

Approved as amended
PLANNING COMMISSION MINUTES
September 20, 2023
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 7:09pm and the following members were present:

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

Also present:

Lisa Bryer - Town Planner
Carrie Kolb – Planning Assistant
Wyatt Brochu, Esq. – Ruggiero, Brochu & Petrarca
Christian Infantolino, Esq. – Murphy, Prior & Infantolino
Carrie Miranda, Looking Upwards
Greg Rembijas, Looking Upwards
Katie DeStefano, SWAP Inc
Carla DeStefano, SWAP Inc
Gary Charpentier, SWAP Inc
Don Powers, AIA, Union Studios
Craig Anderson, Union Studios
Craig Sutton, Stand Corporation
Patrick Freeman, PE, American Engineering
Gary Norris, PE, Valerie J. Southern – Transportation Consultant, LLC
Bart Totten
John Eckert
Lisa Rafferty
Nick Lapinski
Jack Brittain
Ann Biddle
Bob Plain
Connie Slick

II. Old Business

1. **Comprehensive Permit - Master Plan/Preliminary Public Hearing 2 Hammett Court**, AP 9 Lot 183-2; review, discussion, and/or action and/or vote

The Local Review Board pursuant to RIGL 45-53 Low- and Moderate-Income Housing Act, will host this public hearing as noted above.

The Local Review Board will review and act on the proposed Major Land Development Project as well as the requested relief through the Comprehensive Permit process. The Local Review Board shall have the authority to issue the comprehensive permit per Jamestown Zoning Ordinance Article 17 and RIGL Title 45 Ch. 53 as amended, including the necessary relief from the Zoning Ordinance as stated below.

The subject property is located at 2 Hammett Court, Tax Assessors Plat 9 Lot 183-2. Currently the property has 2 structures on the property. One structure is being used for 5 affordable attached units. All of these units are “affordable rental units” with Bridges Inc. as the owner. The other structure is approximately 5,000 square feet and being used as commercial office space.

The proposal is to remodel the existing structure, approximately 5,000 square feet, and/or raze the building while utilizing the existing foundation, to create 12 affordable rental units with Looking Upwards, LLC as the owner. The proposal calls for four (4) two (2) bedroom units and eight (8) one (1) bedroom units. The expected occupancy would be 16 persons. The Applicant is requesting relief to the Zoning Ordinance as follows including any and all other necessary relief as determined:

1. Chapter 82-302, Table 3-2:
 - (a) Maximum Lot width allowed in the CD Zone is 96 feet. The lot width varies but is 97 feet at its narrowest point. Relief is sought for the entire site due to the irregular shape of the lot and multiple lot widths.
 - (b) There is no proposed change in the location of the structure. All dimensions of the existing structure are proposed to remain.
 - (c) The CD zone requires a frontage buildout of 60% of the lot width. Due to the irregular shape of the lot, the Applicant requests relief on this requirement.
 - (d) Applicant is requesting relief for the building placement requirement of Table 3-2, rear yard, where the structure is required to be located in the front yard and the existing structure is located in the rear yard for the CD Zone. Applicant does not propose to relocate the structure.
 - (e) Dimensional relief of +/-6 inches where 12 feet is required for a rear yard setback off of the eastern property line.
2. Table 11-2 Building Placement: The Applicant is proposing to use the existing structure and/or footprint of the existing structure and does not propose to relocate the structure.
3. Chapter 82-600: Applicant has requested that the Special Use Permit as described in Article 6 of the ordinance, for multi-family, be considered with the requested Comprehensive Permit.

4. Chapter 82-1102 B1(b) and 3(a): The Applicant is seeking relief for the tree plantings required under Article 11, due to the irregular nature of the site and the existing conditions on the lot. Applicant is proposing to landscape an area by the building.
5. Chapter 82-1108(A)3: Applicant is seeking relief for the glazing requirement of Article 11 paragraph 3 which relates to retail frontages in the Village district. This is a residential structure.
6. Chapter 82-1111 (B) 1-3: Applicant seeks relief for the location of parking spaces as required by Article 11 which does not permit parking directly in front of the building in the front yard. Additionally, the entrance to the proposed site is wider than the maximum allowable of 18 feet due to the configuration of Hammett Court.
7. Chapter 82-1111. (B).3: Applicant seeks relief from the specific requirement of one bicycle rack per 10 car parking spaces. The required number of racks is 3 based on the 26 parking spots and the applicant is proposing 1 bike rack.

The project is accessed by frontage on Hammett Court, a public road. The present street address of the premises is 2 Hammett Court. The project is comprised of Tax Assessors Plat (AP) 9 Lot 183-2.

- a. The Jamestown Planning Commission will sit as the Local Review Board pursuant to RIGL 45-53 Low-and Moderate-Income Housing Act
- b. This application has been legally advertised and abutter notification mailed
- c. Memorandum from Town Planner, Planners Report on 2 Hammett Court Application
- d. Letter from John & Marianne Eckert received September 13, 2023 re: Hammett Court with request to be entered into the record at the Public Hearing

Commissioner Swistak recused himself from this application. Commissioner Pendlebury assumed the role as Chair.

A motion to sit as the Local Review Board was moved by Commissioner Enright and seconded by Commissioner Cochran. All in favor. The Public Hearing was opened.

Infantolino explained the application was submitted with the companies of Bridges Inc. as the owner and Looking Upwards Inc. as the applicant. The two companies did a corporate merger in 2017. The Jamestown land evidence records still has Bridges Inc listed as the owner because technically the name change does not need to be recorded until there is a deed change. Solicitor Brochu recommended that a certificate of merger be submitted in the land evidence records and it can be a condition of approval on any decision that is rendered.

Infantolino requested that the submitted application and all submitted documents be marked as exhibits for the record. The property is located at AP 9 Lot 183, it is approximately 34,000 sq ft in size and located in a CD/R-8 zoning district. The existing conditions of the property are that there are two buildings. One building is a 5-unit complex for affordable housing. The second building's current use is a commercial space. The application is to create 12 new affordable units in the commercial building, with no changes to the existing 5-complex building. The 12-unit building is proposed for four (4) 2-bedroom units and eight (8) 1-bedroom units. Also included in the application are new onsite drainage improvements to assist in management of

existing onsite water that travels onto neighbor's properties. The applicant will remodel the interior of the commercial property and add some exterior aesthetics. There is a list of relief in the application package marked as Exhibit A:

1. Chapter 82-302, Table 3-2:
 - (a) Maximum Lot width allowed in the CD Zone is 96 feet. The lot width varies but is 97 feet at its narrowest point. Relief is sought for the entire site due to the irregular shape of the lot and multiple lot widths.
 - (b) There is no proposed change in the location of the structure. All dimensions of the existing structure are proposed to remain.
 - (c) The CD zone requires a frontage buildout of 60% of the lot width. Due to the irregular shape of the lot, the Applicant requests relief on this requirement.
 - (d) Applicant is requesting relief for the building placement requirement of Table 3-2, rear yard, where the structure is required to be located in the front yard and the existing structure is located in the rear yard for the CD Zone. Applicant does not propose to relocate the structure.
 - (e) Dimensional relief of +/-6 inches where 12 feet is required for a rear yard setback off of the eastern property line.
2. Table 11-2 Building Placement: The Applicant is proposing to use the existing structure and/or footprint of the existing structure and does not propose to relocate the structure.
3. Chapter 82-600: Applicant has requested that the Special Use Permit as described in Article 6 of the ordinance, for multi-family, be considered with the requested Comprehensive Permit.
4. Chapter 82-1102 B1(b) and 3(a): The Applicant is seeking relief for the tree plantings required under Article 11, due to the irregular nature of the site and the existing conditions on the lot. Applicant is proposing to landscape an area by the building.
5. Chapter 82-1108(A)3: Applicant is seeking relief for the glazing requirement of Article 11 paragraph 3 which relates to retail frontages in the Village district. This is a residential structure.
6. Chapter 82-1111 (B) 1-3: Applicant seeks relief for the location of parking spaces as required by Article 11 which does not permit parking directly in front of the building in the front yard. Additionally, the entrance to the proposed site is wider than the maximum allowable of 18 feet due to the configuration of Hammett Court.
7. Chapter 82-1111. (B).3: Applicant seeks relief from the specific requirement of one bicycle rack per 10 car parking spaces. The required number of racks is 3 based on the 26 parking spots and the applicant is proposing 1 bike rack.

Commissioner Pendlebury asked how many bikes fit on the bike rack? Infantolino said that he is not 100% sure, but about five. Commissioner Pendlebury said he wanted to make sure that it is not a bike rack for a single bike.

The applicant has received a letter of eligibility from RI Housing. They have identified the Community Housing Land Trust of Rhode Island as the monitoring agent. The team was worked to listen to the Town and the neighbors through the process, including the TRC. The applicant has taken steps to improve the aesthetics of the property. The original proposal had decks and a

wall with no windows. The decks have been removed from the proposal and the bland wall has some false window added to it for aesthetics.

The applicant has retained American Engineering to ascertain the existing drainage on the lot. There is no requirement to manage stormwater because they are not expanding the impervious cover, in fact they are reducing impervious cover, however they are proposing a new stormwater management plan to help alleviate existing water, on and off the lot.

They have retained a traffic expert. The traffic expert has prepared a report on traffic intensity, intensity of use, and traffic impacts, if any, on the improvements to the property.

The following representatives were present at the meeting: Patrick Freeman, PE, with American Engineering; Don Powers, AIA, with Union Studios; Gary Norris, PE with Valerie J. Southern – Transportation Consultant, LLC; Carrie Miranda, Executive Director with Looking Upwards, Inc.; Carla DeStefano, Executive Director with SWAP Inc.; and Gary Charpentier, Design and Construction with SWAP Inc.

Infantolino called upon Donald Powers, AIA of Union Studios to present to the Planning Commission sitting as the Local Review Board. Powers stated his credentials as a licensed architect, Founder and CEO of Union Studio, and is familiar with Jamestown Zoning. A motion was moved by Commissioner Enright and seconded by Commissioner Pendlebury to accept Donald Powers as an expert witness. All in favor.

Powers is the Principal and Founder of Union Studio in Providence, RI and is a Jamestown resident for 20 years. Powers wanted to clarify the relief that is requested is because zoning was created for an existing lot. The Zoning was written to ensure that Narragansett Avenue and other commercial corridors of the Town had a consistent human scale. Powers also stated that almost all of the relief requested is due to the parcel being in the Village District and this is not part of the commercial street corridor on Narragansett Avenue for which the Village District Regulations were developed and so it is really administrative housekeeping.

Powers walked through the project with a presentation on the projector and screen. Powers showed the location of the lot, adjacent street, and pointed out the 6-8 foot spur that runs across the block to Clinton Avenue. The survey of record of what exists on the lot now was shown. The existing building was described as having two parts, a one-story service wing and two-story building that has balconies and the availability of a small area that is sub-grade. An illustration of the existing parking lot, which really isn't being modified that much was shown. There is no landscaping in the current parking lot.

The proposed renovation of the building includes taking a lower level and turning it into offices, and community space, job training and other support for residents. The first level would have the entry way on Hammett Court and a ramp to the front door. There are two (2) 2-bedroom units and four (4) 1-bedrooms on each of the first and second floors.

The roof level was described as having mini-splits, which are suitcase size, are much quieter than the older generators. The proposed roof is hip to take away the volume and make the scale of the building feel residential.

Powers described the aesthetic created for the East (side) Elevation. Previously the side was just clapboard and shingles, due to the wall being a fire wall. Now they have added simulated windows with shutters. This frontage is not right on the lot line, as it is set back one lot deep from Clinton Ave and set back at the end of Hammett Court.

There is an effort to re-establish a lot line to create a pedestrian walkway in the connector, and in the process improve the drainage situation. Over time, pavement from Brittain Electric has strayed onto the connector to Clinton Avenue as does the vegetation from the northern abutters to the connector. The proposal is to do something with fencing not landscaping that could get plowed down.

Powers said for the record that it is his professional opinion, supported by statistics, that the use of this building being used as residential and the type of residents that will be here, the car usage will be significantly fewer cars than with a commercial usage.

Commissioner Pendlebury asked when was the building built? The answer was 1983. Infantolino explained that there is a difference of opinion between Building Officials of what the rear lot line is. Infantolino said that for consistency, they are using the same rear lot line as presented in the application for 3 Hammett Court. Powers said that the building has not created any new relief requested, but that the Zoning Ordinance enacted in 2010 laid upon the lot created non-conformities.

Infantolino asked Powers: In your opinion is the hardship from which the Applicant is seeking relief due to the unique characteristics of the subject lot or structure and not to the general characteristics of the surrounding area? Powers replied yes.

Infantolino asked Powers: In Your Opinion, is the hardship the result of any prior action of the applicant? Powers replied no.

Infantolino asked Powers: In your opinion will the granting of the requested variances alter the general character of the surrounding area or impair the intent or purpose of the ordinance? Powers replied not at all.

Infantolino asked Powers: In your opinion will the granting of the special use permit result in conditions harmful to the public health, safety, morals, and welfare? Powers replied no.

Infantolino asked Powers: In your opinion will the granting of the special use permit substantially or permanently injure the appropriate use of the property in the surrounding area? Powers replied no.

Commissioner Cochran asked if the connector contains utilities underneath it? The answer is that it has utilities below grade. Jack Brittain, 14 Clinton Ave, clarified that there is drainage, a water line and a sewer line.

Infantolino called upon Patrick Freeman, PE, of American Engineering to present to the Local Review Board. Freeman stated his work with American Engineering since 2014. He is a licensed engineer since in Rhode Island for four years, and he is familiar with Jamestown Zoning. A motion was moved by Commissioner Enright and seconded by Commissioner Pendlebury to accept Patrick Freeman as an expert witness. All in favor.

Freeman explained that American Engineering was brought on to the project to analyze an existing drainage concern found onsite. The lot located at AP 9 Lot 708 has raised concerns over run off. The contributing areas are the rear half of 3 Hammett Court, the southerly yard area and easterly yard area. The roof top area currently has gutters and roof leaders that drain into rain barrels. The rain barrels are almost always full and do not provide much additional benefit. When the rain barrels overflow, and a small rain garden fills up, water flows north along the side of the building onto Lot 708, just south of the existing shed. What they are proposing is to capture the water run-off from the roof leaders on the southerly side of 3 Hammett Court and easterly side of 3 Hammett Court and convey the run-off via an underground pipe, that runs along the easterly side in a northern direction. They will core two holes in the foundation for 2 Hammett Court and run the pipe under the slab of 2 Hammett Court. Once the pipe exits, the northerly side of 2 Hammett, it will flow and drain partially into the retention basin. They have proposed a reverse Y connection that will direct all run-off into the retention pond when there is a low level. Once the retention pond fills up, a back flow preventer will prevent any backups of the drainage system. Then the run off will go through overflow structure for the retention pond and into a 15-inch pipe into Clinton Ave. The plan takes all the run off that runs over land onto Lot 708 and it conveys it via pipes to the retention pond and then onto Clinton Avenue through underground pipes. They are not adding any additional water to Clinton Ave, just changing the way it flows to Clinton Ave. They analyzed the impact this would have on the retention pond to ensure that too much water was not added. They modeled the watershed and discovered that it raises the water 1/8 of an inch based on a 100-year storm. There is no impact to the existing drainage structure, which has been maintained recently.

Commissioner Pendlebury asked about the 15-inch pipe that ties into Clinton Ave? Freeman said that there is existing manhole in the retention pond that has a 15-inch pipe that comes out of it.

Commissioner Pfeiffer asked if there are any clean outs because there is potentially lots of silt? Freeman reviewed the plans and noted that there are three clean outs, which should be adequate.

Infantolino asked Freeman: In your opinion is the hardship from which the Applicant is seeking relief due to the unique characteristics of the subject lot or structure and not to the general characteristics of the surrounding area? Freeman replied yes.

Infantolino asked Freeman: In your opinion, is the hardship the result of any prior action of the applicant? Freeman replied no.

Infantolino asked Freeman: In your opinion will the granting of the requested variances alter the general character of the surrounding area or impair the intent or purpose of the ordinance? Freeman replied no.

Infantolino asked Freeman: In your opinion will the granting of the special use permit result in conditions harmful to the public health, safety, morals, and welfare? Freeman replied no.

Infantolino asked Freeman: In your opinion will the granting of the special use permit substantially or permanently injure the appropriate use of the property in the surrounding area? Freeman replied no.

Commissioner Pendlebury had a question for Don Powers regarding the lighting of the connector area. Craig Anderson, Senior Associate with Union Studios said that they are not proposing lighting for the connector. The lighting shown was proposed building lighting. It is Dark Sky compliant and downward facing. The lighting will not shed onto adjacent properties.

Infantolino called upon Gary Norris, PE, of Valeire J. Southern Traffic Consultant LLC to present to the Planning Commission sitting as the Local Review Board. Norris presented his credentials that he is a licensed traffic engineer. He trained in traffic engineering as a civil engineer and transportation planning. He is licensed in nine states across the country. A motion was moved by Commissioner Enright and seconded by Commissioner Cochran to accept Gary Norris, PE, as an expert witness. All in favor.

Norris stated that they submitted a six-page report. The main issue that they looked at was will this project add additional traffic impact to the neighborhood and surrounding arterial streets? The conclusion was that the project will not add additional traffic and the overall impact of this proposal will be less than the previous commercial use that was on the site by a significant amount. The parking issues were looked at. The current code requires 26 stalls. He understands that there is a proposal in front of the city (sic) to bring the requirement down to 1 stall per unit that would bring the number required down to 17.

They did studies on both the weekdays and weekend. They did not observe any significant activity other than pedestrians walking.

The existing parking analysis was viewed during mid-week, night time and weekends and there was very little parking demand.

Lighting is a significant issue for traffic engineers. The city (sic) does have a single 105-watt LED luminaire on the corner of Hammett and Howland, and it is not consistent with national standards for pedestrian or street lighting. Although it is consistent with the lighting that exists on Howland and other streets in Town. There is no specific lighting ordinance or requirements for lighting standards and that is something that the city (sic) could consider as a policy.

Public transportation is very significant for this project. Some clients rely on public transportation for access. RIPTA bus route 14-West Bay runs from Narragansett to Providence with a scheduled stop at the Jamestown Ferry Landing. The service operates weekdays and weekends with 120-minute headways. Route 64 – Newport/URI Kingstown operates from the Newport Transportation Center to Kingston on weekdays and Saturday with 70 to 90 minutes headways. RIPTA also offers ride service which is a paratransit or ride service that is specifically ordered. The residents of this development would be eligible for that service.

The traffic volumes were collected at several different locations and several different studies done. They are summarized in the report. The yield volumes were considered low in terms of residential neighborhood, a road like Howland Ave would average 3,000 vehicles per day.

The trip generation for the housing was based on half market rate units and half special needs units. The differential is that special needs people will have access to paratransit and services like that which will generate additional trips to the site. The previous commercial office with 5,000 square feet was looked at. The overall difference between the commercial office and the apartments, were 22 more daily trips from the commercial office than from the proposed apartments with 3 more in the AM peak and 6 more in the PM peak.

Conclusions:

1. The result of the traffic impact assessment indicates that the development of 2 Hammett Court as proposed will not create any significant adverse impacts on the surrounding transportation system. The traffic volumes generated by 2 Hammett Court will be significantly less than the traffic generated by the site under the previous commercial office use. Therefore, the impact to the residences served by Hammett Court and along adjacent roadways and intersections will be less than the previous use.
2. The proposed parking for the site will address the current Town of Jamestown code parking requirements and will exceed the proposed parking requirements by eight (8) stalls.
3. The proposed site is within walking distance of public transportation bus service.
4. Residents at 2 Hammett Court would be eligible for public paratransit service. It is important that appropriate parking and loading provisions be made for this service at the site as the residents will likely rely on this service. Additionally, all walkways and entranceways associated with the development should be Americans with Disabilities Act (ADA) compliant. This includes pathways and facilities for paratransit vehicle parking, loading, and access.
5. The existing pedestrian-bicycle path opening at the northeast corner of the site is currently active. It is anticipated when 2 Hammett Court is fully developed, its use will increase. The pathway is currently not signed or maintained nor is it a designated public right of way or ADA compliant. The owner indicates that per an agreement with the Town of Jamestown, the pathway will be improved. It is recommended that

its future design and maintenance comply with ADA requirements.

6. It was observed that the Hammett Court stop sign located at Howland Avenue is covered with vegetation and barely visible. Routine maintenance should be scheduled for clear viewing of the sign at all times.
7. The existing street light at the entrance to the development site is owned by the Town of Jamestown. While there does not appear to be a requirement or standard for the illumination of residential roadways in the town zoning code, the street light's current illumination does not comply with industry standards. A lighting plan showing illumination levels within and around the site should be an element of the site development plan, ensuring compliance with industry standards and recognizing the special needs of the residents. Given the sensitivity of lighting in rural environments, dialogue with the Town of Jamestown is recommended to establish a standard for the site and existing light. This should be presented in a Site Lighting Plan. Lighting for the pedestrian-bicycle path opening and pathway at the northeast corner of the site should also be discussed in the plan.

Commissioner Pendlebury asked if there were any incidents of speeding? Norris replied that they did not observe any speeding.

Commissioner Harrison asked how they adjust for seasonal differences in traffic volume? Norris replied that would normally come out of a review of traffic volumes on an annual basis. In this case they were looking at traffic volumes on a short-term basis.

Commissioner Cochran asked if the conclusions recommend upgrading bicycle or pedestrian flow/pathway? Norris replied that it would be preferred but since its offsite, it is not a condition that is placed upon the applicant to address it.

Commissioner Enright asked about the recommendation to have sufficient room for RIDE buses to turn around, is there enough room? Norris said that in the site review there is ample room with 32 parking stalls between the two buildings. Infantolino said that the type of vehicle the tenants would be using is more van style than a bus and there is ample room to turn around.

Commissioner Pendlebury opened the floor to public comments.

Bart Totten of 20 Columbia Lane, moved to Jamestown 53 years ago. He is connected to the community. His second-grade teacher was Debbie Swistak and his dad served as a Planning Commissioner in the 1970s. He spoke about a proposed resident of the facility, his son Matthew. Matthew and his twin sister, Julia, went to school in Jamestown. Matthew (Matt) went to Narragansett for high school and Julia went to North Kingstown. Matt is currently in an extended engagement program. Matt knows many people in Jamestown. This is an amazing opportunity for Matt to move into a Looking Upwards unit. The Tottens are asking for a positive vote that will positively impact Jamestowners.

John Eckert of 17 Howland Avenue – Stated that he thinks 3 Hammett Court is good idea and he has a brother-in-law with IDD. He came to the meeting with questions and most concerns have been addressed. He stated that he is concerned about traffic, but it is less than it was.

He stated that he is concerned with Bridges, Looking Upwards and Keystone. Lisa Rafferty of 7 Clinton Avenue addressed the relationship between the three. She stated that Bridges and Looking Upwards merged. Then in 2022, Looking Upwards merged with Keystone, which was a managed services provider. Keystone no longer exists. Bridges only owns property.

Eckert questioned if the single bedroom units would be rented to special needs tenants? Carrie Miranda, Looking Upwards – Executive Director stated that they do not have the profile for IDD for 1-bedroom and 2-bedrooms. People can live together in 2 bedrooms, or alone.

Eckert asked about children and if there is a place for them to play? Infantolino said that there is not an area designed for children because that is not something that they can ascertain at this time.

Eckert questioned where the retention pond is? Freeman showed Eckert where the retention pond is located and Freeman stated that he inspected the property after rainstorm and the pond drains quickly.

Eckert said that the street light on Howland Avenue shines into bedroom window and wattage is fine.

Nick Lapinski of 1 Hammett Court – Stated that he is still concerned with traffic. He brought up that there will be job training, case workers and he sees a lot of coming and going as part of the process.

Lapinski – Drainage. He has water that goes into to his yard and he pumps it out into the road. He stated that vegetation has grown into the road and he parks in the road. He has owned house since 1979.

He asked the applicant to take down a tree and put in a driveway on his property. Commissioner Enright asked where is the tree? Lapinski answered that the tree is so close to the property line and he has asked for Town Tree Warden to come and take a look. Commissioner Pendlebury stated that his request is not part of the applicant's materials, including maintenance of the road, light, sidewalks, clean up edges of the road. Infantolino said that they will open up discussion with the Town.

Commissioner Pendlebury asked Freeman about the rain barrels and depression at 3 Hammett Court. Freeman said that the yard area will capture more surface area and the additional capacity of the depression will alleviate some of the issues. Properties in this area have water coming down from higher elevations. Freeman said that the roof runoff will be reduced by 47%. There is significant reduction. Lapinski said that he is not getting runoff from 3 Hammett Court. The rain water used to drain that way and now it does not. Water comes from other back yards.

Commissioner Pendlebury asked Lapinski if he had talked with Mike Gray, Director of Public Works? Lapinski said that he has not.

Bob Plain of 18 Calvert Place – Is a member of Affordable Housing Committee (AHC). The AHC has reviewed this project and enthusiastically and unanimously supports this project. Plain stated that he works for Church Community Housing Corporation, and he gets complaints about tenants. However, Looking Upwards is their best tenant.

Ann Biddle of 10 Clinton Ave – said that she has concerns with water because her property is lower. Freeman said that he analyzed the retention pond and looked at existing conditions and what will be put there. For 100-year storm, which is the maximum, the water level of the retention pond will only increase 1/8 inch. Freeman said in his opinion, it is not a problem. Commissioner Pendlebury asked about the water crossing over the property. Freeman said the overland water to Lot 201, flows through the parking lot and hits the berm. Freeman said that the additional runoff will not affect downstream property.

Connie Slick of 49 Narragansett Ave – asked for clarification on parking spaces. Infantolino explained that the required parking is 26 spaces and the existing parking is 32 spaces. Slick asked for clarification of lighting? One of the pictures showed lighting on the building. Will there be lighting on the walkway? Infantolino said that there will be downward lighting on the building.

Slick said that at her property she hears the backing-up noise from vehicles all the time. She questioned where the dumpster will be? Craig Anderson said that the existing trash shed and dumpster are in front. They are not proposing any changes. This residential facility should produce less waste than the commercial use.

Her last concern is traffic on Hammett Court because it is a narrow and dead-end street. If there are children living in the rentals, just make sure that traffic pattern is acceptable. She also wants to make sure that there are turnarounds for RIPTA vans. She has no objections to the project.

Jack Brittain of 14 Clinton Avenue – Asked about down spouts on the new project, specifically on the west side and if they will go into the rain garden? Freeman said that they are not proposing any changes to the roof leader for 2 Hammett Court. Brittain asked if there was a study done because it is a large roof and there will be a lot of drainage from the roof that is still pitched to the east. Freeman said that a majority of the run off issues comes from 3 Hammett Court. The roof leader runoff on the northwest corner of Hammett Court flows overland into retention pond. Part of the proposal is to fix the grading in the northeast area of the property so the water flows to the retention pond. Brittain said that he thinks they did a great job with the project. He has no problems.

Infantolino asks for final approval to be done administratively.

A motion was moved by Commissioner Pendlebury and seconded by Commissioner Enright as follows as written and amended:

To grant Comprehensive Permit approval for the project titled “2 Hammett Court” in accordance with the Town of Jamestown Zoning Ordinance including Article 17 – Low- and Moderate-Income Housing and the plans by Darveau Land Surveying, Inc., P.O. Box 7918, Cumberland, RI 02864, 401-475-5700; dated April 14, 2023, for Property Owner Bridges Inc., P.O. Box 263, Jamestown, RI 02835; Applicant Looking Upwards Inc., P.O. Box 263, Jamestown, RI 02835:

- 1) Property Line Plan for Looking Upwards, Inc., Plat 9 Lot 183 2-3 Hammett Court, Jamestown, Rhode Island Sheet 1 of 2;
- 2) Existing Conditions Plan for Looking Upwards, Inc. Plat 9 Lot 183, 2-3 Hammett Court, Jamestown, Rhode Island Sheet 2 of 2; and
- 3) Proposed Architectural Site Plan, Looking Upwards Jamestown, Multi-Family Housing, 2 Hammett Court, Jamestown, Rhode Island 02835, Newport County Assessor’s Plat 9 Lot 183, dated 5-17-2023.

This approval is granted based on the following Procedural History, Project Description, Findings of Fact and subject to the following Conditions of approval:

A. PROCEDURAL HISTORY

1. An application for Comprehensive Permit was received on August 18, 2023 and was certified as complete on August 22, 2023. The application is for a twelve-unit multi-family residential structure occupying the same lot as an existing 5-unit multi-family residential structure. The project is entitled 2 Hammett Court.
2. The Applicant, Bridges Inc. (the “Applicant”) merged with Looking Upwards, Inc. on June 30, 2017. Looking Upwards, Inc. provides support services to individuals with developmental disabilities. The housing developer is SWAP, Inc.; a not-for-profit affordable housing developer based in Providence whose mission is provide affordable housing opportunities for persons of low and moderate income, revitalizing urban neighborhoods and building new communities. The Owner and Applicant controls the site by ownership. Looking Upwards Inc. is eligible to pursue a Comprehensive Permit pursuant to R.I. Gen. Laws § 45-53 and a letter dated May 23, 2023 from Anne Berman, Director of Real Estate Development, Rhode Island Housing which states that “Looking Upwards, Inc. is eligible to pursue a Comprehensive Permit application in the Town of Jamestown to develop Plat 9 Lot 183. Modifications to the development proposal resulting from local review do not require a revised letter of eligibility.”

Other materials from the proposed combined Master Plan and Preliminary Submittal entered into the record by the applicant through application to the Planning Commission sitting as the Local Review Board include:

- a. Comprehensive Permit Application
- b. Preparers of Plans
- c. Exhibit A-proposed relief requested
- d. Letter Requesting Combination of Meetings and time table
- e. Project Narrative
- f. Letter of Eligibility

- g. Abutters List
 - h. Color photographs of existing structures
 - i. 8.5x11 color aerials
 - j. Existing Conditions Plans- Darveau Land Surveying
 - k. Architectural Plans/Elevations- Union Studio
 - l. Drainage Plan-American Engineering Inc
 - m. Traffic Narrative
 - n. Proposed Deed Restriction
 - o. Financial Pro-forma
 - p. Concept View towards Clinton Avenue
 - q. Supportive Service Plan for IDD Units
3. The application narrative states all units will be deed restricted as affordable apartments owned and managed by Looking Upwards Inc. 2 Hammett Court will provide 12 affordable apartments in the village of Jamestown to create independent homes for individuals with intellectual and developmental disabilities (I/DD) and integrate them with other Rhode Islanders. The units will offer a variety of service options including fully independent living, partially supported living and fully supported living with a live- in caregiver.
 4. This application was heard by the Local Review Board for pre-application on July 19, 2023. A Preliminary Public Hearing was held on September 20, 2023. The public hearing was opened in a timely manner. The hearing was closed on September 20, 2023 by motion and vote of the Local Review Board. Notice of the public hearing was timely sent to the abutters within the required notice area, published in the August 31, 2023 Jamestown Press, posted at the Town Hall, the Police Station and also posted on the Town of Jamestown web site and the RI Secretary of State's public meeting web site.
 5. Christian Infantolino, Esq. appeared as legal counsel on behalf of the Applicant.
 6. The Applicant's Engineer is Patrick Freeman, PE, American Engineering. The Applicant's Architect is Donald Powers, AIA, Union Studio Architects. Gary Norris, PE, Valerie J. Southern Transportation Consultant, LLC. The three representatives were accepted as expert witnesses and testified on the application. The Applicant's Registered Land Surveyor is Michael Darveau of Darveau Land Surveying, Inc. was not present at the public hearing.
 7. During the Local Review Board meetings and Public Hearing, the Local Review Board received comments and reports from the Town Planner and Technical Review Committee. The Town Environmental Scientist (Engineer) reviewed the plans and met with the project Engineer regarding drainage issues in the area and provided a memorandum. The Town's legal counsel, Wyatt Brochu, advised the Local Review Board throughout the process.

8. Neighbors (abutters) were also present at the public hearing (and submitted additional information to the Board for their consideration). The concerns of the abutters were discussed by the Local Review Board and given consideration during the review process and included:
 - a. 17 Howland Avenue, John and Marianne Eckert submitted written correspondence which stated they felt the variances requested are extreme and traffic concerns with additional traffic on a “narrow” dead-end road;
 - b. Drainage and flooding: testimony noted that there is existing water runoff issue in the area.
 - c. The Town has placed a berm at the end of Hammett Court at Howland Avenue and that has directed water to the catch basin on Howland as intended. Water runoff generated from the south flows in a northerly direction to the proposed building site;
- d. 20 Columbia Lane, Bart Totten, a 53-year resident of Jamestown spoke of how his son Matthew is a potential resident. Matthew is in an extended engagement program and works at McQuade’s Marketplace. Living at 2 Hammett Court would be an amazing opportunity for Matthew. Totten wanted to let the Board know that this application will have a positive impact on Jamestown residents.
- e. 17 Howland Avenue, John Eckert expressed a concern about traffic, but it is less than before the traffic consultant spoke. He is concerned about children and the lack of a playground/area to play in. He asked about the location of the retention pond for drainage.
- f. 7 Clinton Avenue, Lisa Rafferty explained the merger between Bridges Inc and Looking Upwards, Inc. Then Keystone, a managed services provider, merged with Looking Upwards, Inc. in 2022. Keystone no longer exists.
- g. 1 Hammett Court, Nick Lapinski is still concerned about traffic and drainage.
- h. 18 Calvert Place, Bob Plain is the Chair of the Affordable Housing Committee, which enthusiastically and unanimously supports this project. Plain works for Church Community Housing Corporation and Looking Upwards, Inc is their best tenant.
- i. 10 Clinton Avenue, Ann Biddle is concerned about water and drainage.
- j. 49 Narragansett Avenue, Connie Slick asked for clarification on lighting, dumpster location and traffic patterns.
- k. 14 Clinton Avenue, Jack Brittain asked about the downspouts on the 2 Hammett Court building. He said that American Engineering has done a great job and he supports the project.

B. PROJECT DESCRIPTION and FINDINGS OF FACT

1. The proposed project is described in the narrative, on the plans, and supporting documents by Darveau Land Surveying Inc., American Engineering, Inc., and Union Studio as indicated on the plans and supporting documents, marked as Exhibit 1 and made a part of the record and this Decision. The Applicant has also submitted architectural renderings by Union Studio Architects, marked as Exhibit 2 and made a part of the record and this Decision.

2. The property on which the project is proposed is located at 2 Hammett Court and shown on Assessor's Map 9 Lot 183. The property contains approximately 34,003 square feet (.7806 acres) and is presently developed with a 5,091 square foot commercial building and 5-unit residential multi-family structure. The property is cleared with several perimeter trees present and is gently sloping to the north and east. It is located off Howland Avenue and sits between Howland Avenue, Narragansett Avenue and Clinton Avenue. The surrounding area is commercial to the north, mixed use residential and commercial to the east and, single family residential to the south and west, with lot size ranging from 5,000 square feet to 21,000 square feet. The proposed site spans two separate zones: CD to the north and R8 to the south.
3. The subject property is located at 2 Hammett Court, Tax Assessors Plat 9 Lot 183-2. Currently the property has 2 structures on the property. One structure is being used for 5 affordable attached units. All of these units are "affordable rental units" with Bridges Inc. as the owner. The other structure is approximately 5,000 square feet and being used as commercial office space.
4. The proposal is to either remodel the interior of the commercial building, approximately 5,000 square feet, or to raze the building, depending on the underlying condition of the structure, and reuse the existing foundation. The existing building (footprint) will be used to create 12 affordable rental units with Looking Upwards, LLC as the owner. The proposal calls for four (4) two (2) bedroom units and eight (8) one (1) bedroom units. The expected occupancy would be 16 persons.
5. The Applicant is requesting relief from the exact regulations controlling the number of bike racks on site, the Applicant will install at least one bike rack to the property.
6. As noted on the existing conditions site plan, there are portions of the neighboring property driveway which encroach upon the Applicants property. The Applicant is proposing to work with the neighbor to create a space similar to what is being proposed in the Concept View towards Clinton Avenue supplementary document submitted.
7. The proposed development is consistent with local needs as identified in the Jamestown Comprehensive Plan – Affordable Housing Plan which states the following:

Goal: 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.

Strategy: Strengthen partnerships and build community support for Affordable Housing.

Action Item 1.2: Work with CCHC and other non-profit developers to develop affordable housing in Jamestown.

8. The proposed development is in compliance with the standards and provisions of the Jamestown Zoning Ordinance in conjunction with the variances and relief described herein. The Local Review Board hereby approves granting the necessary Zoning Ordinance relief based on Technical Committee and Local Review Board review. The Local Review Board finds that the relief is granted because the local concerns do not outweigh the State and Local need for affordable housing. The unique shape and access to the property are considered a hardship and not due to a physical or economic disability of the Applicant or the result of any prior action of the Applicant. In addition, the granting of this relief will not alter the general character of the surrounding area or

impair the intent or purpose of the Zoning Ordinance. This relief is considered the least relief necessary for this specific application. Should the relief not be granted, it is determined by the Local Review Board that it will be more than a mere inconvenience to the Applicant.

9. The Planning Memorandum dated 7/13/2023 was submitted to the Planning Commission for their Preapplication review on July 20, 2023.

The Applicant has requested the following Zoning Relief:

- A. Chapter 82-302, Table 3-2:
 - (1) Maximum Lot width allowed in the CD Zone is 96 feet. The lot width varies but is 97 feet at its narrowest point. Relief is sought for the entire site due to the irregular shape of the lot and multiple lot widths.
 - (2) There is no proposed change in the location of the structure. All dimensions of the existing structure are proposed to remain.
 - (3) The CD zone requires a frontage buildout of 60% of the lot width. Due to the irregular shape of the lot, the Applicant requests relief on this requirement.
 - (4) Applicant is requesting relief for the building placement requirement of Table 3-2, rear yard, where the structure is required to be located in the front yard and the existing structure is located in the rear yard for the CD Zone. Applicant does not propose to relocate the structure.
 - (5) Dimensional relief of +/-6 inches where 12 feet is required for a rear yard setback off of the eastern property line.
 - B. Table 11-2 Building Placement: The Applicant is proposing to use the existing structure and/or footprint of the existing structure and does not propose to relocate the structure.
 - C. Chapter 82-600: Applicant has requested that the Special Use Permit as described in Article 6 of the ordinance, for multi-family, be considered with the requested Comprehensive Permit.
 - D. Chapter 82-1102 B1(b) and 3(a): The Applicant is seeking relief for the tree plantings required under Article 11, due to the irregular nature of the site and the existing conditions on the lot. Applicant is proposing to landscape an area by the building.
 - E. Chapter 82-1108(A)3: Applicant is seeking relief for the glazing requirement of Article 11 paragraph 3 which relates to retail frontages in the Village district. This is a residential structure.
 - F. Chapter 82-1111 (B) 1-3: Applicant seeks relief for the location of parking spaces as required by Article 11 which does not permit parking directly in front of the building in the front yard. Additionally, the entrance to the proposed site is wider than the maximum allowable of 18 feet due to the configuration of Hammett Court.
 - G. Chapter 82-1111. (B).3: Applicant seeks relief from the specific requirement of one bicycle rack per 10 car parking spaces. The required number of racks is 3 based on the 26 parking spots and the applicant is proposing 1 bike rack.
10. The Applicant has indicated in the application that the affordable housing component of the proposed development is deed restricted All units will be deed restricted as affordable apartments owned and managed by Looking Upwards Inc. 2 Hammett Court will provide 12 affordable apartments in the village of Jamestown to create independent

homes for individuals with intellectual and developmental disabilities (I/DD)/affordable units, as permitted by Town of Jamestown Zoning Ordinance Article 17 – *Low and Moderate Income Housing* and RIGL 45-53. These units will allow residents to integrate with other Rhode Islanders. The units will offer a variety of service options including fully independent living, partially supported living and fully supported living with a live-in caregiver. Single family residential units in the neighborhood range from 1,000 square feet to 2,000 square feet.

11. Looking Upwards, Inc. is a Rhode Island based non-profit agency that, since 1978, has offered a wide array of services to adults with intellectual or developmental disabilities (I/DD) and children with special healthcare needs. It now serves over 1300 children, adults, and families with its corps of skilled professionals who are well respected in the community. The mission of Looking Upwards is to promote the growth and independence of adults and children of all abilities so they may realize their maximum potential and live fulfilling lives.
12. This development meets numerous elements of the State Guide Plan, Land Use 2025, RI Consolidated Plan and Strategic Housing Plan including:
 - a. Increasing housing opportunities for low- and moderate-income households;
 - b. Providing affordable homes for households with very low and extremely low incomes;
 - c. Creating supportive housing for individuals with special needs;
 - d. Addressing the needs of households with high housing cost burdens;
 - e. Addressing the housing needs of special populations including individuals with disabilities;
 - f. Providing affordable homes in a community in which currently less than 5% (4.59%) of the homes are affordable;
 - g. Building homes within the urban services boundary and support traditional downtown centers;
 - h. Providing diverse affordable housing opportunities (currently 92% of Jamestown homes are single family and only 16% are homes for rent);
 - i. Promoting intermodal centers and greater reliance on transit;
 - j. Increasing energy efficiency through building design and location;
 - k. Utilizing existing infrastructure to avoid negative environmental impacts of development;
13. The Local Review Board has been presented with no facts evidencing significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions of approval. The Technical Review Committee reviewed the plans at a meeting on June 22, 2023. The issues or objections with the application as proposed have been mitigated with the required conditions of approval.
14. There will not be significant negative impacts on the health and safety of current or future residents of the community. The Applicant has coordinated with the Town Engineer to ensure that the new development will further mitigate and not further impact the abutting residences with respect to storm water runoff.
15. The site has adequate and permanent physical access to a public street in accordance with the requirements of § 45-23-60(5). Hammett Court and Howland Avenue are both

public roads to which the project will have access. The Traffic Consultant, Valerie J. Southern, CMC and Gary A. Norris, P.E., VJS-TC, LLC concluded that “the result of the Traffic Impact Assessment indicates that the development of 2 Hammett Court as proposed will not create any significant adverse impacts on the surrounding transportation system. The traffic volumes generated by 2 Hammett Court will be significantly less than the traffic generated by the site under the previous commercial office use. Therefore, the impact to the residences served by 2 Hammett Court and along adjacent roadways and intersection will be less than the previous use.”

16. The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. No new lots are being created with this proposal. The residential structure has been designed by Union Studio Architects specifically for the lot and use as proposed by the Applicant.
17. All subdivision lots have adequate water for the intended use and adequate provision for wastewater disposal. The Applicant proposes public water and sewer for all dwelling units.
18. The required subsidy for this affordable housing development includes: Other Subsidy:
Thresholds Grant - \$400,000

1st Mortgage - \$59,000

State Subsidy: \$300,000 – RI Housing HOME funds

\$200,000 – FHLB AHP

Local Subsidy: \$138,827 – Jamestown Affordable Housing Trust Fund

The Jamestown Town Council must approve the use of the Affordable Housing Trust funds in the amount of \$138,827. The State and other funds are pending approval by the appropriate agencies.

19. The Project has appropriate parking and is requesting a variance for parking location due to the irregular shape of the lot with respect to the street frontage. In addition, the Applicant has provided a parking needs calculation based on the specific uses proposed for this development, and has represented that the residents of the dwelling units shall not require individual access to motor vehicles or have the need to individually park a motor vehicle on the Property, as the Applicant shall be providing motor vehicle transportation services to the residents, and project will be bound by restrictions to the deed to maintain said use.
20. The Jamestown Police Department has reviewed the project plans and indicated on the project review sheet dated August 31, 2023 that there will be little or no impact to their department and that the existing Police Department and facilities are adequate to serve the project’s residents.
21. A draft deed restriction has been provided indicating a term of 30 years for exclusive use of the site for affordable/IDD housing.

CONDITIONS OF APPROVAL

1. The approval is for 12 multi-family units.
2. That payment of a fee in-lieu-of land dedication shall not be required for this subdivision as required by Article IIID of the Jamestown Subdivision Regulations.
3. The project shall be built in strict accordance with the final plans and specifications approved by this Commission.
4. The developer and monitoring agent for this affordable housing development will be SWAP.
5. This Comprehensive Permit is for the specific uses proposed by the Applicant and as approved by the Local Review Board. If the Applicant, its successors, or assigns, desire to change or modify the use of the Property, they first shall be required to obtain approval from the Local Review Board to modify the Comprehensive Permit granted hereby.
6. There shall be a restriction placed with the deed for the property and recorded with Town Clerk in the Land Evidence Records at the Town Hall in Jamestown, that restricts the tenancy to affordable housing including developmentally disabled adults.
7. The Applicant is seeking relief for the number of bicycle racks required but will install at least one bicycle rack as indicated in the narrative and at the hearing.
8. The Stormwater Management Plan shall be implemented in coordination with American Engineering with the concurrence of the Town Director of Public Works.
9. Stormwater infrastructure such as the rain gardens shall be maintained in accordance with the submitted Operations and Maintenance Plan and the standards published by RIDEM for such structures. The stormwater Operation and Maintenance plan for the drainage system be presented with the final plan in 8.5 x 11" format, approved by the Town Engineer and recorded with this approval as Exhibit 3.
10. A Certificate of Merger between Bridges Inc and Looking Upwards Inc shall be recorded in Jamestown Land Evidence Records prior to final approval.
11. The bike rack shall have space for at least five (5) bicycles.
12. The project shall apply to and receive approval from the Jamestown Board of Water and Sewer Commissioners for the change in use.
13. The Local Review Board delegates the Final Review to the Town Planner with the signature of the Local Review Board Acting Chair to appear on the Final Record Plan.
14. This Approval shall be recorded with the named restrictions, by the Applicant with the Office of the Town Clerk and the Planning Office shall post the Approval outside the Planning Office within 30 days of Approval.
15. This approval shall expire one year from the date of approval by the Local Review Board unless final approval is granted within that time.

So voted:

Commissioner Cochran – aye

Commissioner Enright - aye

Commissioner Harrison – aye

Commissioner Pfeiffer – aye

Commissioner Prestigiacomio – aye

Commissioner Pendlebury – aye

Motion carries 6-0.

A motion that Final Master Plan proposal and Comprehensive Permit be handled administratively was moved by Commissioner Pendlebury and seconded by Commissioner Cochran. All in favor. Bryer stated that it was also listed as a condition of approval.

A motion to close the public hearing and leave sitting as the Local Review Board was moved by Commissioner Cochran and seconded by Commissioner Enright. All in favor.

Commissioner Swistak joined the meeting.

III. Citizen's Non-Agenda Item - none

IV. Correspondence

1. Memo to Town Council re: Zoning Ordinance Update/Review
2. Administrative Subdivision final approval AP 3 Lots 51 and 235, Samuel & Natasha Younts and Rikhi D'Souza

Correspondence was recognized as received.

V. New Business

1. No items at this time.

VI. Reports

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

A reminder that there is no meeting on October 4. At the October 18 meeting, there is a high ground water application and further discussion on the Community Survey. The Zoning Ordinance Update/rewrite went to the Town Council on September 18. The Town Council will have a workshop then a hold public hearing on the Zoning Ordinance Update/rewrite.

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

1. September 6, 2023

A motion was moved by Commissioner Enright and seconded by Commissioner Cochran to approve the minutes from the September 6, 2023 meeting as amended. All in favor.

Page 3: In Recreation: Question 26: change ~~“consider a question”~~ to “Ask a question...”

Page 3: In Economic Development: change ~~“As a question”~~ to “Ask a question...”

Page 3: In Economic Development: change ~~“Add an aquaculture question”~~ to “Ask an aquaculture question”

Page 4: In Economic Development: change ~~“consider a question”~~ to “Ask a question...”

Page 4: In Economic Development: change ~~“As a question about the potential for large...”~~ to “Ask a question about the potential for large...”

Page 4: Transportation and Circulation: change ~~“Add a question if the Town of Jamestown...”~~ to “Ask a question if the Town of Jamestown...”

Page 4: Transportation and Circulation: change ~~“Add is question about Low Speed...”~~ to “Ask a question about Low Speed...”

Page 5: Housing: change ~~“Add a question about supporting...”~~ to “Ask a question about supporting...”

Planning Commission Minutes

September 20, 2023

Page 22 of 22

Page 5: Miscellaneous: remove ~~about peoples feeling~~

Page 5: Miscellaneous: remove: ~~Ask a question about commercial aquaculture (oyster farm & kelp farm).~~

VIII. Adjournment

A motion to adjourn at 8:58pm was moved by Commissioner Enright and seconded by Commissioner Cochran. All in favor.

Attest:

Carrie Kolb