

Approved as written
PLANNING COMMISSION MINUTES
July 17, 2024
6:30 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 6:30 p.m. The following members were present:

Michael Swistak, Chair

Duncan Pendlebury – Vice Chair

Mick Cochran

Rosemary Enright – Secretary

Diane Harrison

Bernie Pfeiffer

Not present: Dana Prestigiacomo

Also present:

Lisa Bryer, AICP - Town Planner

Carrie Kolb – Planning Assistant

Wyatt Brochu, Esq. – Ruggiero, Brochu & Petrarca

Brenda Hanna – Stenographer

Joe Walek, applicant

Mary Ellen Walek, applicant

John Tumino, DiMauro Architects

David Emond

Teresa Emond

Ethan Kincaid

II. Citizen's Non-Agenda Item - none

III. Correspondence

1. Administrative Subdivision, William and Glenna McCaffrey, 232 Beacon Street, AP 16
Lots 67 & 70

2. Administrative Subdivision, Susan S. Gorelick Trust, 20 Bark Street, AP 16, Lots 38 & 46

Correspondence was recognized as received.

IV. Public Hearing: review, discussion and/or action and/or vote
Under Unified Development Review per RIGL§ 45-23-50.1.

1. Public Hearing, Continued from May 15, 2024

Town of Jamestown, property located at 245 Conanicus Avenue (Jamestown Golf Course), and further identified as Tax Assessor's Plat 8, Lot 283. Review under Unified

Development Review per RIGL§ 45-23-50.1. Review, discussion, and/or action, and/or vote, close the public hearing:

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.

Bryer said the public hearing for the golf course started on May 15, 2024 and was continued to this evening. The Town would like to withdraw the application. The Town needs to re-advertise and will be back next month with a new application.

A motion was moved by Commissioner Enright and seconded by Commissioner Pendlebury to accept the withdrawal of their application for the Town of Jamestown property located at 245 Conanicus Avenue (Jamestown Golf Course) and to close the public hearing.

The motion carried by a vote of 5-0.

Commissioner Cochran, Commissioner Enright, Commissioner Harrison, Commissioner Pfeiffer, and Commissioner Pendlebury voted in favor of the motion.

Commissioner Swistak recused himself from the vote.

Commissioner Prestigiacomo was absent.

- 2. Public Hearing, Joe and Mary Ellen Walek, Tax Assessor's Plat 9, Lot 639, 117 Howland Avenue, for Review and action by Planning Commission under Unified Development Review per RIGL§ 45-23-50.1 as a Minor Land Development Project with Variance. Review, discussion, and/or action, and/or vote**

Development Plan Review under Zoning Ordinance Article 11 – Village Special Development District 82-1102.1, C. with a Variance from Zoning Ordinance Article 6, Section 82-602 entitled “District Dimensional Regulations”, Table 6-2 for the Village Special Development District as authorized by this Ordinance, per Article 3, Section 82-305 -307. Application proposes to attach an existing garage located 6” from property line to an existing home with a new addition where a 10’ side setback is required for R-20/4.2 feet required per RIGL§ 45-24-38, General Provisions-Substandard lots of record. The property is located in an R-20 Zoning District.

John Tumino, DiMauro Architects, was sworn in by stenographer Brenda Hanna and presented his credentials as an architect by trade working in the industry for 20 years. He is currently working for DiMauro Architects of Jamestown, RI. A motion was moved by Commissioner

Swistak and seconded by Commissioner Pendlebury to accept John Tumino as an expert witness. All in favor.

John Tumino of DiMauro Architects presented the application for Joseph and Mary Ellen Walek of 117 Howland Avenue. The property has an Existing home with non-conforming garage that is only 6 inches from the property line, where 4.2 feet is needed. The existing non-conforming garage is causing the hardship and is the basis of why relief is requested. The final height of the garage is 17 feet and the garage addition will only be a storage area because the second-floor peak is about 4 feet high. The garage is a short and squatted structure today. The proposed garage's roof pitch will match the main dwelling as proposed. The scale of the proposed garage ties the garage to the main dwelling better. Today, there is a roof connecting the garage to the main dwelling but it is not enclosed. The site plan shows the existing roof connection and the plan is to enclose the area and add a powder room. There are no plans to move the garage because it is existing and the costs associated with moving it. Tumino pointed out the survey plans shows the southern neighbors existing dwelling is 0.1 feet from the setback. The property to the south also has a fully enclosed connection.

Bryer said the property needs a variance solely due to amending the non-conforming garage structure and the addition that will be put on the back of the house is within the primary setback and conforming.

Discussion of the attaching the garage ensued. Pendlebury commented that the garage, addition in the back and main dwelling unit all become part of the main dwelling unit under the zoning ordinance when the breezeway between the garage and main dwelling becomes fully enclosed. This makes the setback of the main dwelling unit only 6-inches. The character of the property is changed because the property will have only one structure instead of two. Tumino noted that the garage is pre-existing and has been there for over sixty years.

Discussion of the increased height and mass of the garage ensued. The proposed garage with increase height and cupola would only be 6-inches from the lot line noted Pendlebury

Discussion of house locations in proximity to lot lines on Howland Avenue ensued. Tumino noted that there are four houses in a row that were all built in the late 1940s by the same builder and all have garages that are located almost on the lot line.

Discussion of not adding a cupola to the garage roof ensued. Not adding a cupola to the garage roof decreases the height of the addition.

Members of the public were welcomed to address Planning Commission.

David Emond of 116 Howland Avenue was sworn in by Brenda Hanna. Mr. Emond said that they are the only people who will have to look at the house because they live across the street. He said that they find the proposed plans aesthetically pleasing. The proposed garage is to scale of the house. There are 4 houses that were all built at the same time, all built on the property line, and they met the zoning when they went up.

Teresa Emond of 116 Howland Avenue was sworn in by Brenda Hanna. Mrs. Emond said that they proposed plans are beautiful. It will be an asset to the neighborhood. She is very much in favor of it.

Ethan Kincaid of 119 Howland Avenue was sworn in by Brenda Hanna. He is the direct abutter to the south. His breeze way is attached with 4 four walls. Grandparents bought the house in the 1950s. He said use it as an example of an enclosed breezeway attaching to main dwelling unit. All four houses in a row are built this way. He has no problems the with proposed plans.

Discussion of the vote and options ensued. Tumino asked if the vote this evening had to be unanimous? Commissioner Swistak said the vote is a majority vote. Brochu said that the public hearing could be continued. The applicant can come back with a different design and the hearing can be re-advertised in the Jamestown Press and re-noticed to abutters. Brochu said another option would be to place conditions on the plans. An example would be not to allow further expansion of the house within the building envelope. Brochu gave a third option where the applicant removes the garage, builds within the set back of 4.2 feet and to the height of 35-feet, which is allowed under zoning regulations.

Joe Walek of 117 Howland Avenue was sworn in by Brenda Hanna. He said the garage is circa 1948 and it needs renovations. He questioned if the garage is demolished then it cannot be rebuilt on the original footprint? What you are saying is that any new building has to meet zoning? Bryer said yes, any new structure would have to meet the zoning ordinance today and to rebuild it as proposed would require a variance. Mr. Walek said that they are trying to make the main house and garage look balanced. They are raising the roof on the garage for aesthetic purposes.

Discussion of height restrictions ensued. Tumino said that the proposed garage with the steeper pitch aesthetically fits in within the neighborhood and design guidelines. The applicant can eliminate the cupola, which is 4-feet tall, which will bring the scale and height down. It was noted that the cupola is within the height restrictions and they did not ask for a height variance. Tumino said the garage is 17 feet high.

Discussion of adding a condition that prohibits any further expansion ensued. Mary Ellen Walek of 117 Howland Avenue was sworn in by Brenda Hanna. Mrs. Walek asked for clarification on a condition that prohibits any further expansion. Commissioner Swistak said that any future development would require coming back to the Planning Commission. Brochu said to think about this condition before you agree to it, for example if you have future plans for a sunroom or deck. Tumino let the Planning Commission know that the applicants are nervous about prohibiting further expansion and do not agree to it as a condition of approval.

A motion was moved by Commissioner Swistak and seconded by Commissioner Cochran on the following findings of fact and conditions of approval as amended.

A motion was made by Commissioner Swistak and seconded by Commissioner Cochran to grant the request of Joseph and Mary Ellen Walek of 117 Howland Avenue for the granting of a variance and development plan approval based on the following findings of fact and with the following conditions.

This motion is based on the following findings of fact:

1. Said property is located in a R-20 zone and contains 8,450 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 Zoning Variance under Article 6, Section 82-602 entitled "District Dimensional Regulations", Table 6-2 for the Village Special Development District as authorized by this Ordinance, per Article 3, Section 82-305 -307, District Dimensional Regulations and Alteration of Nonconforming Structure to permit the permanent connection of the non-conforming garage to the house (conforming) with a house addition (conforming), the existing garage located 6" from the side lot line (10' feet required in R-20/4.2 feet required per RIGL§ 45-24-38, General Provisions-Substandard lots of record).
3. John Tumino of DiMauro Architects represented the applicants and was approved as an expert witness. The applicants Joseph Walek and Mary Ellen Walek gave testimony. Residents David Emond, Teresa Emond and Ethan Kincaid gave testimony in support of the application during the public comments;
4. Joseph Walek testified that the house and garage were built at the same time circa 1948 in that location;
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:

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, and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(a)(16);
- (2) That the hardship is not the result of any prior action of the applicant or owner; 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 upon which the ordinance is based.

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 a Variance and approving the development plan, 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 this Board;
2. The cupola will be removed from the renovation plans for the garage per agreement with the applicants;
3. The garage will not exceed 17-feet in height per agreement with the applicants;
4. Final approval shall be granted administratively;
5. This Variance shall expire one year from the date of granting unless the applicant exercises the permission granted.

Discussion of the motion ensued. Commissioner Swistak stated that he made the motion for approval based on the following reasons:

1. Garage has been on the property in since 1948;
2. Improvements seem to aesthetically improve the look of the house;
3. Expansion of the dwelling is within the setbacks;
4. There were no objectors to the application;
5. Applicant agreed to a 17-foot height restriction;
6. The application that could have been presented could have had greater density, size and volume than what was presented.

A roll call vote was taken.

The motion carried by a vote of 5-1.

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

A motion was moved by Commissioner Swistak and seconded by Commissioner Cochran to close the public hearing. All in favor.

V. New Business

1. No items at this time

VI. Old Business

1. Community Survey results - review, discussion and/or action and/or vote

Commissioner Swistak asked about the results from the last survey. Kolb said there were about 100 more replies this time. Bryer said that Weston and Sampson was awarded the bid for updating the Comp Plan, and they will look at the results. Swistak questioned whether the respondents were older than the percentage of our residents. Commissioner Cochran said to include age data from the last census, which will help validate the answers. Commissioner Enright noted the high percentage that remained the same with the question "Have your views changed since the last Community Survey?"

VII. Reports

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

Bryer reported that the Town Council approved the Hazard Mitigation Plan and it is going to FEMA for review.

BETA presented the Bicycle and Pedestrian Master Plan at a public workshop which was very successful. Next steps are the final draft will go back to the committee and then on to Town Council for approval.

Commissioner Harrison asked if there was any interest in the Sustainable Resident Program after the ad was placed in the Jamestown Press? Bryer said that three people have called, and there were quite a few people interested at the Senior Fair, and there is one person who is ready to sign on the dotted line.

Commissioner Swistak asked if there will be two meetings in August? Bryer said yes, on the first and third Wednesday's as the normal schedule. At the next meeting, Bryer would like to finalize multi-family section of the Zoning Ordinance as well as subdivision regulation changes. The next step would be to send zoning ordinance revisions to Town Council and schedule a public hearing for the subdivision regulations at the Planning Commission level since they approve the subdivision regulation changes.

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

1. June 26, 2024

A motion was moved by Commissioner Enright and seconded by Commissioner Cochran to approve the minutes of the June 26, 2024 meeting as written. All in favor.

IX. Adjournment

A motion to adjourn at 8:16 pm was moved by Commissioner Enright and seconded by Commissioner Cochran. All in favor.

Attest

Carrie Kolb