

Approved as amended
PLANNING COMMISSION MINUTES
May 15, 2024
6:30 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 6:33 p.m. The following members were present:

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

Not present: Michael Swistak – Chair

Also present:

Lisa Bryer, AICP - Town Planner
Carrie Kolb – Planning Assistant
Wyatt Brochu, Esq. – Ruggiero, Brochu & Petrarca
Ed Mello – Town Administrator
Ray DeFalco – Director of Parks and Recreation
Mike Gray – Director of Public Works
Hali Beckman, Landscape Architect owner of Hali Beckman Ltd.
Brenda Hanna – Stenographer
Jeremiah Lynch, Esq. - Moore, Virgadamo & Lynch, Ltd.
Theodore Mundy, applicant 27 Luther Street
Kelly Gershkoff - architect in training with Keene Architecture
Scott Kirmil, applicant 213 Seaside Drive
Adrienne Kirmil, applicant 213 Seaside Drive
Spencer Macomb, Landscape Architect with Cordtsen Design
Jed Sopchak, Architectural Designer with Cordtsen Design,
Chrisitan Infantolino, Esq - Murphy Prior and Infantolino

II. Public Hearing: review, discussion and/or action and/or vote

Town of Jamestown

Jamestown Planning Commission

Under Unified Development Review per RIGL§ 45-23-50.1.

1. Review, discussion, and/or action, and/or vote: Application of Theodore Mundy, whose property is located at 27 Luther Street, and further identified as Tax Assessor's Plat 8, Lot 322, for Development Plan Review under Zoning Ordinance Section 1102.1 A & C and a variance from Zoning Ordinance Article 3, Sections 82-602 & 82-905, District Dimensional Regulations and Alteration of Nonconforming Structure to permit the

relocation of a front entry, located 18.5" from the front lot line (12' feet required) and add a second story addition onto the existing nonconforming structure 6' from the front lot line (12' required). Said property is located in a CL zone and contains 11,280 square feet.

Jeremiah Lynch, Esq. of Moore, Virgadamo & Lynch, Ltd. represented the applicant, Theodore Mundy. Lynch explained that the project is to enlarge the dwelling unit at 27 Luther Street from one floor by adding a second floor and moving the front door away from the intersection to the middle of the house. There is also a workshop being added behind the house, but it does not require zoning relief.

Kelly Gershkoff was sworn in by stenographer Brenda Hanna and presented her credentials as an architect in training working at Keene Architecture in Wakefield, RI.

Gershkoff described the plans. The existing floorplan has a bedroom and a bathroom in the center of the main floor. The existing second floor is a bonus area. A new dormer and gable on the front will be added. The existing rooflines are funky and the plans will make the new roof more cohesive. Windows with more character will be added, which will improve the exterior appearance.

Lynch asked Gershkoff to explain why a dormer wasn't added to the front of the house, which was discussed during the TRC meeting. Gershkoff explained that adding a dormer would not work due to inside on the second floor. The dormer would be partially between two rooms and it would disrupt the rooms. Discussion of adding a window instead ensued. Gershkoff said that a bedroom and closet prevent a window being installed.

Commissioner Pendlebury talked about compliance with the Village design guidelines and the use of double hung windows. He said that small dormers would be a big improvement to break up the roof line and that landscaping is crucial. Commissioner Harrison asked if there will be landscaping. The applicant, Theodore Mundy said yes.

Theodore Mundy was sworn in by stenographer Brenda Hanna. Mundy addressed the landscaping, saying he will plant trees that grow to certain height to not disturb the telephone lines and serve as a visual break. The existing landscaping will remain and new landscaping will fill in at the old door location. Commissioner Pendlebury asked if there was a landscaping plan yet? Mundy said that he does not have plan yet for the Luther Street side. Mundy said that he is happy to install windows to keep with the character of the neighborhood.

Discussion ensued regarding dormers. Mundy explained that the bonus room is a gabled room and adding a dormer would break up the room, giving less wall space, specifically for the TV. Bryer asked if the floor plan of the bonus room could be flipped so the dormer is on the front? It is his preference not to put a dormer on the front due to added cost and intended use of the room as north facing.

Discussion of the front entry way ensued. Mundy said that he will be doing something nice at the front entry way. He built custom door at his house in Virginia. He will come up with an elaborate design for railings and front door, that will break up the mass.

Pendlebury opened the public hearing for public comment.

Wendy Cressotti-Knox, 32 Douglas Street, was sworn in by stenographer Brenda Hanna. Cressotti-Knox said that project will create a canyon-effect because the taller home will block out the light and bounce noise down the neighborhood. Across street is the school bus stop. There is icing on the street by the bus stop and there will be more. There are tangible things that will happen that cannot be seen on an architectural drawing. She appreciates that the applicant is staying within the height limitations.

Karl Cressotti, 32 Douglas Street, was sworn in by stenographer Brenda Hanna. Offered a suggestion to break up the roof to do a jerk and hip at the east gable. It doesn't change the interior of the space but gives more character. A dormer doesn't have to be functional, it can just be a façade.

Commissioner Enright asked Mundy if he experienced the ice problems on the street? Mundy said that he moved here on March 1 and has not experienced it.

A motion to accept the modified letter was moved by Commissioner Pendlebury and seconded by Commissioner Cochran as follows:

The following is the decision on your Petition heard by the Town of Jamestown Planning Commission under Unified Development Review per RIGL § 45-23-50.1. whose property located at 27 Luther Street, and further identified as Tax Assessor's Plat 8, Lot 322.

This motion is based on the following findings of fact:

1. Said property is located in a CL zone and contains 11,280 square feet.
2. This Commission has determined that this application does satisfy the requirements of Development Plan Review under Zoning Ordinance Section 1102.1 A & C and a variance from Zoning Ordinance Article 3, Sections 82-602 & 82-905, District Dimensional Regulations and Alteration of Nonconforming Structure to permit the relocation of a front entry, located 6 feet from the front lot line (12' feet required) and add a second story addition onto the existing nonconforming structure 6' from the front lot line (12' required).
3. The review included insuring consistency with Jamestown Village Design Guidelines with particular attention to double hung windows and roofline;
4. Jeremiah Lynch, Esq. of Moore, Virgadamo & Lynch, Ltd., Kelly Gershkoff, architect in training with Keene Architecture, and applicant Theodore Mundy gave testimony. Residents Wendy Cressotti-Knox and Karl Cressotti gave testimony during the public comments;
5. After testimony was completed at the public hearing for which due notice was given and a record kept, the Town of Jamestown Planning Commission, after taking into consideration all of the testimony and exhibits at the public hearing, makes the following determination:

A motion was made by Commissioner Pendlebury and seconded by Commissioner Cochran to grant the request of Theodore Mundy, of 27 Luther Street for a dimensional variance and development plan approval based on the finding of facts as noted in this approval with the following conditions to be adhered to.

In granting a variance, the Planning Commission through unified development review pursuant to § 45-24-46.4 has determined that the following standards for granting of such variance have been met by evidence submitted or testified to:

- (1) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area;
- (2) That the hardship is not the result of any prior action of the applicant; and
- (3) That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan 30 upon which the ordinance is based; and

The Planning Commission also finds that:

In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief.

In granting the Variance and Development Plan Approval the Planning Commission imposes the following special conditions as are deemed necessary to maintain harmony with other lots in the same or abutting zoning districts and to promote the objectives of this Ordinance.

1. This project must be constructed in strict accordance with the site and building plans duly approved by the Planning Commission.
2. The applicant shall add two dormers to the north roof, to be approved administratively prior to building permit approval.
3. The existing landscaping in front of the house will be retained and increased, paying attention to entrance and left side of front of house, in coordination with the Planning Department to be approved administratively
4. Casement windows shall be changed to double hung windows with mullions, muntins and clear sash on bottom, to be to be approved administratively;
5. This Variance shall expire one year from the date of granting unless the applicant exercises the permission granted.

The motion carried by a vote of 6-0.

Commissioner Cochran, Commissioner Enright, Commissioner Harrison, Commissioner Pfeiffer, Commissioner Prestigiaco and Commissioner Pendlebury voted in favor of the motion, and Commissioner Swistak was absent.

2. Review, discussion, and/or action, and/or vote: Application of The Town of Jamestown, whose property located at 245 Conanicus Avenue (Jamestown Golf Course), and further identified as Tax Assessor's Plat 8, Lot 283, for a Development Plan Review under Zoning Ordinance Section 82-1004.1 A and a Special Use Permit from Zoning Ordinance Section 82-300 B for Off-street parking and loading areas where required. The proposed plan would include allowing 17 vehicles to park diagonally on the south side of the lot, in a defined grass area contained by a split rail fence. The area would not be asphalt and would only be used when the Town rents out the second floor during times when it is expected that the parking lot would be in use by the golfers. The Town will staff the parking lot in order to manage the use of this area during these times. Parking in this area would otherwise be prohibited by signage. Said property is located in an OS-II zone and contains 74.36 acres.

a. Communication received

1) Copy of letter to: Planning Commission

From: Christian Infantolino, Esq. on behalf of Steven and Jamie Munger

Dated: May 1, 2024

Re: Application to increase parking for the Town Recreation Hall at Golf Course

Michael Gray, Director of Public Works, was sworn in by stenographer Brenda Hanna. Gray explains that this application is seeking approval for a modification to the site plan to add parking and approval of the landscape plan. The Town went to both Planning Commission and Zoning Board of Review to build a new club house at the golf course. Gray explained that application will not modify any of the paved areas. The increased parking will be off the pavement in the grass. The increased parking will only be utilized in peak season when there are specific events held on the second floor of the club house. The increased parking area will be managed by the recreation department.

The landscaping was designed by Hali Beckman. Trees will be planted along the split rail fence to keep golf carts from going into parking lot and to manage flow of carts along the path. Trees proposed along the frontage. Within the Land development regulations there are notes for trees along frontages and parking lots. The layout is for 17 parking spaces on an angle. The parking will be managed by staff for the events.

Commissioner Pendlebury asked if there will be permanent signage? Gray said the intent is to have permanent signage which states the grass areas is for event parking only. Commissioner Pendlebury asked how many parking spaces are there now? Gray said that there are 105 spaces. The lease agreement states that the golf is the primary use. If there is inclement weather in the summer, event parking will not be an issue. Town will use the second floor as they do the rest of the year and recreation department will manage the second floor, just like they do at the Pavilion. Commissioner Pendlebury asked if there was ever a conflict between golf and when the library used the second floor as temporary space? Gray said that he did not receive any complaints. Staff and patrons used the parking during the week and there was not much demand on the weekends.

Ray DeFalco, Director of Parks and Recreation, was sworn in by stenographer Brenda Hanna. He talked about the management of the events and parking. There will be a dedicated parking attendant when there is an event on the second floor. The parking attendant will wear bright yellow vest. Sandwich boards will be made up that direct people for special event parking. The rental agreement will state that there is for 17 parking spaces for event attendees. They will manage with signage and staff and communication with the renters. Commissioner Pfeiffer asked if there was anything to prevent other parking spaces on the blacktop from being used? DeFalco said there will be communication from the recreation department to the renters regarding parking and renters letting their attendees know about the limited parking. There will be signage and staff in the parking lot and he doesn't think it will be an issue. Commissioner Pendlebury suggested that there could be something put under the windshield wipers. Commissioner Enright asked what will prevent the golfers from parking there? DeFalco said that the staff member would be onsite for the event to manage. DeFalco said the signage on the fencing that states for event parking only and if there is an issue they have proximity to the police station.

Hali Beckman, Landscape Architect owner of Hali Beckman Ltd., was sworn in by stenographer Brenda Hanna. Commissioner Pendlebury asked how close is new landscaping compared to the original landscaping? Beckman said that they are moving it 15-18 feet back. Commissioner Pendlebury asked if the trees along the street are the same? Beckman said yes. There are some existing evergreen trees and they plan on maintaining them. They meet the code 1 tree per every 35 feet. Commissioner Pendlebury asked if the trees at the edge of the parking and from the original plan had been installed? Beckman said that trees along the front of the street and edge of the parking have not been installed yet. Beckman said that trees along the street are all native. The trees in the parking lot area are crabapples with low profile.

Commissioner Prestigiaco asked if there are any issues with golf balls hitting cars? Beckman said that she asked that question as well and was assured that there was plenty of room.

Commissioner Enright asked what is the timeline to get the trees planted? She does not want to see the same issue happen again. Gray said they have a timeline now. The golf course operator has installed irrigation lines through the frontage and transformer. Gray stated, to be clear, that when Beckman created the original landscape plan, it was made available to the neighbors. A neighbor commented to Gray that they did like the landscape plan but not the trees. Gray understood that comment and did not plant the trees. The town is seeking approval to plant trees at this time and comply with the plan. Gray said that some of complaints that have been received about the parking lot are sun glare on windshields; head lights; glare of lighting on the building. Some these complaints will go away once the trees are planted and established. Gray also addressed the golf ball strikes on cars. He said that is the nature of parking at a golf course, but the trees once planted, and established will stop some of it. Commissioner Pendlebury asked about the irrigation lines at the front entrance? Gray said that now that the golf course operator has installed the lines he hopes to improve the plants along transformer and entrance and get them more established. The plants along the transformer have struggled without irrigation lines.

Christian Infantolino, Esq. of Murphy Prior & Infantolino represented Steven and Jamie Munger, the owners of the property at 230 Conanicus Avenue directly across the street. Infantolino would like two emails from Chris Powell and Bob Laman sent to Town Administrator to be entered into the record that are in opposition to the application. Infantolino said that his client supports the golf course but completely objects to expansion and this is a non-golf course related use.

Infantolino said that his clients object on 3 grounds:

1. Procedural deficiency
2. Advertisement did not specify the zoning relief needed
3. Application is inconsistent with zoning ordinance

Infantolino submitted the following exhibits:

- Photograph of sign for event parking only
- Private event parking only photograph
- Photograph of 9 cars parked in grassy area
- Photograph of golfers parking on the grass
- Copy of Planning Memorandum
- Copy of Zoning Decision
- Approved plan with parking requirements
- Landscape Plan

Solicitor Brochu raised the role for the board here. The job is to rule on the application. If a use is allowed or not is within the purview of the Zoning Official. Variances is not a decision point for the board, it is the purview of the Zoning Official. These are not for you to decide. The applicant can make a decision to move forward with the application or request a continuance to have the Zoning Official weigh in. Commissioner Pendlebury said that the use of the site had been approved in 2019 and exist as an approved use. Infantolino said that the use was not approved.

Commissioner Pendlebury asked about the development plan for 2019 which is the same, but fences were moved and landscaping was moved. Brochu said that the application did not request variances. Infantolino discussed the relief that was needed for parking due to incorrect measurements, aisle widths, and angles.

Commissioner Pendlebury asked Gray if the applicant would like to continue this matter to a specific date. Gray said that TRC did review the plans with Peter Medeiros, Building Official present. The cleanest thing to do is to ask for a continuance. The applicant will make sure that the advertisement is correct, and make sure that there are no variances being sought. Gray said that the intent was a Development Plan Review with Special Use Permit and approval of landscape plan. The Special Use Permit for the clubhouse construction was presented to the Town Council, voters, and the bond with the second floor going to be used a multi-purpose space to be managed by the recreation department. Gray asked for a continuance. Discussion ensued to find a date and time for a continuance.

Commissioner Pendlebury moved and Commissioner Enright seconded to continue public hearing for the Jamestown Golf Course located at 245 Conanicus Avenue AP 8 Lot 238, to July 17, 2024 at 6:30pm. All in favor.

The public hearing continued to Planning Commission meeting on July 17, 2024.

III. New Business

1. Scott & Adrienne Kirmil, 213 Seaside Drive, AP 17, Lot 210, High Groundwater Table and Impervious Overlay District – Zoning Ordinance Section 82-800 - Sub-district A, review and recommendation to the Jamestown Zoning Board: review, discussion, and/or action, and/or vote.

Scott Kirmil, 213 Seaside Drive, owner and applicant addressed the Planning Commission. He gave his background of moving to Jamestown 11 years ago. He and his wife rented at first then purchased their home. His mother-in-law lives with them. He and his wife own Diegos in Newport. The purpose of the renovation is to create a home with better usage for their family and better access to the driveway. They are adding another bedroom. The house was built as a beach house, not built to be lived in year-round. They will be doing a full renovation.

Spencer Macomb, landscape architect with Cordtsen Design, presented his education and work experience to the Planning Commission. A motion was moved by Commissioner Pendlebury and seconded by Commission Enright to accept Spencer Macomb as an expert witness. All in favor. Macomb said that the house has been designed over a couple of years. The soil and groundwater were tested. The Kirmil's worked out all the issues. The zoning changes to undersized lots which occurred in January, helped the applicant. The impervious surfaces are now almost half of what was there before. The impervious surface is at 12.3% because the shed exemption was removed from the Jamestown zoning ordinance, and if it were still in place they would be at 12%. They are humbly asking for 0.3% overage to be allowed.

Discussion of setbacks ensued. Commissioner Pendlebury asked if they are in an R-20 or R-40? Macomb said it is an R-40, an undersized lot at 17,000 sq ft. Commissioner Pendlebury asked about the frontage? Macomb said that they are staying within the old setbacks, not the new ones. Commissioner Pendlebury asked if the swimming pool is accessory structure? Macomb said that the pool is above ground within the setbacks.

Commissioner Enright asked about the apartment on the bottom floor and how to access it. Macomb said that the applicants are planning for the future and there is not a ramp in the design now, but one can be added in the future. The entrance is around the pool deck.

Discussion of the water table ensued. Commissioner Pfeiffer asked is the storage area/workshop below the water table? Macomb said yes. Bryer said that all structures need to be 12 inches above the water table. Macomb said that it will be corrected. Bryer said that she will need to see water table cross section with bottom of foundation and town engineer needs to review and it can

be administratively reviewed for approval. Commissioner Pendlebury said that if there is a conflict, then the applicant would need to come back to Planning Commission.

Discussion of storm water management ensued. Commissioner Pendlebury asked about stormwater management? Macomb said that there is a swale created to level off at the far side of the pool. There are not a lot of grade changes proposed.

Discussion of well production ensued. Commissioner Cochran asked about their well production? Kirmil said that they added a second well and haven't run out of water since then.

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

At the May 15, 2024 Planning Commission meeting, the Planning Commission voted to recommend to the Jamestown Zoning Board, approval of the application of Kirmil Residence: AP 15, Lot 210; 213 Seaside Drive, Jamestown, RI; being reviewed under Zoning Ordinance Section 82-800 – High Groundwater Table and Impervious Overlay District Sub-District A in accordance with the site plan entitled, “Kirmil Residence, 213 Seaside Drive, in Jamestown RI” dated 4/22/24, prepared by Cordtsen Design Architecture, along with supporting documents for the above referenced property.

The recommendation for approval is based on the following findings of facts (and recommended conditions of approval) as noted in the Memo from Jean Lambert, PE dated April 26, 2024 and amended at the Planning Commission meeting:

Findings of Fact Section 800

Existing Conditions:

1. The property is 17,405 square feet (sf) in area and located in a R-40 zone where 40,000 sf is the minimum lot size. The lot is existing nonconforming by size;
2. The existing site is developed with a house, dock, shed and paved driveway (total existing impervious area is **3,274 sf or 18.8%**);
3. The property has an existing OWTS that will be replaced (see proposed conditions below);
4. Topography on the lot slopes from east to west (towards Narragansett Bay) on the site;
5. There are no freshwater wetlands on the property; the CRMC coastal feature is the top of the bluff and there is a 50' CRMC coastal buffer. The property is within the jurisdiction of CRMC;
6. Soil evaluation results show that the site falls under **Sub-district “A”** requirements of the High Groundwater Table and Impervious Overlay District with 24” to the seasonal highwater table (per RIDEM verification) and 26” to impervious soil;
7. The maximum impervious cover allowed is **12.0% or 2088 sf**.

8. The applicant's representative Spencer Macomb of Cordtsen Design, a Rhode Island registered architect, was accepted as an expert witness, at the Planning Commission meeting and present at the Planning Commission on May 15, 2024;

Proposed Site Conditions:

1. The applicant is proposing to demolish the existing house, impervious driveway and walkway, and shed. A new 1795 sf house, 200 sf pool and pervious paver driveway and patios are proposed. The existing 144 sf dock gazebo will remain;
2. The total proposed area impervious is **2,139 sf (12.3%)**;
3. There is a **1,135-sf reduction** in impervious surfaces on the site;
4. **The project exceeds the 12% allowable impervious cover** but otherwise complies with the requirements of the HGWT;
5. The applicant has proposed stormwater mitigation via infiltration through the pervious paver driveway and patio. A detail for the pervious pavers has been submitted with the site plans. These infiltration systems will provide peak storm runoff and water quality mitigation;
6. A new OWTS (RIDEM #2115- 0306: 4-bedroom Advantex to BSF) will be installed;
7. Jamestown Engineer Jean Lambert provided correspondence to the Building File and Lisa Bryer, Town Planner dated April 26, 2024 regarding the application (attached);
8. The site conditions are improved by a substantial reduction of impervious cover.

Recommended Conditions of Approval:

1. The proposed project complies with the requirements of the HGWT Ordinance. The applicant proposes a substantial reduction in impervious cover, is installing a nitrogen reducing OWTS, and is providing extensive stormwater runoff mitigation and treatment;
2. The site must comply with zoning setbacks;
3. The proposed pool will be constructed above existing grade and is therefore permitted;
4. Erosion and sediment controls must be installed at the down gradient limits of site disturbance and maintained until stabilization of the site is attained;
5. After installation, maintenance and inspection of the OWTS shall continue as required by the Town Onsite Wastewater Management Ordinance;
6. A water table cross section shall be provided and the foundation must be 12 inches above the water table, to be approved administratively with review by Town Engineer, Jean Lambert;
7. Any future site work that increases the area of impervious coverage will require a review following the requirements of the High Groundwater Ordinance.

So voted:

Commissioner Cochran – aye

Commissioner Enright – aye

Commissioner Harrison – aye

Commissioner Pfeiffer – aye

Commissioner Prestigiacomio – aye

Commissioner Pendlebury – aye

Motion carries 6-0

IV. Old Business

1. No items at this time

V. Reports

1. Planner's Report

- A. Future meetings – topics and applications

Bryer said that Statewide Planning will be holding some trainings soon and will keep the Planning Commission apprised of the dates. Our next meeting dates are June 5th and June 26th – due to normal meeting date falling on Juneteenth, and Town Hall will be closed for the Federal Holiday.

Pendlebury asked about “commission” and “board” used interchangeably. Brochu said that is just semantics and the only time it matters is when Planning Commission is sitting as Local Board of Review.

VI. Correspondence

1. William McCaffrey, 232 Beacon Street, AP 16 Lot 67 & 70, High Groundwater Table and Impervious Overlay District – Zoning Ordinance Section 82-314 - Sub-district A, memo to the Jamestown Zoning Board.

Correspondence was acknowledged as received.

VII. Citizen's Non-Agenda Item - none

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

1. April 17, 2024

A motion was moved by Commissioner Pfeiffer and seconded by Commissioner Enright to approve the minutes of the April 17, 2024 meeting as written. All in favor.

IX. Adjournment

A motion to adjourn at 9:03pm was moved by Commissioner Cochran and seconded by Commissioner Enright. All in favor.

Attest

Carrie Kolb