

Approved as amended  
**PLANNING COMMISSION MINUTES**  
**March 6, 2024**  
**6:30 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

**I. Call to Order and Roll Call**

The meeting was called to order at 6:33pm and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Mick Cochran	Diane Harrison
Bernie Pfeiffer	Dana Prestigiacomio

Not present: Rosemary Enright - Secretary

Also present:

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

**II. Citizen’s Non-Agenda Item - none**

**III. Correspondence**

1. No items at this time.

**IV. New Business**

1. No items at this time

**V. Old Business**

1. Zoning Ordinance, Chapter 82 of Jamestown Code of Ordinances – Amendments related to the 2023 Legislative changes - Review, Discussion and/or Action and/or Vote

Bryer discussed significant impact made by the legislature last year that allows undersized lots to utilize smaller setbacks based on their percentage of non-conformity. In the past, there have been discussions on massing of structures, building lot coverage and floor area ratio, but changes have not been made. The legislative changes are the reason for the new discussion.

Case study # 1 to review is an example of an undersized lot on Pierce Avenue that is 5,000 square feet and the lot requirement is 20,000 square feet, making the lot 25% of the zoned area. Bryer said that in all zoning districts there are a whole range of lot sizes. A graphic showed the current proposed location for a new house in a solid red line. A red-dashed line maps out the reduced setbacks, which are 25% of the setbacks for a regular sized lot in the zone.

Setbacks:

Pre 2023	Post 2023
Front= 30	Front = 7.5
Side= 10	Side = 2.5
Rear = 30	Rear = 7.5

Prior to 2023 the building lot coverage allowed would have been 1,250 sq ft and post 2023 the allowed building lot coverage is 1,565 sq ft (increased by the same proportion as the lot area of the substandard lot is the minimum lot area requirement of the zoning district in which the lot is located = lot size x .3125)

Bryer said that Town Solicitor Peter Ruggerio said that the Town of Charlestown sent a resolution objecting to the new law to the State Legislature. Bryer suggested that the Town of Jamestown do the same thing.

Commissioner Harrison pointed out that there is a lot just to the north of the case study that is also undersized. They built a new addition and it is really close to the property line.

Commissioner Pendlebury pointed out that lot coverage also includes accessory buildings.

Case Study #2 is an example of Massing of Dwelling on Clinton Avenue, which is a conforming lot in the R-8 Zone, a 10,000 sq ft lot. The building lot coverage permitted is 30% = 3,000 sq ft. Building lot coverage proposed is 21.1% = 2,118 sq ft. A graphic showed the proposed house outlined in green, the available total lot coverage in shaded red. Is this the way we want the village/town to develop. Should significant density be allowed all over the island? Or just the Village?

There are options to handle massing.

1. Floor Area Ratio

- Floor area ratio is the simple calculation that results from dividing the floor area of a building by the total area of a lot.
- The floor area ratio measures the size of a building relative to the total lot size. On the other hand, lot coverage take the size of every building and structure into account. Keep in mind that lot coverage measurement includes garages, sheds, swimming pools, and any non-conforming buildings.
- To understand exactly how floor area ratio is used, lets say that a 1,000 square-foot building is set to be constructed on a piece of land that's around 4,000 square feet in size. When you divide the first number by the second number, you end up with a floor area ration of 0.25x. This calculation would remain the same regardless of the number of floors the building has.

2. Building Lot Coverage

3. Height limit = 35'

4. Top floor can be no larger than 75% of first floor

5. 22.5 degree roof pitch

6. No flat facades; ie: stepping/variation of façade

## 7. Compliance with Design Guidelines

Solicitor Brochu said that relaxed review criteria is a problem. The example of a 3,000 sq ft house on 10,000 sq ft lot. The house is at the 30% lot coverage. The property is sold and the new owners now want to add a shed and come in to ask for a variance. That 30% is a dimension and a variance can be granted.

Commissioner Prestigiacommo asked about the impact water use? More bedrooms = more people in the house = more water being used. Bryer said that this discussion is coming up in Town. The Town is working on a water capacity analysis based on the number of bedrooms per house instead of 2.3 people per house. The new analysis assumes that every bedroom is full during peak season of July.

Commissioner Cochran gave the example of 63 Conanicus Avenue, where 8 small units were replaced with 3 very dense units. Bryer said that zoning is in place to protect neighbors from each other. Also, the town wants to protect its rural character; it is our overarching goal.

Bryer brought up one option is to change zoning districts. West Ferry is zoned R-20 and a significant amount of lots are non-conforming. It could be made closer to the average lot size, ie: R-12. In the Jamestown Shores most lots are non-conforming. Also, in Clarke's Village many lots non-conforming and it is zoned R-40. It could be an R-20 or R-21. The process of changing zoning districts is a map amendment, and it is a big undertaking with resident notification.

Commissioner Pendlebury said that there is a lot of talk about rural character. He would like to talk about Jamestown Character, that is what we are trying to save. In his opinion there are many lots that are being overbuilt. He supports overlays or district changes to support the Jamestown Character. Commissioner Cochran asked how to you talk about the character? Bryer said that the Design Guidelines can be looked at with regards to new building. Commissioner Harrison said that they are just guidelines and not mandatory. Commissioner Swistak said that part of rural character is breathing room between lots. Accessory units create less breathing room between neighbors. Commissioner Cochran said that rural character definition needs updating because it means something different to everyone. Bryer said that we will have the conversation again when updating the Comprehensive Plan. Commissioner Pendlebury said that Jamestown is a calm, island community. Commissioner Harrison said that Jamestown is not rural.

Commissioner Pendlebury asked how much permeable land is needed to charge wells? Recharging the wells needs to be factored in when determining lot coverage.

Commissioner Swistak asked if Floor Area Ratio will prevent giant big box structures and overbuilt houses, why not do it now? Brochu said that the impact of the change has to be understood. Bryer said that they can analyze the lot size in the zones.

Commissioner Cochran asked about changing the zoning from R-20 to R-12 with the 5,000 sq ft lot as an example. When looking at the setbacks, now the difference is 12,000 sq ft not 20,000 sq ft. So the new metrics for non-conformity would be based on 12,000 sq ft. Commissioner

Harrison asked what if there is a 20,000 sq ft lot in a R-12? Brochu said it is considered an oversized lot.

Commissioner Swistak said that the three items the Planning Commission is most concerned about are: new construction on vacant lots, demolition/reconstruction and/or additions/enlargement. Is there any way for FAR to apply to just those cases? Bryer said yes, but it would be all development and still not dealing with setback ratios on undersized lots.

Commissioner Swistak asked about reducing lot coverage? Bryer said that lot coverage is subject to state law. The legislators were trying to give undersized lots the same building rights as a conforming lot. Commissioner Pendlebury and Commissioner Prestigiacommo both brought up that there are many contributing factors to lot development: septic, well, drainage and parking for lot size, especially in the shores.

Commissioner Harrison asked how to make the design guidelines make more stringent? Bryer said you could make more “shalls”. Commissioner Cochran asked if the design guidelines have any consideration for energy efficient designs? He gave the example of Don Powers house on the program This Old House. The house was energy efficient and within the design guidelines, but expensive. Commissioner Prestigiacommo asked about the fire guidelines when houses can now be built so close together? The answer was 5-feet of separation. Bryer said that plans that are reviewed administratively can have the design guidelines applied to them.

Bryer said that she wanted the Planning Commission to keep thinking about these issues. Bryer said that they will be coming back with recommendations.

## **Reports**

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

March 11, 2024 is the continued public hearing for the Zoning Ordinance. An email will be sent out as a reminder. Byer is sending the Town Council recommendations on how to handle the questions raised during the public comments. If a change to the Zoning Ordinance would make it more strict, then it has to be readvertised for the public to review and will get therefore be put off until the next round of amendments.

The next scheduled Planning Commission meeting is March 20<sup>th</sup>. The Town Council scheduled a budget meeting with the School Committee. Based on Jeff Davis’s availability, the meeting may be moved to March 27.

The April 3, 2024 meeting is cancelled.

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

1. February 21, 2024

A motion was moved by Commissioner Pendlebury and seconded by Commissioner Cochran to approve the minutes from the February 21, 2024 meeting as amended. All in favor.

Page 3: Approval of Minutes: to read “A motion was moved by Commissioner Enright and seconded by Commissioner Pendlebury...”

**VII. Adjournment**

A motion to adjourn at 7:54 pm was moved by Commissioner Pendlebury and seconded by Commissioner Cochran. All in favor.

Attest:

Carrie Kolb