

TOWN COUNCIL BUDGET WORK SESSION AND SPECIAL MEETING
Monday, March 11, 2024
5:00 P.M.

I. ROLL CALL

A special meeting of the Jamestown Town Council was held on March 11, 2024. Town Council Members present were as follows: Nancy A. Beye, Mary Meagher, Michael G. White, Randy White, and Erik Brine

Also, in attendance: Town Administrator Edward A. Mello, Solicitor Peter Ruggiero, Finance Director Christina Collins, Public Works Director Michael Gray, Town Planner Lisa Bryer, and Town Clerk Roberta Fagan.

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council President Beye called the meeting of the Jamestown Town Council to order at 5:04 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

III. TOWN COUNCIL BUDGET WORK SESSION for FY 2024/ 2025 (July 1, 2024 to June 30, 2025)

- A) Town Council Budget Work Session for FY 2024/ 2025; review and discussion:
 - 1) Operating Budget
 - 2) Capital Improvement Program

Town Administrator Mello expressed gratitude to Aileen Flath, Finance Director Tina Collins, and Town staff for their efforts during the budget process. An overview of the FY2024-25 Proposed Annual Town Budget Memorandum (attached) was given. He stated the proposed budget is a maintenance of effort budget. The proposed combined Town Operating and School Budget for FY2024-25 is \$29,610,711 (Town operating \$13,108,257, School \$16,502,454) which equates to a 3.10% increase over the current fiscal year.

Discussion ensued. The Town Council had a few questions regarding the Recreation Department Budget, the Rhode Island Turnpike & Bridge Authority (RITBA), and expenses related to road paving projects.

President Beye thanked Town Administrator Mello and staff for all their efforts in preparing the proposed FY2024-25 budget.

The Town Council took a brief recess at 6:12 p.m.

The Town Council reconvened the meeting and opened the Public Hearing at 6:35 p.m.

IV. OPEN FORUM

- A) Scheduled request to address
- B) Non-scheduled request to address

V. PUBLIC HEARINGS, LICENSES AND PERMITS

- A) Public Hearing continued from February 12, 2024: Review, Discussion, and/or Action and/or Vote: Proposed Amendments to the Code of Ordinances regarding Chapter 82 – Zoning Ordinance, duly advertised in the December 28th (booklet insert), January 25th, February 1st, and February 8th, February 29th and March 7th editions of the Jamestown Press. This amendment includes a repeal of the existing Chapter 82 – Zoning Ordinance; and replacement by the proposed ordinance being considered for adoption, Chapter 82 – Zoning Ordinance.
 - 1) Memorandum from Town Planner Lisa Bryer regarding Zoning Ordinance Amendments related to the February 12, 2024 Public Hearing – Comments and Responses/Recommendations

Town Planner Lisa Bryer went through the Proposed Amendments to the Code of Ordinances.

Memorandum from Town Planner Lisa Bryer to the Town Council dated March 4th and March 8th attached for reference.

Jane Bentley, Mount Hope Avenue, questioned whether there was a fee for demolition and made a recommendation to require a waiting period for demolishing houses, especially for historic structures.

Vice President Meagher agreed that a historic district should be explored again. She confirmed that there is a fee for a demolition permit.

Rosemary Enright, stated a house 75 years or older to qualify for a listing on the National Register.

Alma Davenport, 99 Clinton Avenue, suggested modification to the Sec. 82-1207 Keeping of chicken hens, specifically the number and location of the coop in relation to property lines. She stated chicken and chicken feed attract rats. Ms. Davenport has asked her neighbors to move their chicken coop but it remains at the property line, approximately 50 feet from her home. The rooster chicken has caused a noise nuisance in the neighborhood. She suggested a distance provision, requiring a coop to be 500-1000 feet from a neighboring property line.

Councilor Brine commented the amendment to Sec. 82-1207 will prohibit rooster chickens.

Darcy McGratten, 100 Clinton Avenue, has had chickens for 12 years. She has made an effort to mitigate the sound of the rooster chicken. Additionally, the chickens are fed within the coop by an automated feeder. She has not seen evidence of rats in or around the chicken coop.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Zoning Ordinance as advertised with the following changes consistent with the comprehensive plan and comments received during the Public Hearing:

Sec. 82-104 – Definitions: approved as advertised, with recommended changes:

Marina. A waterfront facility providing mooring and/or dockage space for recreational pleasure boats; which may also provide other services such as launching ramps, fuel, repairs, sales of boats, off season boat storage and accessories, boat haul-out facilities and personal services.

Recreational equipment, major. Equipment which includes but is not limited to travel trailers, pickup campers or coaches, motorized dwellings, recreational vehicles (RVs), tent trailers, power and sail boats larger than 15 feet in length, and boat trailers. Major recreational equipment does not include dinghies, prams, kayaks, canoes, rowboats or the like, nor does it include mobile homes in residential districts See Sec 82-706.

Sec. 82-203 – Procedures for Appeals, Special Use Permit and Variances: approved as advertised with suggested change to letter A.:

A. The zoning board shall fix a reasonable time for the hearing of the application; shall publish notice thereof in a newspaper of general circulation in the Town of Jamestown at least once each week for three successive weeks prior to the date of such hearing; shall give due notice to the applicant and the owners of property surrounding the property in question by first class, registered or certified mail at least seven days prior to the date set for the hearing. The cost of any notice required for the hearing shall be borne by the appellant.

Sec. 82-303 – Expiration and Extension of Special Use Permits: approved as advertised with the additional language as follows:

A special use permit shall expire one year from the date of granting by the zoning board unless the applicant exercises the permission granted or receives a building permit to do [so], and commences construction, and diligently pursues the construction until completed, or within one year of approval, the applicant applies for and receives an extension from the Zoning Board of Review.

Sec. 82-402 – Zoning Certificates: approved as advertised, with no changes.

Sec. 82-600 – Regulations of Structures and Land – approved as advertised, with no changes.

Sec. 82-701- Change “site” distance to “sight” distance.

Sec. 82-800 – High Groundwater Table and Impervious Layer Overlay District – approved as advertised, no changes.

Table 6.1 Permitted Uses: approved as advertised, with no changes.

Sec. 602.2 Authorized Departures from Yard Regulations. Approved as advertised with recommended changes to remove letter D, and make it its own number since it is not an authorized departure from a yard regulation:

The space in a required front, side or rear yard shall be open and unobstructed with the following exceptions:

A. Ordinary projections of windowsills, cornices and other structural features may extend not more than 12 inches into the space above a required yard.

B. Landscape features such as trees, fences, shrubs and patio may be placed in any yard area.

C. In C districts only, an outdoor telephone booth may be located in a front yard area provided it is adjacent to a permitted curb parking area or an off-street parking facility.

D. ~~Fences and walls not exceeding six feet in height in any district may be constructed in any yard.~~

Sec. 82-607 Fences and Walls

Fences and walls not exceeding six feet in height in any district may be constructed in any yard.

Sec. 82-702 – Lighting: approved as advertised, with no changes.

Sec. 82-1200 – Multi-Family Dwellings: Approved as advertised with recommended changes as follows:

A. Density regulations--Multifamily dwelling projects. The maximum density of residential dwelling units that may be developed within any multifamily dwelling project shall be determined by Table 12-1. Developable land area is calculated as the gross land area on a lot minus any land unsuitable for development as defined in Sec. 82-104.

Table 12-1 Density Regulations – Multifamily Dwelling Project

Zoning District	Services	Minimum Developable Land Area ¹ Square foot Per Unit (square feet) added to the Zoning District minimum lot size (ie: 20,000 square feet for R-20 Zoning District)
CD	Water and sewer ² required	N/A
CL	Water and sewer required	N/A
R-8	Water and sewer required	1,500
R-20	Water and sewer required	2,000
R-40	Water or sewer required (at least one of the two public utility services)	3,300

~~1. Developable land area is calculated as the gross land area on a lot minus any land unsuitable for development as defined in Sec. 82-104.~~

²1. “Water” and “sewer” refer to public water service or public sewer service as provided by the Town of Jamestown.

Sec. 82-1201- Accessory Dwelling Units: Approved as advertised with no changes.

Sec. 82-1203- Compact Cottage Development (DDC): Approved as advertised with no changes.

Sec. 82-1206- Communications Towers: Approved as advertised with no changes.

Sec. 82-1206.1 Development Standards for Communications Towers: Approved as advertised with no changes.

Sec. 82-1207- Keeping of chicken hens: Approved as advertised with no changes.

Sec. 82-1209- Underground storage tanks: Approved as advertised with no changes.

Sec. 82-1408- Illumination- Approved as advertised with no changes.

Sec. 82-1504- Affordable housing in conservation developments: Approved as advertised with no changes.

Back to the vote on the motion. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

Councilor M. White thanked Town staff and the Planning Commission for their multi-year due diligence on the Zoning Ordinance Amendments.

A motion was made by Vice President Meagher with a second by Councilor M. White to accept the Consent Agenda. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

VI. CONSENT

An item on the Consent Agenda need not be removed for simple clarification or correction of typographical errors. Approval of the Consent Agenda shall be equivalent to the approval of each item as if it had been acted upon separately for review, discussion, and/or potential action and/or vote. A Consent Agenda item or items may be removed by the Town Council for review, discussion, and/or potential action and or vote.

- A) Adoption of Town Council Meeting Minutes
 - 1) February 12, 2024 (Special meeting)

Communications were acknowledged.

VII. COMMUNICATIONS, PETITIONS, AND PROCLAMATIONS AND RESOLUTIONS FROM OTHER RHODE ISLAND CITIES AND TOWNS

The Council may acknowledge any of the listed Communications and Proclamations and Resolutions. Should any member wish to have a conversation on any of the matters, the item will be placed on a future agenda for review, discussion, and/or potential action and/or vote.

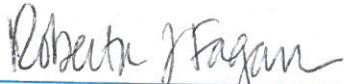
- A) Communications Received:
 - 1) Copy of the email to: Town Council
From: David Sisson
Dated: January 19, 2024
Re: Proposed Zoning Change Sec 82-1201.2 Standard which is for Accessory Dwelling Units (ADUs).
 - 2) Copy of the letter to: Town Council
From: Jamestown Conservation Commission (JCC)
Dated: January 22, 2024
Re: JCC Advisory Review and Objection to Proposed Ordinance Section 82-1206- Communication Towers and Open Space
 - 3) Copy of the letter to: Town Council
From: Richard Boren
Dated: January 22, 2024
Re: Proposed Zoning Ordinance
 - 4) Copy of the letter to: Town Council
From: Chris Powell
Dated: February 3, 2024
Re: Proposed zoning ordinance – OS-I, OS-II Communication Towers.

- 5) Copy of the letter to: Town Council
From: Alma Davenport
Dated: March 1, 2024, January 26, 2024, October 26, 2023
Re: Proposed zoning ordinance Section 82-1207.
Keeping of Chicken Hens; Grandfathering question
- 6) Copy of the letter to: Town Council
From: Joan Marie Caley
Dated: January 26, 2024
Re: Zoning Regulation Section 82-1207. Keeping of
Chicken Hens
- 7) Copy of the letter to: Town Council
From: Michael Dupre, Don Ocaso
Dated: November 20, 2023
Re: Proposed zoning amendment Section 82-1207.
- 8) Copy of the letter to: Town Council
From: Dennis Webster
Dated: February 12, 2024
Re: Comments on Proposed Zoning Ordinance

VIII. ADJOURNMENT

A motion was made by Councilor M. White with a second by Councilor Brine to adjourn at 7:57 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

Attest:



Roberta J. Fagan
Roberta J. Fagan, Town Clerk



TOWN OF JAMESTOWN
93 NARRAGANSETT AVENUE
P.O. Box 377
JAMESTOWN, RHODE ISLAND 02835

MEMORANDUM TO: Honorable Town Council

FROM: Town Administrator, Edward A. Mello

EM

DATE: March 1, 2024

SUBJECT: FY 2024-25 Proposed Annual Town Budget

In accordance with the Jamestown Town Charter, the Administration has prepared the FY2024-25 Proposed Town Budget for the Town Council's consideration. The budget represents the Town Administrations recommended plan for the continuation of municipal services and support for public facilities and infrastructure to Jamestown residents. With few exceptions, the budget is an effort to maintain the current levels of quality services which is provided to our residents.

This Town Administrators recommended budget results in a four (4) percent increase on the levy from taxes and conforms to Rhode Island General Law 44-5-2, "4 % maximum allowed levy". This recommended budget funds the School Departments budget request from a General Fund contribution of \$14,390,303 which would be a 3.83% increase over the FY24 General Fund appropriation of \$13,859,769 and a 3.83% increase on the total levy from taxes. This will be an increase in FY25 General Fund appropriation to the school budget by \$530,534.

RIGL 44-5-2

Certified Levy FY24	\$23,630,993.00	FY24 School Appropriation	\$13,859,769.00
4% Maximum Levy	<u>\$945,239.88</u>	Per RIGL 16-2-21, 4% School	
Total Levy Limit FY25	\$24,576,232.88	from prior year appropriation	\$554,390.72
		Levy increase for Town	\$390,849.16

Budget Overview

Expenditures

Under the proposed spending plan for FY2024-25 the total cost of Town and School services is \$29,610,711 an increase of \$891,555 (3.10%) over the current year. Town operating expenditures will increase by \$390,409 (3.8%), proposed Capital spending will increase by \$60,060 (7.63%) and Debt service will increase by \$55,891 (3.61%). Education program costs are projected to increase by \$446,339 (3.00%), school capital costs are proposed to increase to \$445,000 (196.67%), Grants decrease \$348,494 (-59.34%) and School Nutrition remains the same and School Debt has a slight decrease.

Towns Budget Components:

	<u>Budget</u> <u>FY2023/2024</u>	<u>Admin Proposed</u> <u>FY2024/2025</u>	<u>Difference</u>
General Government	\$2,532,698	\$2,714,506	\$181,808
Finance/IT Department	\$480,854	\$497,614	\$16,760
Police/EMA	\$2,137,446	\$2,166,333	\$28,887
Fire/EMS	\$1,088,857	\$1,135,663	\$46,806
Building/Zoning	\$353,489	\$353,531	\$42
Public Works	\$2,285,257	\$2,325,677	\$40,420
Senior Services	\$148,994	\$182,889	\$33,895
Library	\$490,059	\$511,097	\$21,038
Recreation	\$649,975	\$670,728	\$20,753
Debt Service - General Fund	\$1,546,568	\$1,602,459	\$55,891
Debt Service - School	\$396,838	\$389,188	(\$7,650)
All others	\$100,700	\$100,700	\$0
Capital	<u>\$787,000</u>	<u>\$847,060</u>	<u>\$60,060</u>
Total	\$12,998,735	\$13,497,445	\$498,710

Employee Compensation

The Town has three (3) unions, NAGE 68 (Clerks and Dispatch), NAGE 69 (Public Works) and IBPO (Police). All three (3) have contractual salary increases of 3% for FY25. The current NAGE 68 and NAGE 69 three-year agreements will end in June 2025. The IBPO's contract expires in June of 2026. The contracts do not set compensation for Department Heads or for non-union personnel. The proposed budget allows for a 3% increase to Department Heads and non-union personnel.

Health Benefits

The Town has been advised by The Rhode Island Interlocal Trust, that there will be an increase of approximately 10% for the health/dental premium. The Town will receive its actual rate in late-March and any adjustments will be made accordingly. Additional anticipated increases include those employees joining/enrolling into the Town healthcare coverage program.

Employee Retirement

The Town is enrolled in the Municipal Employees Retirement System (MERS), a contributory defined-benefit plan for general municipal employees. This plan is administered by the State for all enrolled municipalities. Employees contribute 7% to 9.25% of their salary depending on years of service. The town's actuarial contributions are set annually by the State Retirement Board. In the current year, the actuarial funding requirement is 11.78% of payroll. In FY2024-25, State Retirement Board has set the Town's actuarial required contribution at 11.50% which is a slight decrease from the previous year.

The Town Police Pension Plan is a private plan administrated at the local level by a Board consisting of the Town Administrator, Finance Director, a police union representative and an appointee of the Town Council. The police officers contribute 9% of salary through payroll deductions and the Town appropriates funding through the annual budget. The proposed budget

provides a contribution of \$288,397, which meets the actuarially determined contribution (ADC) as of the last valuation, June 30, 2023.

Debt Service

The current debt service for FY 2023-2024 is \$1,546,568. The proposed FY25 budget includes additional debt service for previously approved bonds for the purchase of DPW equipment, upgrades to the police station HVAC system and the final numbers for the Library Bond. The total Town debt service is \$1,602,459, an increase of 3.61%.

The Administration recognizes the Town Council's intent to consider various bonds and potentially submitting to the taxpayers for approval. These include affordable housing at \$3 million, senior center renovation project at \$2.5 million and potentially \$4-5 million for solar investment as well as the likelihood of the bonding of a ladder truck in FY27 at anticipated cost of \$2.5 million. However, this current budget proposal does not include such anticipated debt service nor any potential future school bond debt. It is suggested that any future bond obligation be carefully planned and forecasted into future fiscal years as legacy bond obligations reach maturity. Included in your budget package is the current schedule of debt service and the respective maturity dates.

Capital Budget

The adopted FY2023-24 capital budget appropriated \$787,000 for expenditures. In developing the FY 25 budget, municipal departments have requested capital asset maintenance, replacement and improvements that exceed \$1.8 million. After review with all the departments, we propose the capital budget at \$847,060. Projects, maintenance and equipment needs were discussed as to the priority and the needs of the departments and municipal facilities along with the capability of the staff completing these improvements was given consideration. This results in deferring \$1 million of projects from this fiscal year alone.

The budget package also includes a six (6) year capital improvement plan which summarizes all predictable capital projects according to each department. The six (6) year total cost exceeds \$11.5 million or approximately \$1.9 million per year.

Revenues

The Town of Jamestown relies primarily on the local property tax to meet revenue requirements necessary to support the operating and capital budget plans for the Town and the School. In FY25 we project a total of \$5,270,945 in Local, State and pass-through revenue to offset the \$29,610,711 proposed Town and School budget. This represents local and non-local revenue of 17.8% of the proposed budget.

Property Taxation

The balance of revenue necessary to support the \$29,610,711 Town and School budget is derived from local property tax. The FY2024-25 tax levy is \$24,339,766 on real and tangible property as proposed. The 4% levy increase is within State property tax cap statute. Note: Currently, we are continuing to review the real property as of 12/31/2023. We will have more precise assessments in the next month.

This proposed budget represents an increase of .28 cents per thousand of current assessed property value. This may change as the December 31, 2023 property records are finalized. Prior to December 31st, 2022 the value of a median home in Jamestown is \$718,600 at that value this increase would result in a tax increase of \$201.21 (\$5,015.83 ↑ \$5,217.04). Included in your budget package is a summary report which compares the tax rates and the median tax bill for other communities through Rhode Island.

Budget Initiative

Planning Department: The current administrative assistant position is proposed to increase from (4) days/week to five (5)/week. This results in a 20% increase to salary and benefits costs.

The budget allocates \$25,000 for consultant fees as the Town pursues its' initiatives to advance Jamestown's sustainability objectives.

Senior Services: The budget includes an additional part-time position as a program assistant within the Senior Services Department.

Ft. Getty: The capital budget includes \$100,000 to the completion of the "lower" bathroom located at Ft. Getty. The anticipated total cost of the project is approximately \$250,000 to include the building and septic system.

Road Paving: Included in the capital budget is \$325,000 for road paving. An increase of \$50,000 from FY 24. These funds combined with previous years funding and State grant funding will allow for approximately four (4) miles of road paving at a total cost of \$1 million.

Fire/EMS Staffing: There is a moderate increase to the EMS division budget which includes additional staffing costs related to the per-diem ALS program. This model continues to meet the needs of the community while balancing declining numbers of volunteers in this di.

E-Permitting: The State has mandated that all municipalities offer e-permitting for building permits. The Town has taken advantage of previous incentives which has allowed for e-permitting to be eventually offered for the majority of permits obtained to the various Town departments. This annual cost to the Town is approximately \$12,000.

Tax Abatements: As the Town continues to formalize the increase in tax abatements offered the members of the fire/EMS department as an effort the maintain the volunteer rolls, the impact to the budget on a forecasted prorated amount is approximately \$35,000 for FY25. This will convert to the full impact of approximately \$70,000 for FY26.

Acknowledgements

As previously indicated, this budget is largely a maintenance of effort for all departments to continue to provide the same level of quality services to our community members. The largest impact to our budget revolves around personnel costs including salaries and benefits including health care costs.

I greatly appreciate the work of the department heads and their respective staff in preparing the budget. Their respective efforts combined with the overall leadership and guidance provided by Tina Collins has been extremely helpful to me in this significant undertaking.



Office of the Town Planner
MEMORANDUM

TO: The Honorable Town Council, Nancy Beye, President
Edward A. Mello, Town Administrator
FROM: Lisa W. Bryer, AICP, Town Planner
RE: Zoning Ordinance Amendments related to the
February 12, 2024 Public Hearing – Comments and
Responses/Recommendations
DATE: March 4, 2024

This Memo reviews comments made at the February 12 Zoning Ordinance Public Hearing as well as proposed changes based on those comments. Other written and oral comments were also received and are addressed below. As noted at the public hearing, the Planning Commission is working on a second round of amendments based on the 2023 legislative changes. It is anticipated the Planning Commission will be transmitting these amendments by the end of April.

The amendments are in order as they appear in the Zoning Ordinance. Some comments will require making the ordinance more restrictive, which will require re-advertising for an additional public hearing. Given that more amendments are on the way, the recommendation may be to wait till the next round of amendments on certain topics.

Sec. 82-104. Definitions

Recreational equipment, major. Equipment which includes but is not limited to travel trailers, pickup campers or coaches, motorized dwellings, recreational vehicles (RVs), tent trailers, power and sail boats larger than 15 feet in length, and boat trailers. Major recreational equipment does not include dinghies, prams, kayaks, canoes, rowboats or the like, nor does it include mobile homes in residential districts [See Sec 82-706.](#)

Sec. 82-203. Procedures for Appeals, Special Use Permit and Variances

D. The Zoning Board shall render a decision within 15 days after the close of a public hearing.

Comment:

This time period is unreasonable.

Response/Recommendation:

This has been on the books since the state law changed in 2017. The recommendation is to keep the public hearing open until a decision is ready to be made.

Sec. 82-303. Expiration and Extension of Special Use Permits

Comment:

There have been no changes suggested in the new draft however, the comment is made questioning whether the language of 82-603 (current ordinance) permits the Zoning Board to vote and grant an additional one-year extension.

Response/Recommendation:

A special use permit shall expire one year from the date of granting by the zoning board unless the applicant exercises the permission granted or receives a building permit to do [so], and commences construction, and diligently pursues the construction until completed, or within one year of approval, the applicant applies for and receives an extension from the Zoning Board of Review.

A special use permit granted by the zoning board may not be extended or enlarged beyond the limits authorized by the zoning board, except by the granting of a further special use permit by the zoning board.

Sec. 82-402. Zoning Certificates

Comment:

This section confuses the terms zoning certificate and building permit.

Response/Recommendation:

I recommend this be amended in the next round of amendments as it has not been discussed by the Planning Commission.

Sec. 82-600. Regulations of Structures and Land

Comment:

The commenter proposes that the old language in this section be re-inserted as follows:
“any use which is not specifically included in the use provisions of this section is prohibited unless the zoning officer rules that such use is included in an of the general classifications set forth herein”

Response/Recommendation:

I would like to get the response of our consultant/Solicitors to see if this language was removed due to it not being permissible under the new state laws.

Sec. 82-800. High Groundwater Table and Impervious Layer Overlay District

Comment:

There is a duplication of efforts, having these applications sent to both the Planning Commission and the Zoning Board. They recommend that it should only be sent to the Zoning Board if there is an appeal or the application is also seeking dimensional relief.

Response/Recommendation:

This topic has been discussed in the past and not put forward due to resident opposition as well as the strength of the decision being a special use permit. The Planning Commission and the Zoning Board have very different roles in the current process so I would like time to review this in detail with our Solicitors and the Planning Commission.

Table 6-1 Permitted Uses

Comment:

Accessory Solar Energy Systems is no longer needed as an A in OS-I since there are no uses which could utilize it.

Response/Recommendation:

Agreed: Recommend the following change.

Use	District												
	P	OS-I	OS-II	RR-200	RR-80	R-40	R-20	R-8	CL	CD	CWe	CWw	DC
20. Accessory Solar Energy System – See 1204	A	AN	A	A	A	A	A	A	A	A	A	A	A

Sec. 82-602.2. Authorized Departures from Yard Regulations

Comment:

Take D. Fences and walls not exceeding six feet in height and make it its own number as noted below since it is not an authorized departure from a yard regulation.

Response/Recommendation:

This makes sense and I would recommend the following change:

Sec. 82-602.2 Authorized departures from yard regulations.

The space in a required front, side or rear yard shall be open and unobstructed with the following exceptions:

- A. Ordinary projections of windowsills, cornices and other structural features may extend not more than 12 inches into the space above a required yard.
- B. Landscape features such as trees, fences, shrubs and patio may be placed in any yard area.
- C. In C districts only, an outdoor telephone booth may be located in a front yard area provided

it is adjacent to a permitted curb parking area or an off-street parking facility.

~~D. Fences and walls not exceeding six feet in height in any district may be constructed in any yard.~~

Sec. 82-607 Fences and Walls

Fences and walls not exceeding six feet in height in any district may be constructed in any yard.

Sec. 82-702. Lighting.

Comment:

Residences should meet the new lighting codes when they need repair, replacement, etc.

Define Light Trespass.

Response/Recommendation:

Add new definition Light trespass: light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.

See additional recommendation below.

A. Applicability.

- 1) New Installations. All exterior lighting installed after the effective date of this ordinance shall conform to the standards set forth herein.
- 2) Existing Installations. All exterior lighting installed prior to the effective date of this ordinance shall be exempt from the provisions of this ordinance until a light and/or light fixture must be repaired, modified, refurbished and/or replaced. At the occurrence of any of these several events, any light and/or light fixture, ~~with the exception of lighting and/or light fixtures installed on a structure and/or property devoted exclusively to single family residential use,~~ shall conform to the standards set forth herein.

Sec. 82-1200. Multi Family Dwellings

Comment:

That this section is too permissive.

Response/Recommendation:

The intent of the amendments in this section was to make them reasonable. They are currently so restrictive that this section is rarely used and requires multiple variances when utilized. For this reason, it has been amended.

Sec. 82-1201. Accessory Dwelling Units

Sec. 82-1201.2. Standards.

Comment:

82-1201 (K) does not make sense:

The ADU will comply with all applicable state and local regulations.

Response/Recommendation:

This requirement was intentional and no change is recommended.

Sec. 82-1203. Compact Cottage Development (CCD)

Comment:

CCD should not be permitted in the dense R-8 Zoning District.

Response/Recommendation:

This use is dense by design and is appropriate in the R-8 Zoning District. The number of units are dictated by the space requirements listed in the ordinance. For example, a minimum of 6 units are required. A minimum of 3,000 square feet of open space are required per unit. This is a minimum of 18,000 square feet required for 6 units. In addition, space for the units, setbacks and parking must be calculated. In other words, it is permitted in the R-8 district, but an appropriately large lot must be used for a CCD.

Sec. 82-1206. Communications Towers

Comments:

There was a comment of support for cellular communication tower in the north end of Jamestown but they wondered if the recent law suit would impact this ordinance. The Solicitor did not comment due to the pending law suit. Another commenter noted that it was difficult to screen a Cell Tower as noted in 82-1206.

A comment about not allowing Cellular Communication Towers in OS-I and OS-II. Discussion about an example of a communication tower in OSII? Fort Getty would be an example. The commenter quoted from the Comprehensive Plan important to note "preservation of open space is not enough; the land must be appropriately managed."

A comment about regulating height instead of minimum separation between communication towers was made.

Response/Recommendation:

There is no harm in requiring screening of the tower infrastructure so no change is recommended in that section (6) shown below. When reviewing the tower on Carr Lane, the developer provided

graphics showing what the tower would like at different distances from far away to close up. And existing trees and screening do make a difference from street level when driving along the adjacent streets and even from homes in the area. It is understood that at some point in distance, screening is ineffective due to the overall height of the structure.

The use table 6-1 now reflects a “N” for OS-I and OS-II.

The height of the structure is prescribed by the location, topography, locality serviced and location of adjacent towers. The need for such height is part of the review process where they must prove the need for such height. See proposed changes below.

Sec. 82-1206.1 Development Standards for Communications Towers.

C. The following standards shall apply to all applications:

- 6) Communications towers shall be constructed and situated in such a manner as to fit in with the topography and features of the surrounding environment. Communications towers, where possible, and their ground equipment shall be completely screened from all adjacent properties and streets and appropriately camouflaged if required. Plantings shall be of such a height and density to ensure complete screening. Screening shall consist of plant and/or tree material accepted by the town's subdivision regulations or as accepted by the Zoning Officer. Screening shall comprise ten percent of the minimum established setback requirement but shall not be less than five feet in width unless located in or abutting a residential district or historic district which will require that it not be less than ten feet in width. Screenings may be waived by the zoning board of review on those sides or sections which are adjacent to undevelopable lands or lands not in public view. Existing vegetation shall be preserved to the maximum extent possible and may be used as a substitute for or supplement towards meeting the landscaped screening requirement. The owner of the property shall be responsible for all maintenance and shall replace any dead plantings within 30 days.

12) The height of any communication tower shall be justified by a communication tower professional, considering location, topography, population serviced, location of adjacent towers and any other relevant information.

D. Abandonment or Decommissioning.

- 1) Removal Requirements. Any communications tower that has reached the end of its useful life or has been abandoned shall be removed by the owner/operator. The owner/operator shall physically remove the system no more than 150 days after the date of discontinued operations. The applicant shall notify the Zoning Officer by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - a) Physical removal of all communications towers, supports, structures, and related equipment from the site.
 - b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Zoning Officer may allow the owner to leave landscaping or designated below-grade foundations in order to

minimize erosion and disruption to vegetation.

- 2) Abandonment. Absent notice of a proposed date of decommissioning or written note of extenuating circumstances, the communications tower shall be considered abandoned when it fails to operate for more than one year without the written consent of the Zoning Officer. When the Zoning Officer determines that abandonment has occurred, the Zoning Officer will send notice of this determination to the owner/operator. If the applicant fails to remove the communications tower in accordance with the requirements of this section within 150 days of this notice of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove it.

Use	District												
	P	OS-I	OS-II	RR-200	RR-80	R-40	R-20	R-8	CL	CD	CWe	CWw	DC
19. Heliport/Helistop++	N	N	N	N	N	N	N	N	N	N	N	N	N
20. Accessory Solar Energy System – See 1204	A	A	A	A	A	A	A	A	A	A	A	A	A
21. Major Solar Energy System – See 1204	S	N	N	N	N	N	N	N	N	N	N	N	N
22. Communications Towers – See 1206	S	<u>SN</u>	<u>SN</u>	S	S	N	N	N	N	N	N	N	N

Sec. 82-1207. Keeping of chicken hens.

Comments:

- Whether a permit should be required to keep chicken hens in densely populated areas.
- Complaint about the rats. “If you have chickens, you have rats”. How to deal with rats: Traps, rat poison; both unsafe for dense neighborhoods.
- Roosters. They are not permitted per the new ordinance, are existing roosters grandfathered?

Response/Recommendation:

After talking with residents who have chickens, roosters and who have had chickens, and understanding there are significant nuisance issues related to keeping of chicken hens I would recommend permitting this use only on lots greater than 1 acre by right and by special use permit on lots between ½ acre and 1 acre. In addition, prohibiting the keeping of chicken hens in the R-8 district. The proposed changes to the proposed Zoning Ordinance is as follows in strike-through and underline.

- A. General. The owner of any house lot containing at least one dwelling may keep or permit to be kept on the house lot within permitted zoning districts, no more than six chicken hens on lots ~~less than~~ between ½ and one acre (by special use permit), and 12 chicken hens on lots

between one acre and two acres and 20 on lots larger than two acres. Lots qualifying as farms have no restrictions on the number of chicken hens.

- B. Roosters. Subsection A of this section shall be construed to prohibit the raising and/or keeping of roosters.
- C. Structures and Enclosures. All chicken hens must be provided with both a hen house (coop) and a fenced outdoor enclosure, subject to the following provisions:
 - 1) The hen house must be covered, predator-resistant and well-ventilated. It shall be no more than eight feet in height and a maximum of 64 square feet in area;
 - 2) The fence made of chicken wire or a stronger substance shall be no more than six feet in height;
 - 3) The hen house must provide a minimum of two square feet per chicken hen;
 - 4) The hen house must be kept clean, dry, and sanitary at all times;
 - 5) The hen house must be located upon a permeable surface that prevents waste run-off;
 - 6) The fenced enclosure must adequately contain the chicken hens at all times;
 - 7) The fenced enclosure must be kept clean and sanitary at all times;
 - 8) The hen house must provide the chicken hens with adequate protection from the elements and inclement weather and provide for the chicken hens good health and prevent any unnecessary or unjustified suffering;
 - 9) The hen house shall not be built onto any shared fence;
 - 10) The setbacks for the hen house and enclosed area shall be those for the principal dwelling located on the house lot.
- D. No chicken hens may be kept or raised within the dwelling.
- E. The owner of the hen(s) must be a resident of the dwelling located on the house lot.
- F. The raising of chicken hens shall be restricted to back yards or side yards; chicken hens shall not be permitted, at any time, on the part of the property directly abutting a road.
- G. The keeping of chicken hens pursuant to this section shall be primarily for the purpose of raising chicken hens and collecting the eggs produced thereof; this section shall not be construed to allow for the commercial slaughter and sale of any chicken hens for any purpose.
- H. Necessary euthanasia of chicken hens shall be performed by a veterinarian licensed to practice in the State of Rhode Island.

	P	OS-I	OS-II	RR-200	RR-80	R-40	R-20	R-8	CL	CD	CWe	CWw	DC
3. Keeping and raising of chicken hens accessory to permitted use – See 1207	Y	N	S	Y	Y	Y	Y	Y	N	N	N	N	N

Sec. 82-1208. Storage of fishery equipment.

Comments:

Concern with not allowing fishery equipment in front yard. Commenter keeps Lobster pots in the yard on Clarkes Village Road in R-40 zoning district. He keeps 5 lobster pots in the front yard. Lisa agrees that it should be looked at. Michael Swistak – Planning Commission. This use is under the “industrial” category. Does it apply to residential?

A comment was also made that the Town should do more to support the fisheries/aquaculture industry.

Response/Recommendation:

It seems that the conditions developed below and included in the proposed zoning update are adequate and reasonable to prevent nuisance to neighborhoods and neighbors. This use is, and has always been under the “industrial, non-manufacturing” category. The Use Table has been reviewed in this vein and amended accordingly for your consideration. The uses that have been changed to “Y” are due to the new conditions, which must be adhered to. The comment regarding storage in the front yard, would be addressed as an existing non-conforming use and as long as it is not increased in intensity, would continue to be permitted.

A. Conditions. Conditions apply in all zoning districts where this use is permitted, per Table 6-1.

- 1) Setbacks: Unless in active use in or adjacent to the water, all fishery equipment, must be located inside a building or enclosed structure or be set back within the accessory building setback from the nearest property line and not located within the “front yard.”
- 2) Odors: No fishery equipment shall cause or permit the emission of any substance or combination of substances which creates or contributes to an odor, in the ambient air, that constitutes a nuisance, so as to significantly impair the reasonable use of any other property.

Existing

	P	OS-I	OS-II	RR-200	RR-80	R-40	R-20	R-8	CL	CD	CWe	CWw	DC
11. Storage or transfer of fishery equipment (fishing industry, limited to storage and transfer) – See 1208	S	N	S	Y	Y	Y	S	S	Y	Y	Y	Y	N

Proposed

	P	OS-I	OS-II	RR-200	RR-80	R-40	R-20	R-8	CL	CD	CWe	CWw	DC
11. Storage or transfer of fishery equipment (fishing industry, limited to storage and transfer) – See 1208	S	N	S>	Y	S Y	N Y	N	S N	Y	Y S	Y	Y	N

Sec. 82-1209. Underground storage tanks.

Comment:

Comment made that propane and underground storage tanks not be permitted in the property setback.

Response/Recommendation:

See below

All above ground and underground fuel storage tanks must meet the accessory structure setback for a single family dwelling. Underground Storage Tanks (USTs) are only allowed in the zoning districts specified in Table 6-1 Permitted Uses, with the following conditions:

- A. Propane Tank: Propane tanks are encouraged to be located above ground, ~~but~~ Propane tanks are allowed to be placed underground in any zoning district with the following conditions:
- 1) Underground propane tanks must be designed for underground use and be installed and maintained according to manufacturer specifications.
 - 2) Underground propane tanks must be designed with cathodic protection or another method to help prevent tank corrosion.
 - 3) The outer surface of the underground propane tank must have a protective coating and be covered with a material that will not be harmful to the shell of the tank.
 - 4) Underground propane tanks must not be larger than 1,100 gallons.
- B. Design Standards: All new USTs other than propane tanks that meet the requirements of Sec. 82-1209.A above must receive a special use permit and meet the following design standards:
- 1) The facility must have an appropriate method of leak detection.
 - 2) Fill-pipes on tanks must have means to collect spills from delivery hoses.
 - 3) The tanks must have overfill protection, such as automatic shutoff devices which activate at 90% UST capacity and restrict flow during deliveries.
 - 4) Tanks and/or piping installed must be double-walled with continuous interstitial monitoring.
 - 5) These requirements for USTs are intended to supplement and not to supersede any other applicable requirements of the State of Rhode Island.

Sec. 82-1408. Illumination.

Comment:

The prohibition of interior lighted signs as noted should be clear.

Response/Recommendation:

I believe it is clear. The definition and prohibition section is listed below.

Sign, interior-lighted. Signs illuminated by an interior lighting source that projects through a translucent sign material; provided that neon signs which do not fall within the definition of

interior-lighted signs are permitted in accordance with Sec. 82-1408.

Sec. 82-1403. General prohibitions.

The following signs are prohibited in all zoning districts, unless otherwise conditioned below:

- A. Animated signs. Temporary signs erected for the purposes of protecting public health and safety pursuant to Sec. 82-1402.E may be animated where conducive to those purposes.
- B. Billboards.
- C. Interior-lighted signs.
- D. Posted signs.
- E. Roof signs.
- F. Trailer signs.

Additional Comments:

Comment:

There were several comments about the ordinance being re-organized and not being able to have a “red-lined” version of the ordinance for before and after comparison sake. Additionally, it was noted that more meetings should be provided to review these changes.

Response/Recommendation:

It was noted that this process has been going on for 7 years and the Planning Commission held 24 meetings, 2 advertised public workshops, an advertised joint workshop between the Planning Commission and the Town Council and this advertised Public Hearing. It was also noted that the ordinance, in many instances, was the same, but was reorganized for ease of the user. The consultant provided a user guide that was provided for the joint workshop. Note, the presentation for each workshop and public hearing noted the changes to each section and were discussed. No changes are recommended in this regard.

Comment:

Demolition. Complaint that it is too easy to get a demolition permit (generally for a historic structure): “You just need to get a permit and demolish. There is no waiting period.” Commenter thinks there should be a 6-month waiting period for demolition. 3 Houses have come down on Ocean Avenue, another one on Clinton Avenue. Once these houses come down, mega houses are built, in very small areas. We need an Architectural Board of Review to review these demolition permits – have to show what the new house looks like.

Response/Recommendation:

This issue has been raised before by the Planning Commission, during the discussion on historic districts in 2014. The issue of historic districts, particularly in Shoreby Hill did not have enough traction to go forward at the time. It may be time for another discussion of this topic. No recommended changes to the proposed Zoning Ordinance at this time.



Office of the Town Planner
MEMORANDUM

TO: The Honorable Town Council, Nancy Beye, President
 Edward A. Mello, Town Administrator
FROM: Lisa W. Bryer, AICP, Town Planner
RE: Zoning Ordinance Amendments related to the
 February 12, 2024 Public Hearing – **ADDITIONAL**
 Comments and Responses/Recommendations
DATE: March 8, 2024

This Memo serves as an adjunct to the March 4, 2024 Memo, listing several additional changes to the proposed Zoning Ordinance, by Section, based on additional public comments received since the last Memorandum:

Section 82-104 – Definitions:

Marina. A waterfront facility providing mooring and/or dockage space for recreational pleasure boats; which may also provide other services such as launching ramps, fuel, repairs, sales of boats, off season boat storage and accessories, boat haul-out facilities and personal services.

Sec. 82-203. Procedure[s] for appeals, special use permits and variances.

Procedures for appeals, special use permits and variances are as follows:

- A. The zoning board shall fix a reasonable time for the hearing of the application; shall publish notice thereof in a newspaper of general circulation in the Town of Jamestown at least once each week for three successive weeks prior to the date of such hearing; shall give due notice to the applicant and the owners of property surrounding the property in question by first class, registered or certified mail at least seven days prior to the date set for the hearing. The cost of any notice required for the hearing shall be borne by the appellant.
 - 1) In all zoning districts, a list of the owners of property within 200 feet of the property in question shall be determined from public record and submitted by the applicant. The board shall hear and decide the appeal, special use permit, or variance within 65 days of the date of the filing of the application or appeal. Any party may appear at the hearing in person, by agent or by attorney.

Table 6-1

Permitted Uses	Table 6-1												
	District												
Use	P	OS-I	OS-II	RR-200	RR-80	R-40	R-20	R-8	CL	CD	CWe	CWw	DC
IX. INDUSTRIAL, MANUFACTURING													

1.	Manufacturing industries except those specifically regulated herein	N	N	N	N	N	N	N	N	N	N	N	N	N
2.	Fisheries/marine product packing or processing	N	N	N	N	N	N	N	N	N	N	S/A	S/A	N

Article 6. Application of District Regulations

Comment:

The new state law allows reduction of setbacks in proportion to the percentage of non-conformity of the lot in addition to increase in building lot coverage.

Recommendation:

For this reason, these provisions below, that allow a reduction of setback for undersized lots, are no longer needed due to the very generous changes made to the state law regarding undersized non-conforming lots.

~~Sec. 82-605. Specific to R-40 zoning district lots.~~

~~All lots located in an R-40 zoning district which at the time of adoption of this chapter were 20,000 square feet or less in area shall be governed by the district dimensional requirements set forth in Table 6-2 for the R-20 zoning district; provided, nevertheless, that the minimum lot size set forth in such Table 6-2 for the R-20 zoning district shall not apply to such lots.~~

~~Sec. 82-606. Specific to RR-80 zoning district lots.~~

~~All lots located in an RR-80 zoning district which at the time of adoption of this provision were 40,000 square feet or less in area shall be governed by the district dimensional requirements set forth in Table 6-2 for the R-40 zoning district; provided, nevertheless, that the minimum lot size set forth in such Table 6-2 for the R-40 zoning district shall not apply to such lots.~~

Section 82-701: Change “site” distance to “sight” distance.

Sec. 82-1200. Multifamily Dwellings

A. Density regulations--Multifamily dwelling projects. The maximum density of residential dwelling units that may be developed within any multifamily dwelling project shall be determined by Table 12-1. Developable land area is calculated as the gross land area on a lot minus any land unsuitable for development as defined in Sec. 82-104. *All units over 1.*

Table 12-1 Density Regulations – Multifamily Dwelling Project

Zoning District	Services	Minimum Developable Land Area ³ Square foot Per Unit (square feet) added to <u>the Zoning District</u> minimum lot size <u>(ie: 20,000 square feet for R-20 Zoning District)</u>
CD	Water and sewer [±] required	N/A

CL	Water and sewer required	N/A
R-8	Water and sewer required	1,500
R-20	Water and sewer required	2,000
R-40	Water or sewer required (at least one of the two public utility services)	3,300

~~1. Developable land area is calculated as the gross land area on a lot minus any land unsuitable for development as defined in Sec. 82-104.~~

~~21. "Water" and "sewer" refer to public water service or public sewer service as provided by the Town of Jamestown.~~

Sec. 82-1504. Affordable housing in conservation developments.

Comment/Recommendation:

The change below is to be consistent with Article 16, Low and Moderate Income Housing

The maximum number of dwelling units permitted in a conservation development shall be increased for the development of Low and Moderate Income housing as provided in Article 16. Where a conservation development of 4 or more dwelling units is submitted to the Planning Commission for review and approval, the Commission shall require at least twenty-five percent (205%) of the units to qualify as Affordable Housing, as defined in this Ordinance. All the provisions of Sec. 82-1605 entitled Inclusionary Zoning shall apply, including density bonus provisions. Lot dimensional requirements and the minimum amount of required open space shall be modified by the Planning Commission in order to accommodate the increased number of total housing units. Provided, however that any reduction in the minimum amount of required open space shall be the least amount required to accommodate the increase in density.