

Approved as amended
PLANNING COMMISSION MINUTES
October 2, 2024
6:30 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 6:31pm. The following members were present:
Michael Swistak – Chair
Mick Cochran
Diane Harrison
Not present: Bernie Pfeiffer
Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary
Dana Prestigiacomio

Also present:

Lisa Bryer, AICP - Town Planner
Carrie Kolb – Planning Assistant
Wyatt Brochu, Esq. – Ruggiero, Brochu & Petrarca
Chris Duva, Applicant
Mark Liberati, Esq.
Craig Carrington, PE
Susan Gorelick, Applicant
David Gorelick, Applicant

II. Citizen’s Non-Agenda Item - none

III. Correspondence

1. No items at this time

IV. New Business

1. High Groundwater Table and Impervious Overlay District – Zoning Ordinance Section 82-800 - Sub-district A review and recommendation to the Jamestown Zoning Board:
 - a. Chris Duva: AP 3, Lot 14; 509 Seaside Drive, Jamestown, RI; review, discussion, and/or action, and/or vote;

Mark Liberati, Esq represented applicant Chris Duva for the High Groundwater Application of 509 Seaside Drive, AP 3 Lot 14. The existing lot area is 6,706 sq ft. This project will raze existing house, patio, shed, walkway and driveway. There will be a 17.4% reduction in impervious coverage. The current total impervious surface is 42.4%. The property slopes from east to west which keeps water run-off away from neighbors. The new single-family dwelling will be fully compliant with FEMA rules. Size of the new single-family dwelling will be 1,674 square feet. The footprint of the new dwelling matches existing

house. A rain garden for storm water mitigation will be added. A new advanced OWTS treatment system will be installed, which replaces a cesspool.

Craig Richard Carrigan, PE of Carrigan Engineering, Inc. presented his work experience to the Planning Commission. A motion was moved by Commissioner Swistak and seconded by Commissioner Enright to accept Craig Carrigan as an expert witness. All in favor.

Carrigan explained that the new single-family dwelling will be FEMA compliant. The foundation system of the new dwelling will be on pilings. The septic system, which is new, will be a de-nitrifying system with bottomless sand filter. The rain garden will mitigate stormwater runoff. The impervious surface on the property will be significantly reduced. There is fill on the property. The foundations will all be above seasonal high-water table and there will be no impediments of groundwater flow at the foundation.

Discussion of elevation of the first floor ensued. Carrigan said the 11.48 feet for the garage floor and base flood elevation is at 16 feet.

Discussion of the septic system ensued. Carrigan pointed out that the placement for the septic system is the only available spot on the property. The existing home is 3 bedrooms and the proposed septic system is for a 3-bedroom home.

Discussion of the rain garden design ensued. The rain garden was designed to meet State of Rhode Island guidelines. The rain garden was not over-designed.

Chris Duva, owner of the property, addressed the Planning Commission. He stated that the property was purchased in 2009. The property is currently in tough shape. All the contractors recommend starting from scratch. The house needs to be lifted to meet FEMA compliance, and there is no way to just renovate. Currently there are lots of different levels and stairs. They want to be able to stay in the home as they age.

Discussion of impervious surface ensued. The question was asked how the property got to 42% impervious? Duva was unable to answer the question because this is how the property was bought.

Discussion of footprint of the property ensued. The new home will maintain the setbacks. From existing house to new house, there is not much difference in the existing versus proposed plans.

Discussion of wells ensued. Bryer asked Duva about water quality and well testing specifically salt water intrusion. Duva said that the wells have been tested a few times. They have been fine. They also have a holding tank for pressure.

A motion was moved by Commissioner Swistak and seconded by Commissioner Cochran as follows:

At the October 2, 2024 Planning Commission meeting, the Planning Commission voted to recommend to the Jamestown Zoning Board, approval of the application of Chris Duva (property owners Christopher and Maria A. Duva), 509 Seaside Drive, AP 3, Lot 14, Jamestown RI; being reviewed under Zoning Ordinance Section 82-800 – High Groundwater Table and Impervious Overlay District Sub-District A in accordance with the plans entitled “Proposed Building Layout Plan, Comprehensive Boundary Survey, 509 Seaside Avenue, Assessors Plat #3A Lot #14”, dated 7-10-24, prepared by Christopher G. Palmer, PLS. The supporting Drainage Plan and rain garden

design prepared by Craig Carrigan, PE, Carrigan Engineering, Inc. for the above referenced property.

Findings of Fact Section 314

Existing Conditions:

1. The existing site is 6,706 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, patio and paved driveway (total existing impervious area is **2,841 sf or 42.4%**);
3. Soil evaluation results show that the site falls under Sub-district "A" requirements of the High Groundwater Table and Impervious Overlay District with 10" to the seasonal highwater table and 68" to impervious soil;
4. The maximum impervious cover allowed is 9.0% or 604 sf.
5. Topography on the lot slopes from east to west (towards Narragansett Bay) on the site.
6. There are no freshwater wetlands on the property; the CRMC coastal feature is the top of the bluff and there is a 25' CRMC coastal buffer;
7. The site is completely within the flood zone (VE and AE);
8. The applicant was represented by Mark Liberati, Esq and Craig Richard Carrigan, PE, was accepted as an expert witness, at the Planning Commission meeting on October 2, 2024.

Proposed Site Conditions:

1. The applicant is proposing to demolish the existing house and remove the existing impervious driveway, impervious walkways, and shed;
2. A new 1,674 sf house with a pervious driveway is proposed. The total proposed impervious area is **1,674 sf (24.96%)** which is a substantial, 1,167-sf (17.44%) reduction in impervious cover on the site;
3. The applicant has proposed a rain garden for stormwater mitigation and treatment for the CRMC required water quality. A detail for the rain garden, which has been sized to State of Rhode Island standards, has been submitted with the site plans;
4. A new OWTS nitrogen reducing OWTS (RIDEM #0415-0543): 3-bedroom Fujiclean to BSF) will be installed. The new OWTS is replacing a cesspool.
5. Chris Duva testified that the costs to renovate and based on recommendations from contractors, they choose to raze the existing house and rebuild to FEMA standards;
6. Jamestown Engineer Jean Lambert provided correspondence to the Building File and Lisa Bryer, Town Planner dated September 25, 2024 regarding the application (attached).

The proposed project does not comply with the ordinance requirement regarding percent impervious cover but does comply with all other requirements of the Zoning Ordinance Section 82-800.

Recommended Conditions of Approval

1. The existing site exceeds the allowable impervious surface area per Zoning Ordinance Section 82-800. The proposed impervious area is 1,674 sf (24.96%) and the allowable

impervious area is 604 sf. (9.0%). A variance from the Zoning Board will be required in addition to a special use permit;

2. The site must comply with zoning setbacks;
3. The new dwelling must meet all flood elevation requirements;
4. A minimum separation of 12” from the SHWT to the bottom of the slab is required. Basements are not allowed in Sub-district A structures;
5. Erosion and sediment controls must be installed at the down gradient limits of site disturbance and maintained until stabilization of the site is attained;
6. Maintenance and inspection of the new OWTS shall continue as required by the Town Onsite Wastewater Management Ordinance;
7. The rain garden shown on the approved site plans must be installed and maintained as outlined on the notes on the approved site plan; and,
8. Any future site work that increases the area of impervious coverage will require a review following the requirements of the High Groundwater Ordinance.

The motion carried by a vote of 6-0.

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

- b. Susan and David Gorelick; AP 16, Lot 38; 20 Bark Avenue, Jamestown, RI; review, discussion, and/or action, and/or vote;

David Gorelick, 20 Bark Ave, represented himself and Susan Gorelick before the Planning Commission. The purpose of the application is to build a high tunnel, which will be covered from November through March to extend the growing season for vegetables. The high tunnel will be open for most of the year to grow through the summer. The amount of impervious coverage will meet 8%. The rain garden on the plan The amount of impervious coverage will meet 8%. The rain garden was designed by engineer and reviewed by Jean Lambert.

Discussion regarding land owned by Gorelicks ensued. The Gorelicks original land was $\frac{3}{4}$ of a rectangle. They purchased the last quarter from a neighbor 4 years ago and merged it by subdivision this year to increase their land on their house lot. They also own the lot to the right which they bought a few years ago. The land assists with gardening. They are preventing anyone from building on the land.

Discussion regarding the view of the high tunnel and the neighbors ensued. The adjacent neighbor would be able to see the high tunnel, however their view is of the bay and not looking into Gorelick backyard. The neighbor has been told about the high tunnel. The Gorelick's and the neighbor share produce together. There are trees lining the property along Canoe Street and Brig Avenue.

Discussion of the site plan and the proposed pottery studio ensued. Bryer said that Jean Lambert administratively approved the proposed pottery studio because it was under 200 square feet and permitted by ordinance as an exemption. Two exemptions are not permitted; it is a one time exemption which is why they are before you now. Susan Shim Gorelick said the only reason to mention to pottery studio is that combined, the pottery studio and the high tunnel still meet the 8%. Commissioner Pendlebury would like a it stated in the approval that the plan is only representing the high tunnel and rain garden.

Discussion of the high tunnel construction and size ensued. The high tunnel will be built upon crushed stone base. They are not planting in the ground. The size of the high tunnel is 16 x 12 feet and 8.1 feet high.

A motion was moved by Commissioner Swistak and seconded by Commissioner Cochran as follows:

At the October 2, 2024 Planning Commission meeting, the Planning Commission voted to recommend to the Jamestown Zoning Board, approval of the application of The Susan Shim Gorelick Trust, 20 Bark Avenue, AP 16, Lot 38, Jamestown RI; being reviewed under Zoning Ordinance Section 82-800 – High Groundwater Table and Impervious Overlay District Sub-District A in accordance with the plans entitled “Limited Content Boundary Survey, AP 16, Lot 38 and 46 dated 6-24-24, prepared by Daniel F. Harrington, III, PLS. The supporting drainage calculations and additional material prepared by Eugene F. Spring, PE, for the above referenced property.

Findings of Fact Section 314

Existing Conditions:

1. The existing site is 30,720 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. Lot 38 (23,040 sf) was recently combined adjacent lot 46 ((7,680 sf) by administrative subdivision;
2. The existing site is developed with a house and garage. A 199 sf addition, shown on site plan as proposed pottery studio adjacent to the house, was recently approved. With the addition, the total existing impervious area is approximately **2,259 sf or 7.35%**;
3. The applicant has chosen to accept the “worst case” soils conditions in lieu of conducting a soil evaluation on the property. Therefore, the accepted SHWT is 0-10” below existing grade. The site falls under **Sub-district “A”** requirements of the High Groundwater Table and Impervious Overlay District. The maximum impervious cover allowed is **8.0% or 2457 sf**
4. The Tax Assessor shows that it is a 2-bedroom house based on the current OWTS;
5. Topography on the lot slopes from southeast to northwest on the site; and,
6. The applicant was represented by owners David and Susan Gorelick, at the Planning Commission meeting on October 2, 2024.

Proposed Site Conditions:

1. The applicant is proposing to construct a 192 sf structure (the garden high tunnel) to the east of the existing house;
2. The total proposed area impervious is **2,451 sf (8.0%)**;
3. The applicant has proposed stormwater mitigation via a 250-sf rain garden. A detail for the rain garden has been submitted with the site plans. The rain garden will provide peak storm runoff and water quality mitigation;
4. The existing OWTS (RIDEM #2415- 0633: 2-bedroom conventional system) will remain. The system is current for maintenance (last completed 11/2022)
5. Jamestown Engineer Jean Lambert provided correspondence to the Building File and Lisa Bryer, Town Planner dated May 3, 2023 regarding the application (attached).

The proposed project complies with the requirements of the HGWT Ordinance.

Recommended Conditions of Approval

1. This approval is for the 12' x 16' high tunnel. This recommendation for approval does not include approval for the proposed pottery studio listed on the site plan, which has been permitted separately administratively as an exemption of less than 200 sf (one time exemption);
2. Erosion and sediment controls must be installed at the down gradient limits of site disturbance and maintained until stabilization of the site is attained;
3. Maintenance and inspection of the existing OWTS shall continue as required by the Town Onsite Wastewater Management Ordinance;
4. The rain garden shown on the approved site plans must be installed and maintained as outlined on the notes on the approved site plan;
5. Any future site work that increases the area of impervious coverage will require a review following the requirements of the High Groundwater Ordinance;

The motion carried by a vote of 6-0.

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

V. Old Business

1. Comprehensive Community Plan Update & Re-write 2024/2025 – Review, Discussion, and/or Action, and/or Vote

The Recreation Center is not available on November 20. The Recreation Center is available on November 13. The public workshop for Comprehensive Plan is scheduled for November 13 at the Recreation Center. The public workshop will start at 5:30 with food & beverage and the meeting kick off at 6pm. There will be child care available at the Lawn Avenue Gymnasium through the Recreation Department.

VI. Reports

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

Bryer has been meeting with Weston and Sampson consultants. She is sending out information to all the other boards.

Bryer said at the next Planning Commission Meeting on October 16th will be the Public Hearing for Subdivision Regulations. The document has been newly reformatted. Bryer will send over a redline as well.

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

1. September 18, 2024

A motion was moved by Commissioner Pendlebury and seconded by Commissioner Swistak to approve the minutes of September 18, 2024 meeting as written. Commissioner Enright abstained from voting. All in favor.

VIII. Adjournment

A motion to adjourn at 7:18 pm was moved by Commissioner Enright and seconded by Commissioner Cochran. All in favor.

Attest:

Carrie Kolb