 2022** based on the following Findings of Fact, and subject to the following Conditions of Approval:

A. Findings of Fact

1. The subdivision is consistent with the requirement of the Jamestown Comprehensive Plan; Each lot in the subdivision conforms to the standards and provision of the Jamestown Zoning Ordinance. Plat 9 Lot 351 is 1.15 acres. Both new lots have proper frontage and both lots are greater than the 20,000 square feet as required in the RR-20 zoning district;
2. There will be no significant negative environmental impacts from the development (or subdivision) as shown on the plans, with all required conditions for approval;

3. The subdivision as proposed will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable;
4. All subdivision lots have adequate and permanent physical access to a public street, namely, Hamilton Avenue and Highland Drive;
5. The subdivision provides for safe circulation of pedestrian and vehicular traffic, surface water runoff, suitable building sites or the preservation of natural, historical or cultural features that contribute to the attractiveness of the community;
6. All lots in the subdivision have access to sufficient potable water for intended use. Both lots are in the Urban Water District and have access to public water by right; and,
7. Deb Foppert, Esq. of Archer & Foppert represented the applicant. Michael Darveau, PLS of Darveau Land Surveying, Inc., was accepted as an expert witness and represented the applicant at the December 7, 2022 meeting.

B. Conditions of Approval

1. 2 lots will be created with this subdivision, one existing lot and one new lot;
2. That payment of a fee-in-lieu-of land dedication shall be required for this subdivision as required by Article IIID of the Jamestown Subdivision Regulations for the new lot being created;
3. Granite monuments, or where granite monuments are not suitable, other suitable survey markers, other than concrete, shall be placed at all corner points of the new property lines;
4. The applicant shall obtain a RI DOT Physical Alteration Permit for a curb cut for the new driveway on Hamilton Avenue
5. The applicant shall insure the final grading does not direct additional run-off to properties to the West;
6. The stones from the stone wall will be maintained onsite;
7. This approval shall be recorded with the Town Clerk contemporaneously with the Final Plat, and;
8. This approval shall expire one year from the date of approval unless the Final Plat is signed by the Administrative Officer and recorded in the office of the Town Clerk of the Town of Jamestown.

So voted:

Commissioner Pendlebury - aye

Commissioner Enright – aye

Commissioner Harrison – aye

Commissioner Pfeiffer – aye

Dana Prestigiacomio – Aye

Commissioner Swistak - aye

Motion carries: 6-0

IV. Old Business

1. Jamestown Zoning Ordinance Update - Review, Discussion, and/or Action and/or Vote
 - A. General Updates to Zoning Ordinance Review, Discussion, and/or Action and/or Vote
 - B. Cannabis – discussion of referendum and any necessary amendments Review, Discussion, and/or Action and/or Vote

1. Follow up email from Wyatt Brochu, Esq. re: cannabis

One of the questions asked at the last meeting was can Jamestown put cannabis to vote again in the future? Solicitor Brochu sent follow up email on the topic. Solicitor Petrarca further explained that in order to put cannabis to a vote in the future that the General Assembly would need to approve the measure first.

Discussion regarding definitions of marijuana and cannabis ensued. The question was asked if the use table needed to be changed because its current application is for medical marijuana. Bryer spoke with Solicitor Ruggiero who said the ordinance did not need to be changed. Solicitor Petrarca reiterated that no changes needed to be made, however, the easiest way to make change is in the definitions. Prestigiacomo stated just make sure that the words cannabis and marijuana are interchangeable.

C. Accessory Dwelling Units (ADUs) – discussion of referendum and any necessary amendments Review, Discussion, and/or Action and/or Vote

Discussion ensued regarding ADUs. Bryer reiterated that the law is unclear. The goal of the law was to increase housing, and that has not been accomplished because there are no restrictions on Short-Term Rentals or any guarantees for long term rentals or affordable units. Solicitor Petrarca stated that on any parcel that is zoned 20,000 or above an ADU would become a permitted use in an existing dwelling and within the law there is no definition of existing dwelling. He also stated another example of an undefined term within the law is allowing “other family members” to occupy the ADU. He said that there are indications that Assembly will take this issue up in January at the next legislative session.

Bryer asked what would happen if Jamestown repealed its AFDU ordinance. Solicitor Petrarca said that the law would still allow ADUs for persons over 62, persons with a disability, or other family members within an existing structure. Bryer will talk with more towns regarding ADUs. The RI Planning Association was putting out a survey to planners at this time. Bryer was not ready to make a recommendation at this time.

Enright is worried about water usage outside the water district. Bryer said that the year-round water usage is lower because 25% of the housing is unoccupied for part of the year. But we hit peak demand in July and we are not at build out yet.

Discussion of AFDUs ensued. Bryer said that AFDUs have been very successful and the majority are being used as what they are intended for. Pendlebury stated that if everyone builds an ADUs in their house or another structure, it will not solve affordable housing and the Town needs workforce and affordable housing. He also said it would be nice to figure out how to mold LMI housing into an accessory structure.

Bob Plain, 18 Calvert Place, addressed the commission. He believes that the law will get clarified next session, and it could be in a way that we do not want. He brought up incentivizing year-round housing or affordable housing. As an example, an ADU gets taxed at one rate and an LMI ADU is tax-free.

V. Correspondence

1. Letter to We Dig Investments re: 29 Narragansett Ave.
2. Memo to Conanicut Island Sailing Foundation (CISF) re: Temporary Trailer
3. Administrative Subdivision approval AP 10, Lots 153 & 40, 361 & 359 Highland Drive, Jamestown, RI

Correspondence was recognized as received. Bryer was asked and explained that a letter was sent to We Dig Investments because the rendering submitted to the Planning Commission was not consistent with what was being built. She had a talk with them, and the renderings were done by a third party. The initial rendering was natural shingles with white trim. The rendering posted on the building site showed white building with white trim. The middle building bump back and the balconies were not represented accurately either. The applicant updated the renderings.

VI. Reports

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

There are no applications for the next meeting at this time, however there is one in the works that may be received in time.

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

1. November 16, 2022

A motion was moved by Commissioner Enright and seconded by Commissioner Harrison to approve the minutes from November 16, 2022 as amended. All in favor.

Page 1: New Business - second sentence now reads: "...CISF had a conversation..."

Page 2: Paragraph one – ninth sentence now reads: "What they hope to have..."

Page 2: Paragraph four – first sentence: ~~use land~~ changed to land use

Page 4: Paragraph one – first sentence: ~~share~~ changed to shared

Page 4: Paragraph one – second sentence: ~~Granicus~~ changed to Granicus, LLC in two places.

Page 4: Paragraph one – end of second sentence now reads: "...delayed due to Granicus, LLC..."

VIII. Adjournment

A motion to adjourn at 8:03 pm was moved by Commissioner Enright and seconded by Commissioner Harrison. So unanimously voted.

Attest:

Carrie Kolb and Lisa Bryer