

Approved as amended
PLANNING COMMISSION MINUTES
February 1, 2023
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 7:01pm and the following members were present

Mike Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Diane Harrison
Bernie Pfeiffer	Dana Prestigiacomio

Not present: Mick Cochran

Also present:

Lisa Bryer, AICP – Town Planner
Carrie Kolb – Planning Assistant
Wyatt Brochu, Esq – Ruggiero, Brochu & Petrarca
Marian Falla

II. Citizen’s Non-Agenda Item - none

III. Correspondence

1. Memorandum to Zoning Commission re DPW Workshop/storage building
Correspondence was recognized and received.

IV. Old Business

1. Jamestown Zoning Ordinance update - review, discussion and/or action and/or vote
 - A. Accessory Dwelling Units (ADUs) - review, discussion and/or action and/or vote

Bryer explains that Jamestown has allowed Accessory Family Dwelling Units since 2014 and the program has been very successful and approximately 25 have been approved. The ADUs law passed by the State of Rhode Island has everyone confused from Town Planners, solicitors, and consultants.

A draft of Proposed Article 12 (currently article 14 AFDUs) – Accessory Dwelling Units (ADUs) ordinance was distributed in the packet materials. The draft is a starting point, then it will be reviewed by the Town Solicitors with Bryer, and returned to the Planning Commission for final discussion. Two important questions the Solicitors will review – 1) Can the Town prohibit short term rentals in ADUs? 2) Can the Town require year-round rental of units if they are rented, should the Town open the option of ADUs up to non-family members?

The Rhode Island Chapter of the American Planning Association will be submitting a white paper on the ADUs Law to the State Legislature. The Law is expected to change in this Legislative Session.

Discussion ensued regarding family units. The applicant for an AFDU is required to sign an notarized affidavit stating the use is for a family member or caregiver. Bryer said the affidavit is supposed to be submitted yearly, but there is not enough staffing to enforce this. AFDUs are being built and used and there have not been complaints from neighbors. Bryer asked whether they are being used as intended and she responded yes.

Discussion of the State Law ensued. The law allows for accommodation of family members, who are 62 years of age or older, family members with disabilities, or to accommodate other family members and on lots that are zoned over 20,000 sq ft. Also, if the municipality currently allows ADUs then they have to be allowed on anything zoned over 20,000 sq ft. Brochu said that many questions have been raised since the law was passed and the legal community is waiting to see in this legislative session if any questions get answered. The best-case scenario is that the law gets solidified.

Bryer discussed changes from AFDU Ordinance to the proposed ADU Ordinance. The ADUs definition mirrors the new State's definition.

What is removed from AFDU Ordinance to ADU Ordinance? The ADU having to have separate ingress and egress was removed. The requirement to have a common interior door for an ADU within a primary dwelling was removed. The requirement to file a yearly affidavit was removed. The requirement for a TRC meeting, abutter notification and newspaper postings were removed.

Discussion on the Zoning Officer's ability to enforce the Ordinance ensued. The Zoning Officer needs the tools to enforce the ordinance. Swistak asks how the Zoning Official can check who is living in the ADU if there isn't a requirement for recertification? After discussion, it was decided that the yearly filing of an affidavit will be added back into to the ADUs Ordinance. Also discussed was the ability for the Zoning Officer to re-inspect dwelling units when needed.

Discussion of an ADU being added to an already non-conforming small lot ensued as proposed by state law. Brochu noted that if ADUs are allowed by right, then an applicant can ask for zoning relief based on the setbacks for a non-conforming property. Discussion of increased septic capacity in non-sewered areas occurred.

Marian Falla, 75 Green Lane, spoke to the Commission. She likes the Short-Term Rental restrictions in ADUs. She is aware of several dwellings where the main house is unoccupied and transients go through and stay in ADU. She also expressed that she would like ADUs to have separate water hook ups to understand how much water is being used. Commissioner Swistak explained that all the water and utilities run through the main dwelling on purpose, so it is not easy to turn ADU into a separate rental unit. Falla said that she gave the handout on Middletown.

Discussion of the definition of a caregiver ensued. Bryer will add the definition back into the ADUs Ordinance.

Discussion of Affordable Housing in ADUs was discussion. Affordable Housing in ADUs is still permitted by the State, however it is no longer incentivized in town where they are permitted by right. The requirement for a deed restriction was removed. The Affordable Housing would use public assistance vouchers and be income based.

Discussion ensued regarding build out calculations ensued. The last build out analysis was completed in 2015 and it assumed that 25 ADUs would be “affordable”. It can be assumed that the family units took the place of “affordable”. Based on how the law changes during the legislative session, will affect how the Town plans for build out analysis and water supply management, which is being done now. When the law was created, Rhode Island choose not to include any exemptions for municipalities for issues with resources, which other States have done.

B. Schedule March 15 and April 19 Workshops - review, discussion and/or action and/or vote

Bryer said that will be two public Zoning Workshops for the public to give input which will be led by Jeff Davis of Horsley Witten. The first workshop will discuss sections that were amended by not completely changed and the second workshop will discuss sections that have changed. The website www.JamestownZoning.com will be utilized as communication tool with the public. At this time there are not any applications for meetings in March and April, however if an application does come in, the Planning Commission can meet at 6:00pm for the applications and 7:00pm for the workshop.

Upcoming meeting schedule:

Feb 15 – meeting

March 1 – cancelled

March 15 – Ordinances Workshop #1

April 5 – cancelled

April 19 – Ordinances Workshop #2

V. Reports

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

Bryer gave an update on the Short- Term Rental Ordinance. The working group will meet one more time at a future date. The staff is still working with Granicus. The staff will develop a Short-Term Rental webpage on the Jamestown website as a resource and communication tool.

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

1. January 18, 2023

A motion was moved by Commissioner Enright and seconded by Commissioner Pendlebury to approve the minutes from January 18, 2023 as amended. All in favor.

Page 2: Paragraph 3 to read: “calculated space ~~was~~ included unheated...”

Commissioner Pendlebury received a policy brief from ICLEI – Local Governments for Sustainability called “The Ambition Gap: From Intent to Implementation in Local Climate Action” and it is perfect timing for the discussion and implementation of the Jamestown Energy Plan. Kolb will distribute to the Commission. Commissioner Enright asked that an email from Frank Meyer on the topic of the Energy Plan be shared with the Commission, and Bryer will distribute.

VII. Adjournment

A motion to adjourn at 8:13pm was moved by Commissioner Enright and seconded by Commissioner Prestigiacomo. So unanimously voted.

Attest:

Carrie Kolb & Lisa Bryer