



TOWN OF JAMESTOWN
P.O. Box 377
93 Narragansett Ave.
JAMESTOWN, RHODE ISLAND 02835

Planning Office (401) 423-7210

Approved as written
PLANNING COMMISSION MINUTES
August 21, 2024
6:30 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 6:30pm. The following members were present:
Michael Swistak – Chair
Mick Cochran
Bernie Pfeiffer
Not present: Diane Harrison
Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary
Dana Prestigiacomo

Also present:

Lisa Bryer, AICP - Town Planner
Carrie Kolb – Planning Assistant
Wyatt Brochu, Esq. – Ruggiero, Brochu & Petrarca
Brenda Hanna – Stenographer
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.
Mark Liberati, Esq. – Mark Liberati Attorney at Law
Christian Infantolino, Esq. - Murphy Prior & Infantolino

II. Citizen's Non-Agenda Item - none

III. Correspondence

1. No items at this time

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

1. Application of the Town of Jamestown regarding property located at 245 Conanicus Avenue (Jamestown Golf Course), and further identified as Tax Assessor's Plat 8, Lot 283 to create 20 additional parking spaces, erect/relocate a fence and provide vegetative buffering as shown on a plan by Hali Beckman Landscape Architect and available for viewing at Town Hall. Said property is located in an OS-II zoning district and contains 74.36 acres. The Application seeks a Special Use Permit under Sec. 82-303 entitled "Expiration and extension of special use permits", 82-601 Uses and Districts, Table 6-1

VI E.6. "Golf course, including clubhouse, outdoor lawn tennis courts (unlighted), maintenance facility, all accessory to operation of a golf course", and Development Plan Review under 82-1004.1 entitled "Planning Commission as DPR Approving Authority" of the Zoning Code.

Applicant also seeks unified development review under RI Gen. Laws 45-23-50.1 Special provisions - unified development review - effective January 1, 2024 which provides that Development Plan Review may include a request for issuance of special use permits by the Planning Commission.

Commissioner Swistak recused himself for the application and Commissioner Pendlebury assumed chair for the application. Commissioner Pendlebury opened the public hearing.

Mark Liberati, Attorney for Town of Jamestown. Liberati explained where the town has been and where it is going in terms of the golf course.

Feb 21, 2019, the Town of Jamestown filed an application for a Special Use Permit to raze exiting building and build a new building. The application stated that present use of the golf course and clubhouse facility would remain in effect and there was no change of use proposed. Under the code then in effect, a golf course was allowed under a Special Use Permit, which is OS-II. The golf course was a

March 27, 2019, the Zoning Board granted the Special Use Permit. The Zoning Board found that the buildings met the requirements and there were no variances.

The Town now requests Development Plan Review to create additional parking spaces. There are no changes to the use or configurations of the buildings. Under the Zoning Code enacted on 3/11/24 the Golf Course remains in OS-II. The table 6.1 section 6 subsection e "recreation" shows that a golf course and club house are allowed under a Special Use Permit.

The 2019 application to the Zoning Board contained a plan with required parking requirements that are calculated as follows: indoor seating capacity 206 seats with 1 parking space per 5 seats which totals 42 parking spaces. This requirement did not change with the 2024 code. The golf course capacity is 72 players with 1 parking space per 4 persons which totals 18 parking spaces. This also did not change in 2024. The total parking spaces, then and now, are 60. The total provided are 103. He noted that golfers seem to all arrive in separate cars.

In Sections 82-1303 and 82-1304 provide the parking aisle width at 23 feet. The minimum width and length is 9x18 feet. The plan presented provides parking spaces that satisfies the requirements. No variances are required with this application.

The enlargement of a plan that had been approved requires a new Special Use Permit. Under Unified Development plan approval, the planning commission is authorized to approve it.

In sections 82-104.1 A, the planning commission acts as Development Plan authority if there is a substantial modification of a municipal property. In 82-104.1 D, any application that is

referred to the planning commission by the administrative officer or the TRC. This board has the authority to issue plan approval.

The proposed changes are substantial because 82-104.1 defines a substantial modification in subsection 8 as an expansion of use which requires more than 15 net parking spaces. There is no expansion of use but we are asking for 20 so this is characterized as a substantial modification.

One of the requirements for approval is the plan be consistent with the comprehensive plan.

Lisa Bryer, Town Planner, was sworn in.

Liberati asked Bryer if the design of parking lot is consistent with comp plan?

Bryer said yes. The comp plan does not mention sizes of parking lots but the plan has supporting citations throughout. She read them.

Liberati asked if this plan should receive development plan approval?

Bryer said that development plan review and approval is to ensure that the proposed plan is consistent with comp plan and zoning regulations. This plan is consistent with comp plan and zoning regulations.

Michael Gray, Director of Public Works was sworn in.

Gray explained that the Town is seeking approval to expand over flow parking into the grass area. There is an existing split rail fence that will be moved back to accommodate 9x18 foot parking spaces. The aisles will be 23-feet along the length of pavement. The overflow parking will be in the grass area and it will be maintained as grass. The town is not asking to change the grass area or increase the impervious cover. There will be a pathway in the grass for golfers who are walking to exit the golf course off the 9th hole onto the grass area.

Commissioner Enright asked about moving the fence back? Gray said that the fence will be moved back so it is 22 feet off the edge of the pavement. Currently the fence is at 17 feet. He added that they are not looking to disturb existing trees that are there today.

Hali Beckman was sworn in. Beckman presented her credentials as a licensed landscape architect for over 30 years. A motion was moved Cochran and seconded by Enright to accept Hali Beckman as an expert witness. All in favor.

Liberati asked Beckman what she was charged with? Beckman explained that she was charged with adding 20 parking spaces on the grass and providing a buffer with trees and shrubs. There will be the addition of 7 trees and a 3 foot high evergreen hedge along the fence line to block headlights for the neighbors. Also the plantings have been beefed up to minimize headlights.

Liberati asked Beckman if there were certain changes to the plan that came as a result of the TRC meeting?

Beckman said yes, that she added the pedestrian walk way at 9th hole and fencing along Conanicus Avenue, which will be the same split rail fencing. Gray explained that all of the plantings at the entrance from the original plan have been planted. However, some have not survived. The intent is to fill in what has not survived and to comply with what is approved.

Liberati asked that the plan dated 8/20/24 be entered into the record. Kolb said that this plan is marked Exhibit A. Liberati clarified that a parking space was added on the east end due to parking space being taken away by the pedestrian pathway at the 9th hole. It is not drawn in. Commissioner Pendlebury asked if the application is based on 20 parking spaces and Liberati said yes.

Bryer discussed the TRC meeting and outcome of a recommendation of approval of the plan, including the special use permit, to the Planning Commission. This is a new application and a new TRC was held. An email from Christian Infantolino, attorney for an abutter, with 5 issues and the TRC minutes reflect the Town's position on the 5 issues.

1. Continue the fence and vegetation around the asphalt of the parking lot to prevent parking on the grass on the Conanicus side:

The town does not object to that.

2. Propose a mechanism to prevent parking in the area when not in use for special events- If this is left open people will park there haphazardly and it will prevent emergency vehicles from accessing the property.

The town does not want a condition of approval that it not be used except for special events but the town will manage it in that fashion.

3. Preserve the existing golfer walkways (1) about 120 feet from Conanicus and (2) about 80 feet from the first one. This can be simply done by extending the fence to create the pedestrian passage.

The Town has no issue with retaining the walkway in the middle of the fence. Town can add fencing to demarcate the path so it is not parked in front of. The town can add on site signage to direct golfers to the path if needed.

4. Preserve all existing vegetation- Based on the plans as presented the Town is going to need to relocate the fence again and this could impact the existing vegetation. AS an example, there is only 18 feet of aisle on the Western side of the parking lot where the fence will likely need to be moved another 5 feet to make the numbers on the proposed plan work.

The spaces will be used as they are used, as they are not striped, so the town is not requesting expansion of the space.

5. They propose that the area by the dumpsters can be used as either parking for the spots lost by protecting the golfer walkways or by catering box trucks.

It will be used for overflow parking. The operator will have to ask the town to open up the space for parking.

The public hearing was opened to the public.

Christian Infantolino, Esq represents Steve and Jamie Munger, of 230 Conanicus Avenue who are direct abutters to the property. Infantolino said that he is taken aback by overflow parking not being used as event only parking. He enters 3 photos to be entered as exhibits.

Kolb gives a brief description of each photo along with exhibit lettering:

Exhibit B – light blue car in front

Exhibit C – sandwich board up front

Exhibit D – white car at an angle

Discussion of how overflow parking area will be managed ensued. Infantolino questioned how the overflow parking area will be managed? Commissioner Pendlebury said that a town management issue is not a neighbor's issue. Commissioner Enright said that Planning Commission can require that the Town have a management plan but we do not need to know the plan.

Discussion of emergency vehicle access ensued. Infantolino said that there will be public health and safety issues if the overflow parking area isn't managed and emergency vehicles can not get through. Commissioner Cochran said that Deputy Fire Chief Kyle Tiexiera was at the TRC meeting and approved the plans with the figures of 23 feet in the aisles.

Discussion of signage in overflow parking area ensued. Liberati said that the town has no interest in having the overflow parking used all the time. Commissioner Pendlebury suggested that some "no parking" signage protect the area, otherwise people will park there.

Discussion of parking space not marked on plan, which is to the east, was discussed. Infantolino is not happy with and objects to the 20th parking space to the east being added. He said that the town testified that there is more than enough parking.

Discussion of the walk ways being preserved ensued. Infantolino said that he was under the impression that both walk ways would be preserved.

Michael Swistak of 143 Narragansett Avenue was sworn in by Brenda Hanna. Swistak spoke as an interested party. He asked about the draft motion with the grass/pavers. He said that a condition of approval could be that grass stays grass and is continuously replaced.

Gray said that the intent is to maintain the grass area. On rainy days, there will be less golfers and parking on the grass should not be an issue. It's peak days when the golf course is full and there is an event at the clubhouse when overflow parking is necessary.

Ray DeFalco, Parks and Recreation Director, sworn in.

A question was asked if clubhouse facility is rented for special event who manages the area? DeFalco said that Parks and Recreation manages the area and the parking during special events.

Commissioner Cochran asked about the demand for special events? DeFalco said that there have been 5 rentals since the beginning of golf season this year. DeFalco has only seen 2 or 3 times when parking overflows up the hill on Conanicus Avenue.

A motion moved by Commissioner Cochran and seconded by Commissioner Enright 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 245 Conanicus Avenue (Jamestown Golf Course), and further identified as Tax Assessor's Plat 8, Lot 283, to create 20 additional parking spaces, erect/relocate a fence and

provide vegetative buffering as shown on a plan by Hali Beckman Landscape Architect, dated Sept. 10, 2021 revised 8/21/24. Said property is located in an OS-II zoning district and contains 74.36 acres.

The Jamestown Planning Commission has determined that this application has been reviewed under RI Gen. Laws 45-23-50.1 Special provisions - unified development review - effective January 1, 2024 which provides that Development Plan Review may include a request for issuance of special use permits by the Planning Commission. In addition, this application does satisfy the requirements of a Special Use Permit under Sec. 82-303 entitled "Expiration and extension of special use permits", 82-601 Uses and Districts, Table 6-1 VI E.6. "Golf course, including clubhouse, outdoor lawn tennis courts (unlighted), maintenance facility, all accessory to operation of a golf course", and Development Plan Review under 82-1004.1 entitled "Planning Commission as DPR Approving Authority" of the Zoning Ordinance.

This motion is based on the following findings of fact:

1. Said property is located in an OS-II zone and contains 74.5 acres.
2. On March 26, 2019, the Zoning Board granted this property Special Use Permit from Article 3, Section 82-301, Uses & Districts, Table 3-1 VI Commercial Retail, F.1. Golf Course, including Clubhouse. Also, Article 6, Section 82- 600, 601 & 602 - Relating to Special Use Permit to raze existing and construct a new Golf Course Clubhouse Facility.
3. The previous findings have been met or will be met with this approval:
 - a. Ingress and egress to the parking lot will be through one-curb cut with parking configured to an east-west orientation.
 - b. Cape Cod berming added to the north & south sides of the parking lot to further direct storm water flow to the catch basins.
 - c. The scenic view shed to be maintained with low shrubs and planting to provide definition to the parking lot. In all cases Rhode Island native plants should be used wherever possible.
 - d. The proposed buildings meet all required zoning setbacks and requires no variances.
 - e. The existing sign will be relocated to better fit the curb cut.
 - f. The new golf facility must be compatible with the existing environment where that environment is paramount to its success.
 - g. The new golf course will not generate any unwanted electrical, electronic or noise interference.
 - h. The new facility will be outfitted with all new water saving devices required by building code and town regulations.
4. The granting of the special use permit will not result in conditions inimical to the public health, safety, morals and welfare.
5. That the granting of such special use permit will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.
6. 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 Cochran and seconded by Commissioner Enright to grant the request of The Town of Jamestown with the following conditions:

In granting a special use permit 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. The landscaping as shown on the plan from Hali Beckman, Ltd as dated 9/10/21 and as revised 8/21/24 shall be constructed within the time period of this special use permit.
2. The parking area shall be grassed and shall not be asphalt.
3. The Town will be responsible for the maintenance and management of the extra parking spaces which shall be considered overflow parking and used for that purpose.
4. The Town shall manage and maintain the plantings as proposed after the 2 year warranty period, as stated on the drawings, expires.
5. Per 82-303, this special use permit shall expire one year from the date of granting unless the applicant exercises the permission granted.

The motion carried by a vote of 5-0.

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

The public hearing adjourns. Commissioner Swistak returns as chair.

V. New Business

1. No items at this time

VI. Old Business

1. No items at this time

VII. Reports

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

There will be one meeting in September on 18th. There will be one meeting in October on 16th. There will be public hearing for subdivision regulations on October 16th. No meetings will be held on September 4 and on October 2.

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

1. July 17, 2024

A motion was moved by Commissioner Enright and seconded by Commissioner Cochran to approved the minutes of July 17, 2024 meeting as written. All in favor.

2. August 7, 2024

A motion was moved by Commissioner Enright and seconded by Commissioner Cochran to approved the minutes of August 7, 2024 meeting as amended. All in favor.

Planning Commission Minutes

August 21, 2024

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Page 1 – New Business – paragraph 1: “options” changed to “optional”

Page 2 – paragraph 1: sentence 3: add “meaning of the” to read “meaning of the added phrase...”

Page 2 – paragraph 1: sentence 4: delete “of a dimensional variance”

Page 4 – item 2: sentence 3: change “asl” to “as”

Page 4 – item 2: sentence 4: add “is located” before “on the public works page on the website.”

IX. Adjournment

A motion to adjourn at 8:27pm was moved by Commissioner Enright and seconded by Commissioner Swistak. All in favor.

Attest:

Carrie Kolb