

Approved as amended
PLANNING COMMISSION MINUTES
July 5, 2023
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

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

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Mick Cochran	Rosemary Enright - Secretary
Diane Harrison	Bernie Pfeiffer
Dana Prestigiacomio	

Also present:

Lisa Bryer, AICP – Town Planner
Carrie Kolb – Planning Assistant
Peter Ruggiero, Esq. – Ruggiero, Brochu & Petrarca
Jeff Davis, AICP – Horsley Witten

II. Citizen’s Non-Agenda Item - none

III. Correspondence

1. Memo to Zoning Board for 90 Carr Lane, Plat 4 Lot 17. Jamestown, RI – Proposal by Navigator Properties LLC/Carr Homestead Foundation for a 160’ monopole wireless communication tower and related ground infrastructure.
 - a. Jamestown Planning Commission Development Plan approval per Zoning Ordinance Article 8 – Regulations for RR-200 Zoning District, Advisory Report to Zoning Enforcement Officer;
 - b. Recommendation to Jamestown Zoning Board of Review:
 - i. Special Uses Permit per 82-300, Table 3-1 V.12 for transmission lines, towers or substations in RR-200 district;
 - ii. Special Uses Permit per 83-305 B, exceptions to height regulation for a structure in excess of 50 feet;
 - iii. Special Uses Permit per 82-306 D, relief for an eight (8) foot security fence, if required.

Correspondence recognized as received.

IV. New Business

1. No items at this time.

V. Old Business

1. Zoning Ordinance Update/Rewrite
 - a. Discussion of amendments. Review, discussion and/or action and/or vote
 - b. Recommendation to the Town Council to hold a public hearing and for approval of the Zoning Ordinance Update/Rewrite- Review, discussion and/or action and/or vote

Bryer stated the Planning Commissioners have the most recent updated draft of the Zoning Ordinance dated May 2023 and there are a few tweaks that need to be made. Bryer described the procedure for adopting the Zoning Ordinance Updates (updates). The Planning Commission adopts the updates and sends to Town Council. The Town Council receives the draft and given time to review. Then the Town Council will order the ordinance advertised for a public hearing. Subsequent to the Public Hearing, the Town Council has the ability to adopt the updates with or without amendments.

Bryer distributed a memorandum from Ruggiero, Brochu & Petrarca regarding the land use legislation passed by the RI General Assembly. These changes will not be addressed in the current updates, but in the future.

Bryer said that the RI General Assembly did not make any changes to the accessory dwelling unit law. We will look at it again with a fresh eye for compliance with the last state update even though it had inconsistencies.

Bryer said that due to a recent incident in the Jamestown Shores, a few minor changes have been made to Sec. 82-706. Parking or storage of commercial and major recreational equipment:

- A. In any parking lot, driveway, or garage located in a residential district, no more than one **registered** commercial vehicle may be stored overnight. Such vehicle or bus shall be no more than 1 1/2 tons rated capacity. In an RR-200 or RR-80 district, registered farm vehicles and trucks may be stored provided they are 30 feet from any lot line.
- B. The parking or storing of major recreational equipment must comply with the following regulations:
 2. No major recreational equipment, while parked or stored, shall be used for **storage**, living, sleeping, or housekeeping purposes.

Discussion ensued regarding if solar should be allowed as a principal use in the public district? The current updates have solar not as a principal use and a use variance would be needed for building commercial solar as a principal use over a certain size. Discussion ensued regarding the solar project at the schools and Bryer explained that the solar project did not need any review or variances. There was concern by Commissioner Swistak that the solar at the school is not aesthetic, and it's construction was the least expensive route. Bryer stated that the Town will be looking at more solar for public buildings to get away from fossil fuels.

Commissioner Swistak affirmed that the changes to the updates are for storage as described by Bryer and removing “family” from ADU references in accordance with state law. Solar remains as written, not a principal use.

Commissioner Pendlebury noted that “pond” needs to be alphabetized in the definition section. The definition of portable storage containers needs to be removed from section 82.706 and added to the definitions.

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

At a meeting of the Jamestown Planning Commission held Wednesday, July 5, 2023 the Planning Commission unanimously voted to approve the 2023 Update/Rewrite, as amended to the Jamestown Zoning Ordinance including approving the following motion and voting to recommend the Town Council approve the 2023 Amendments to the Zoning Ordinance and that said amendments are consistent with the Jamestown Comprehensive Plan, including the goals and policies stated, the implementation program, and all other applicable elements of the comprehensive plan; and demonstrates a recognition and consideration of each of the applicable purposes of zoning, as presented in R.I. General Laws § 45-24-30, based on the following:

A. FINDINGS OF FACT

The Planning Commission hereby finds the following evidence in support of amendments to the Jamestown Zoning Ordinance (the “Zoning Ordinance”) related to the maintenance of the rural character of Jamestown as its number one goal in the Comprehensive Community Plan.

1. The Jamestown Town Council approved a motion to award the bid for the Update/re-write of the Zoning Ordinance Project to Horsley Witten Group, Inc. (HWG) for \$59,960 on November 6, 2017. Project kickoff began
2. On June 11, 2021, Jamestown entered into an amendment to the contract with HWG to include legal review for \$12,000 for a total contract price of \$71,960
3. Planning Commission reviewed the ordinance and the potential amendments with HWG until February 2020 and then again after legal review beginning June 2022 at 22 public meetings and 2 public workshops in March and April 2023
4. On July 5, 2023, the Planning Commission approved the Amendments to the Ordinance in the draft dated May 31, 2023 and forwarded the document to the Town Council for hearing and adoption
5. The amendments implement:
 - a. new initiatives related to:
 - i. Compact Cottage Development
 - ii. Solar
 - iii. Wind
 - iv. Communications Towers
 - v. Keeping of Chickens
 - b. Amended regulations related to:

- i. Definitions
 - ii. Use Table
 - iii. Bed and Breakfast Homes
 - iv. LMI Housing
 - v. Accessory Dwelling Units
 - vi. Sign Regulations
 - vii. Storage of Fishery Equipment
 - viii. Home Occupations
 - ix. Underground Storage Tanks
 - x. Parking – No net loss added
 - xi. R40/R80 Lot dimensions
 - xii. Accessory Structures
 - xiii. Lighting
 - xiv. Special Regulations
 - xv. High Groundwater Table
 - xvi. Setbacks from freshwater wetlands
 - xvii. RR-200
 - xviii. Development Plan Review
 - xix. Jamestown Village Special Development Overlay District
 - xx. Use Performance Standards
 - xxi. Multifamily Dwellings
- c. No zoning district boundaries are proposed for amendment

B. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The Planning Commission finds that the proposed amendments are consistent with the Comprehensive Community Plan. The Comprehensive Community Plan finds the following Goals, Policies and Actions to be in support of this Zoning Ordinance Amendment:

Land Use Policy:

Policy #1: Maintain and Update Jamestown’s Land Use Regulations to be consistent with the Comprehensive Community Plan.

Affordable Housing Element

Goal # 1: Create a Diversity of Housing Types (such as homeownership, rental, employee preference, etc.) to meet the needs of Jamestown’s low-moderate income residents, employees, and special populations while maintaining Jamestown’s unique mixture of village and rural character.

Goal # 2: Attain the 10% low and moderate housing goal set by the state.

Goal # 3: Ensure the Long-Term Affordability of Jamestown’s Housing Stock.

Policy #2: Revise the zoning ordinance to promote affordable housing.

Action e: Consider Zoning Ordinance Provisions that encourage a diversity of housing types that are affordable.

Economic Development Element

Policy #4. Ensure that new or expanded development within the commercial zones is compatible with existing character of the community.

Action: Review and amend zoning ordinance to ensure permitted uses, requirements, etc. are compatible with community character and will foster desired results.

Action: Develop plan to encourage improvements to existing buildings that increase their compatibility with community.

Cultural and Historical Resources Element

Policy #3. Preserve scenic views and corridors on the Island

Circulation Element

Policy #4. Provide an acceptable level of service for parking in the village commercial area.

C. CONSISTENCY WITH ZONING

The Planning Commission finds that the proposed Zoning amendments recognize and take into account the following applicable purposes of zoning as stated in the Rhode Island Zoning Enabling Act of 1991:

- (1)** Promoting the public health, safety, and general welfare.
- (2)** Providing for a range of uses and intensities of use appropriate to the character of the city or town and reflecting current and expected future needs.
- (3)** Providing for orderly growth and development that recognizes:
 - (i)** The goals and patterns of land use contained in the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title;
 - (ii)** The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution;
 - (iii)** The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;
 - (iv)** The values of unique or valuable natural resources and features;
 - (v)** The availability and capacity of existing and planned public and/or private services and facilities;
 - (vi)** The need to shape and balance urban and rural development; and
 - (vii)** The use of innovative development regulations and techniques.

(4) Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.

(5) Providing for the protection of the natural, historic, cultural, and scenic character of the city or town or areas in the municipality.

(6) Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.

(7) Providing for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.

(8) Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.

(9) Providing opportunities for the establishment of low- and moderate-income housing.

(10) Promoting safety from fire, flood, and other natural or unnatural disasters.

(11) Promoting a high level of quality in design in the development of private and public facilities.

(12) Promoting implementation of the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title.

(13) Providing for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.

(14) Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.

(15) Providing for procedures for the administration of the zoning ordinance, including, but not limited to, variances, special-use permits, and, where adopted, procedures for modifications.

(16) Providing opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34; the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42; and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.

Planning Commission Minutes

July 5, 2023

Page 7 of 7

So voted:

Commissioner Pendlebury – aye

Commissioner Cochran - aye

Commissioner Enright – aye

Commissioner Harrison – aye

Commissioner Pfeiffer – aye

Commissioner Prestigiacomo – aye

Commissioner Swistak – aye

Motion carries 7-0

VI. Reports

1. Planner’s Report

A. Future meetings – topics and applications

No items to report.

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

1. June 21, 2023

A motion was moved by Commissioner Enright and seconded by Commissioner Pendlebury to approve the minutes from the June 21, 2023 meeting as amended. All in favor.

Page 9: within so voted, Commissioner Cochran voted “aye”

VIII. Adjournment

A motion to adjourn at 7:33pm was moved by Commissioner Enright and seconded by Commissioner Harrison. All in favor.

Attest:

Carrie Kolb