

**TOWN COUNCIL MEETING MINUTES**  
**Monday, February 3, 2025**  
**6:00 P.M.**

**I. ROLL CALL**

Town Council Members present were as follows: Nancy A. Beye, Mary Meagher, E. Edward Ross, Mary G. Glackin, and Erik Brine (via Zoom per RIGL 42-46-5(b)(2)).

Also, in attendance: Town Administrator Edward A. Mello, Solicitor Peter Ruggiero, Finance Director Christina Collins, Town Planner Lisa Bryer, Parks and Recreation Director DeFalco, and Town Clerk Roberta Fagan

**II. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

A regular meeting of the Jamestown Town Council was held on February 3, 2025. Town Council President Beye called the meeting of the Jamestown Town Council to order at 6:03 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

**III. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS, AND PROCLAMATIONS**

- A) Presentations: Senator Dawn Euer and Representative Alex Finkelman: 2025 General Assembly Legislative Priorities

Senator Dawn Euer and Representative Alex Finkelman discussed their legislative priorities. The deadline for introducing new bills to the General Assembly is in two weeks. House bills have a grace period, but this does not apply to the Senate.

Senator Euer briefly outlined Senate Bill S2414 and House Bill H7345, which were introduced in 2024 and will be reintroduced in 2025. This legislation aims to empower the Jamestown Water & Sewer Commissioners to limit the public water system's obligation to supply water only within designated areas, specifically the Jamestown Water District, rather than serving the entire land area of the town. The primary purpose of this bill is to benefit Jamestown and to reverse the statewide legislation passed in 2022. While S2414 successfully passed in the Senate, H7345 did not pass in the House.

Representative Alex Finkelman mentioned that there was significant pushback in the House, particularly from the Committee Chair and the Speaker of the House. In response, he adjusted his approach to ensure that Jamestown was prioritized for a municipal infrastructure grant. He collaborated with House leadership and the Rhode Island Infrastructure Bank (RIIB) to elevate Jamestown's position on the list for grant funding. As a result, Jamestown was awarded \$115,000 to study and develop a long-term solution for its water resources challenges.

The water issue was the top priority that Councilor Ross heard from constituents while campaigning, and it is existential. He would appreciate the advocacy of Rep. Finkelman.

Rep. Finkelman's primary focus for the 2025 legislative session is to establish a flexible spending account (FSA) for housing. This account would allow both employers and employees to contribute tax-free funds to cover housing expenses, such as rent, mortgage payments, and utilities.

Additionally, Rep. Finkelman aims to reduce the costs of homeowner's insurance and liability insurance.

Councilor Meagher raised concerns about the state-mandated 4% levy cap. When inflation surpasses this cap, municipalities face significant budgeting challenges. Is there any ongoing discussion regarding the levy cap? It is worth noting that three communities applied for and received permission to exceed the cap in 2024.

Representative Finkelman explained that Middletown submitted a petition to the Department of Revenue, while Warren pursued a petition through the legislative process. If the Jamestown Town Council wishes to propose legislation, Rep. Finkelman's role is to present an approved resolution to the state for consideration.

Vice President Brine reiterated Councilor Meagher's concern with the 4% levy cap creating budgetary challenges each year. He would appreciate Sen. Euer and Rep. Finkelman's support in presenting legislation on behalf of Jamestown.

Councilor Ross proposed the installation of lifesaving nets on the bridges. Representative Finkelman mentioned that a \$1 million study was conducted in 2024 to evaluate the feasibility of installing nets on two of the three RITBA bridges (Newport, Mt. Hope, or Jamestown). The study concluded that the bridges' structural and engineering designs could not support the installation of nets. Councilor Ross requested to be informed when similar legislation is introduced in the future.

Councilor Meagher mentioned that the Jamestown Affordable Housing Committee might present a request to the Town Council. This request is aimed at developing an enabling resolution that would seek an amendment to state legislation, allowing the use of impact fees as a mechanism to support affordable housing. While Jamestown currently has an Affordable Housing Trust Fund, additional funding is needed to make significant progress in improving and expanding affordable housing solutions.

A \$100 million bond was allocated at the State level in 2024. How those funds have and or will be allocated is unknown, Rep. Finkelman stated. He does not anticipate additional funding in 2025.

Senator Euer expressed frustration with the slow pace at which the Rhode Island Department of Housing distributes funding. In reality, housing development and the associated planning and permitting processes take a considerable amount of time. It is concerning that there is currently no plan in place for how to utilize these funds.

A lengthy discussion about the proposed Great Creek Bridge project did not include funding for a bike path. The RIDOT presented five options and made their recommendations last year, estimating the total cost of the project at \$95 million. Representative Finkelman requested that the RIDOT revise their plan to include a bike path and consider a more feasible and affordable alternative.

#### IV. OPEN FORUM

- B) Scheduled request to address: None at this time.
- C) Non-scheduled request to address.

Mariel Sorlien, 70 Clinton Avenue, referenced the communications from the ACLU regarding a model ordinance designed to protect immigrant communities, promote public safety, and foster positive relationships between the police and the community. Several elected officials in Rhode Island have already supported this initiative, with South Kingstown and Central Falls having adopted similar ordinances in 2019. She quoted Rhode Island Attorney General Peter Nehrone's joint statement from January 23rd, which he made alongside ten other State Attorneys General, stating that "local law enforcement may not be commandeered for federal immigration enforcement."

Quaker Case, 679 East Short Road, the Vice Chair of the Affordable Housing Committee (AHC) addressed the Town Council regarding the ongoing support for the Affordable Housing Trust Fund. The yearly contributions have allowed support of smaller projects, such as land trusts and accessory dwelling unit initiatives. The Town Council may consider using conveyance tax funds or building permit fees to create a continuous funding source for these initiatives. Larger projects would likely require a bond or alternative funding sources. Ms. Case referenced that the combined project in Portsmouth, which includes a senior center and low-income housing, serves as a model worth emulating.

A motion was made by Councilor Meagher with a second by Councilor Glackin to open the public hearing. Vote: President Beye, Aye; Vice President Brine, Aye; Councilor Meagher, Aye; Councilor Ross, Aye; and Councilor Glackin, Aye.

#### V. PUBLIC HEARINGS, LICENSES, AND PERMITS

- D) Public Hearing: Review, Discussion, and/or Action and/or Vote: Proposed Amendments to the Code of Ordinances regarding Chapter 82 – Zoning Ordinance, duly advertised in the *January 16<sup>th</sup>, 23<sup>rd</sup> and 30<sup>th</sup>* editions of the Jamestown Press:
  - 1) Memo from Town Planner dated December 3, 2024
  - 2) Proposed Zoning Ordinance Amendments dated October 16, 2024.

Town Planner Lisa Bryer made a presentation to the Town Council on the proposed Zoning Ordinance amendments which included the new sections/initiatives and amended regulations. (see attached).

The Town Council had questions regarding the authority and power of the Technical Review Committee. The approval and recommendation authority of the TRC and the administrative officer (Town Planner Bryer) have more power, per state law. The TRC has an appeal process. A decision can be appealed, whereas a recommendation can not be repealed. It would then go to the Planning Board and/or Zoning Board for a decision.

Town Planner Lisa Bryer explained that the Zoning Ordinance is drafted by the Planning Commission, approved by the Town Council, and enforced by either the Planning Commission or the Zoning Board of Review. In contrast, the Subdivision Regulations are created, approved, and enforced solely by the Planning Commission

Bob Maccini, 17 Friendship Street, asked if the TRC and Planning Commission have more power, and why are abutters not notified?

Town Planner Lisa Bryer responded the state law and zoning ordinance are very specific about what applications require abutter notification. The TRC approvals do not require notification. Planning Commission approvals do require abutter notification.

Councilor Meagher asked if land-based aquaculture projects, specifically if aquaculture equipment is still permitted in yards? Was there a change? Town Planner Lisa Bryer stated yes it would be permitted; there was not change in the ordinance.

Sec. 82-708 Basements, was discussed at length. Essentially the new recommendation “Basements and/or the bottom of any structure’s slab, not including pilings/footings for any proposed new construction, or fifty percent or greater reconstruction or renovation of a structure, shall be located 12” above the seasonal high groundwater table”, has been proposed due to significant flooding on public roads due to pumping of basements. Homeowners often look to the Town to solve their groundwater flooding issues on private property. This is the same requirement as in the High Groundwater and Impervious Layer Overlay District and a Use Variance would be required.

Councilor Meagher mentioned the letter from Jamie King and stated that Town Planner Lisa Bryer had sufficiently answered the questions about noticing the TRC meetings and filing minutes.

Vice President Brine had questions about amendments to the Short-Term Rental Ordinance (STR). Should the STR ordinance be defined more in the Zoning Ordinance?

Town Planner Lisa Bryer explained that the Town of Jamestown Short-Term Ordinance currently is in the Code of Ordinances. The STR ordinance is not in the current version of the Zoning Ordinance but maybe in the future.

A motion was made by Councilor Meagher with a second by Councilor Ross to approve the proposed Amendments to the Code of Ordinances regarding Chapter 82 – Zoning Ordinance, duly advertised in the *January 16<sup>th</sup>, 23<sup>rd</sup> and 30<sup>th</sup>* editions of the Jamestown Press. Vote: President Beye, Aye; Vice President Brine, Aye; Councilor Meagher, Aye; Councilor Ross, Aye; and Councilor Glackin, Aye.

A motion was made by Councilor Meagher with a second by Councilor Ross to convene as the Town Council sitting as the Alcohol Beverage Licensing Board and to open the public hearing. Vote: President Beye, Aye; Vice President Brine, Aye; Councilor Meagher, Aye; Councilor Ross, Aye; and Councilor Glackin, Aye.

- E) Town Council Sitting as the Alcohol Beverage Licensing Board  
Notice is hereby given by the Town Council of Jamestown, being the Licensing Board in said Town:
  - 1) Pursuant to RIGL §3-7-14, the following license application (F-25-2) has been received under said Act for a one-day license on February 20, 2025:  
CLASS F (NON-PROFIT)  
Out of the Box Studio & Gallery  
11 Clinton Avenue  
Jamestown, RI 02835



- a) Review, Discussion, and/or Action and/or Vote for Approval of the one-day CLASS F (NON-PROFIT) LIQUOR LICENSE (Number 1 of 12 licenses per calendar year issued per RIGL§3-7-14)

A motion was made by Councilor Meagher with a second by Councilor Ross to approve the Out of the Box Studio & Gallery One-Day Class F Liquor License scheduled for February 20, 2025 taking place at Out of the Box Studio & Gallery, 11 Clinton Avenue. Vote: President Beye, Aye; Vice President Brine, Aye; Councilor Meagher, Aye; Councilor Ross, Aye; and Councilor Glackin, Aye.

A motion was made by Councilor Meagher with a second by Councilor Ross to adjourn from sitting as the Alcohol Beverage Licensing Board. Vote: President Beye, Aye; Vice President Brine, Aye; Councilor Meagher, Aye; Councilor Ross, Aye; and Councilor Glackin, Aye.

## **VI. COUNCIL, ADMINISTRATOR, SOLICITOR, COMMISSION/COMMITTEE COMMENTS & REPORTS**

- A) Town Administrator's Report: Edward A. Mello
  - 1) OSCAR Grant- Ocean State Adaptation and Resilience Grant program award to the Town of Jamestown in the amount of \$199,400 for the Mackerel Cove Dune Restoration & Resiliency project.

The Ocean State Climate Adaptation and Resilience (OSCAR) Grant program, managed by the Rhode Island Infrastructure Bank, has awarded the Town \$199,400 for the Mackerel Cove Dune Restoration and Resiliency project. This project includes an engineering study that will conduct topographic, coastal resource, and bathymetric surveys to guide restoration efforts. Additionally, it will develop several conceptual plans, including nature-based solutions, and perform a cost-benefit analysis. The goal is to strengthen and restore the sand dunes to mitigate the impacts of sea level rise and extreme weather events, such as storms, hurricanes, and Nor'easters. In collaboration with the Jamestown Conservation Commission, dune grass planting at the Jamestown Community Farm may eventually be transferred to the dune at Mackerel Cove.

- 2) 2025 Recreation Services Agreement between the Town of Jamestown and Jamestown Outdoors to provide "Surf and Paddle" (consent agenda).

For your consideration is a recreational service agreement between the Town and Jamestown Outdoors to provide "Surf and Paddle" for the 2025 season.

- 3) FY 2025/2026 Budget Timeline and budget workshop schedule (new business).

The charter mandates that Town Administrator Mello present the FY 2026 budget to the Town Council on March 3. The Council should consider creating a schedule for budget review and discussion, aiming for a final adopted budget by April 7.

- 4) Bond Options package for Town Council information and discussion (new business).

The staff has prepared a bond option package for the Council's review and discussion.

## VII. UNFINISHED BUSINESS

- A) Review, Discussion, and/or Action and/or Vote: At the request of President Beye to reinstate the Elections Training and Advisory Ad Hoc Committee (ETAC):
- 1) Letter from the former ETAC Ad Hoc Committee member Laura Goldstein regarding reinstating the Ad Hoc committee as a standing committee and request to be reappointed to the ETAC. (Jamestown Citizen-at-Large)
  - 2) Letter from the former ETAC Ad Hoc Committee member Daphne G. Meredith requesting to be reappointed to the ETAC. (Jamestown Citizen-at-Large)
  - 3) Letter from the former ETAC Ad Hoc Committee member Marlene B. Murphy requesting to be reappointed to the ETAC. (Jamestown Citizen-at-Large)
  - 4) Letter from the former ETAC Ad Hoc Committee member Kenneth Newman requesting to be reappointed to the ETAC. (Jamestown Board of Canvass Member)
  - 5) Permission to advertise 1-3 Jamestown Citizen-at-Large member vacancy(s).

A motion was made by Councilor Meagher with a second by Councilor Ross to reinstate the Elections Training and Advisory Ad Hoc Committee (ETAC), reappoint members and to advertise member vacancy(s). Vote: President Beye, Aye; Vice President Brine, Aye; Councilor Meagher, Aye; Councilor Ross, Aye; and Councilor Glackin, Aye.

- B) Review, Discussion, and/or Action and/or Vote: At the request of President Beye to reinstate the Jamestown Tick Task Force Ad Hoc Committee (JTTF):
- 1) Letter from the former JTTF Ad Hoc Committee member Laura Goldstein regarding reinstating the Ad Hoc committee as a standing committee and, request to be reappointed to the JTTF.
  - 2) Letter from the former JTTF Ad Hoc Committee member Cynthia Leonard regarding reinstating the Ad Hoc committee as a standing committee and request to be reappointed to the JTTF.
  - 3) Letter from the former JTTF Ad Hoc Committee member Joseph England regarding reinstating the Ad Hoc committee as a standing committee and request to be reappointed to the JTTF.
  - 4) Permission to advertise 2-4-member vacancy(s).

A motion was made by Councilor Meagher with a second by Councilor Ross to reinstate the Jamestown Tick Task Force Ad Hoc Committee (JTTF), to reappoint members, and advertise member vacancy(s). Vote: President Beye, Aye; Vice President Brine, Aye; Councilor Meagher, Aye; Councilor Ross, Aye; and Councilor Glackin, Aye.

## VIII. NEW BUSINESS

- A) Review, Discussion, and/or Action and/or Vote: Discussion and consideration of staff proposed projects requiring potential bond initiatives:
- 1) Memorandum from Town Administrator Mello to the Town Council regarding Bond Options.

As Town staff prepare the proposed FY 2026 budget to present to the Town Council on March 3, Town Administrator Mello stated that we have also developed several projects for the Council's discussion and consideration. Each of these projects will require a variety of bond initiatives and is expected to be completed within 24 months of approval.

**Project 1: Senior Repair Project****Amount: \$885,000**

The Senior Repair Project would include the major repair of essential components of the building including structural flooring issues, lighting, electrical, fire alarm, kitchen appliances, and HVAC. This option also includes creating office space and private meeting space.

A floor plan will be ready for presentation at the next Town Council meeting. During the meeting on February 24th, the Town Council agreed to hold a joint session with the Senior Services Committee to review the proposed plan. This will include a visual representation of the Senior Center repairs, complete with illustrative pictures demonstrating how the proposed \$900,000 funding will be utilized. The plan should detail updates and provide a timeline for the proposed renovations.

**Project 3: Town Buildings/Facilities Maintenance****Amount: \$1,618,000**

The Town Buildings/Facilities Maintenance project involves the major maintenance of three Town-owned buildings: the recreation center, fire station, and Town Hall.

- *Town Hall* maintenance will include roof replacement, HVAC replacement, siding replacement, six windows in the Chambers, and exterior painting. (Approximately \$535,000.)
- *Recreation Center* maintenance will include exterior siding, windows, doors, and painting; HVAC upgrade in the gymnasium, storage solutions, and pavement of the parking lot. (Approximately \$650,000.)
- *Fire Station/Transfer Station*: Additionally, it will fund the replacement of the office storage space at the transfer station (approximately \$150,000) and provide funding for new self-contained breathing apparatus equipment for the fire department. (approximately \$283,000).

**Project 4: DPW Equipment****Amount: \$950,000**

This project involves replacing highway department equipment that is due for replacement or has surpassed its replacement schedule. The replacement will be phased over two years and includes the following items:

- 2011 Ford F350 pickup
- 2015 Ford F350 pickup
- 2015 Ford F550 dump (two units)
- 2007 Sterling dump (to be replaced with a smaller F550)
- 2015 wood chipper
- 2006 John Deere backhoe
- 2013 Bobcat skid steer

Additionally, this project will fund the purchase of a sign machine, enabling the in-house production of all Town signs.

**Project 2: Fort Getty Improvements**

**Amount: \$930,000**

This project would include the following:

- Replacement of the lower bathroom.
- Installation of a maintenance building.
- Installation of a clevis toilet near the lower tent sites.
- Installation of a water main necessary for the CISF facility.
- Upgrading the water and electrical pedestals.

The project assumed that 73 sites would remain, comprising 67 camping sites and 6 cabins or campers. (Draft map layout attached.)

FT GETTY RV AND TENT				
Based on 2024 revenues/expenses				
<b>REVENUES</b>				
<b>CAMPING</b>				<b>RV ONLY</b>
RV Rental			\$ 480,640	\$ 480,640
Tent Rental			\$ 51,735	
Boat Storage			\$ 17,675	\$ 17,675
Wait List			\$ 900	\$ 900
Dump			\$ 200	\$ 200
Sub Total			\$ 551,150	\$ 499,415
RV Camping Expense				\$ (90,173)
<b>NET RV CAMPING</b>				<b>\$ 409,242</b>
<b>PARK</b>				
Day Pass			\$ 27,640	
Non-resident			\$ 8,125	
Sub-Total			\$ 35,765	
<b>TOTAL</b>			\$ 586,915	
<b>EXPENSES</b>				
<b>CAMPING</b>				
Propane			\$ 1,566	
Staff Maintenance			\$ 18,200	
Staff Clerical			\$ 12,000	
Septic			\$ 7,775	
Trash			\$ 7,600	
Electrical Repairs			\$ 3,900	
Water RV			\$ 9,478	
Electricity RV			\$ 29,654	
Sub-Total			\$ 90,173	
<b>GATE HOUSE</b>				
Staff			\$ 62,655	
Sub-Total			\$ 62,655	
<b>TOTAL EXPENSES</b>			\$ 152,828	

The Town Council had questions about the electric and waterline improvements, and whether the cost of those improvements could be offset by seasonal tenants. Town Administrator Mello referred to the 20-year forecast. Whether the Town Council decides to continue to offer RV camping sites at Fort Getty, certain improvements have to take place.

20 YEAR FORECAST			
RV REVENUE	Fees	YEAR 1	\$ 499,415
	3%	20 YEARS	\$ 13,419,468
RV BOND		20 YEARS	\$ 775,468
	4.75%	\$ 500,000.00	
RV EXPENSE	ALL	YEAR 1	\$ 90,173
	Utilities Tenants	YEAR 1	\$ (40,000)
	Sub-Total	YEAR 1	\$ 50,173
	3%	20 YEARS	\$ 1,356,389
<b>NET</b>		<b>20 YEARS</b>	<b>\$ 11,287,611</b>
20 YEARLY AVERAGE	\$ 564,380		

Councilor Meagher referenced a 2011 Fort Getty workshop, attended by 125 people, the number one priority was passive recreation and open space; followed by a sailing center, year-round restrooms, and a wedding venue (before the pavilion was rebuilt). Some things have come to pass. The future of Fort Getty with input from residents should take place and Councilor Meagher asked for the topic to be on the next agenda to discuss further.

Vice President Brine wants to be cognizant of what the Town is looking to bond for. In addition to Fort Getty, he would like to see something for the bike path priorities put forth by the Bike Path Committee; and future programming at Eldred Field.

Councilor Ross suggested exploring alternative uses of Fort Getty to generate the same revenue as the RV sites.

Councilor Glackin raised a question about whether the construction of the new sailing center building and the upgrades to the electric and water lines fall under the responsibility of the CISF. Town Administrator Mello stated according to the lease agreement between the Town of Jamestown and CISF, water services are included; however, the provision of electric service is the responsibility of the CISF.

Kate Petrie, residing at 1005 Fort Getty Road, emphasized the need for the Town to develop an action plan focused on sustainability. She stated that the climate action plan should consider the energy used, the broader implications, and whether continuing the practice of an RV park at Fort Getty is a sound decision. She inquired if an analysis had been conducted regarding the impacts of sea level rise at Fort Getty. Furthermore, she noted that the Town has yet to hire a Sustainability Officer and expressed her desire to see a greater effort towards future planning. The Town needs to protect its “crown jewel” responsibly.

No action taken.

- B) Review, Discussion, and/or Action and/or Vote: Proposed dates for the (3) three Budget Work Sessions and eventual vote to adopt the budget for Fiscal Year (FY) 2025-2026 (July 1, 2025- June 30, 2026) at the Financial Town Meeting:
  - 1) Town Council Budget Work Session: Operating Budget for FY 2025-2026, March 3<sup>rd</sup> or 4<sup>th</sup> at 5:00 p.m. or an alternate date/time.
  - 2) Town Council Budget Work Session: Operating Budget and Capital Improvement Programs, for FY 2025-2026, March 10<sup>th</sup> at 5:00 p.m.; or 6:00 p.m., or an alternate date/time.



- 3) Joint Town Council and School Department Budget Work Session and Hearing for FY 2025-2026, March 17<sup>th</sup>, at 5:30 p.m. or 6:00 p.m., or an alternate date/time.

The following budget work sessions were set: March 4<sup>th</sup> at 5:00 pm, March 10<sup>th</sup> at 5:00 pm, and the Joint Town Council/School Committee Work Session on March 18<sup>th</sup> at 5:30 pm. Vote: President Beye, Aye; Vice President Brine, Aye; Councilor Meagher, Aye; Councilor Ross, Aye; and Councilor Glackin, Aye.

#### **IX. ORDINANCES, APPOINTMENTS, VACANCIES, AND EXPIRING TERMS**

- A) Request to the Town Council for authorization to begin the appointment process for One (1) Board of Canvassers Full Member; and for One (1) Alternate Member, with a Six-year term(s) ending March 2031, and pursuant to RIGL § 17-8-1 and RIGL § 17-8-2; review, discussion and/or potential action and/or vote.
  - 1) Memorandum of the request of Board of Canvassers Clerk Keith Ford to contact the Jamestown Democratic Town Committee(s) to solicit a list of qualified individuals for Town Council consideration to fill the Board of Canvassers Member vacancy(s).
  - 2) RIGL § 17-8-1 and § 17-8-2
  - 3) Permission to schedule interviews with potential candidates on February 24, 2025 and/or March 3, 2025.

A motion was made by Councilor Meagher with a second by Councilor Ross to begin the appointment process for One (1) Board of Canvassers Full Member; and for One (1) Alternate Member, with a Six-year term(s) ending March 2031, and pursuant to RIGL § 17-8-1 and RIGL § 17-8-2. Vote: President Beye, Aye; Vice President Brine, Aye; Councilor Meagher, Aye; Councilor Ross, Aye; and Councilor Glackin, Aye.

- B) Appointments, Vacancies, and Expiring Terms; Review, Discussion, and/or Action and/or Vote, duly advertised in the October 3<sup>rd</sup> and 10<sup>th</sup> editions of the Jamestown Press:
  - 1) Conservation Commission, One (1) member vacancy(s); with a three year-term ending 12/31/2027:
    - a) Interested Applicant(s):
      - i) Richard Smith, interviewed on January 13, 2025.

A motion was made by Councilor Meagher with a second by Councilor Glackin to appoint Richard Smith to the Conservation Commission, One (1) member vacancy(s); with a three year-term ending 12/31/2027. Vote: President Beye, Aye; Vice President Brine, Aye; Councilor Meagher, Aye; Councilor Ross, Aye; and Councilor Glackin, Aye.

#### **X. CONSENT AGENDA**

- C) Adoption of Town Council Meeting Minutes
  - 1) January 6, 2025 (Regular Meeting)
  - 1) January 21, 2025 (Regular Meeting)
  - 2) January 22, 2025 (Special Meeting)

- D) Minutes of the Jamestown Boards/Commissions/Committees
  - 1) 250<sup>th</sup> Commission, January 8, 2025
  - 2) Zoning Board of Review, November 26, 2024
  - 3) Zoning Board of Review, December 17, 2024
  
- E) At the recommendation of Parks and Recreation Director DeFalco approval of the Memorandum of Understanding (MOU) Service Agreement between the Town of Jamestown and Jamestown Outdoors for the 2025 “Surf and Paddle” recreation program
  
- F) Trash Collector License 2025 Renewal Application(s):
  - 1) Allied Waste Services of MA, LLC, dba: Republic Services, 1080 Airport Road, Fall River, MA 02720
  - 2) Waste Management, dba: Waste Management of RI, 65 Halsey Street, Newport, RI 02840
  
- G) One-Day Event/Entertainment License Applications: All One-Day Event/Entertainment license application approvals are subject to any COVID-19 protocols in effect at the time of the event:
  - 1) Applicant: Jamestown Yacht Club  
 Event: Fools Rules Regatta (ENT-25-1)  
 Date: August 16, 2025  
 Location: East Ferry Beach
  - 2) Applicant: Jamestown Arts Center (JAC)  
 Event: Sound Bath: Community Program (ENT-25-2)  
 Date: February 22, 2025  
 Location: JAC, 18 Valley Street
  - 3) Applicant: Jamestown Arts Center (JAC)  
 Event: Newport String (ENT-25-3)  
 Date: February 8, 2025  
 Location: JAC, 18 Valley Street
  - 4) Applicant: Jamestown Arts Center (JAC)  
 Event: Film: “Best Judgement: Ladd School Lessons” (ENT-25-4)  
 Date: February 13, 2025  
 Location: JAC, 18 Valley Street
  - 5) Applicant: Out of the Box Studio & Gallery (OBSG)  
 Event: Oddity Box (ENT-25-5)  
 Date: February 20, 2025  
 Location: OBSG, 11 Clinton Avenue
  
- H) One-Day Vendor/Peddler/MFE License Applications: All One-Day Vendor/Peddler/MFE license application approvals are subject to any COVID-19 protocols in effect at the time of the event:
  - 6) Applicant: Jamestown Yacht Club  
 Event: Fools Rules Regatta (ODVP-25-1)  
 Date: August 16, 2025  
 Location: East Ferry Beach

- D) Ratification of the Administratively approved Short-Term Rental application(s) for the period of January 1, 2025, through December 31, 2025, duly advertised in the January 16<sup>th</sup> & 23<sup>rd</sup> editions of the Jamestown Press; upon resolution of debts, taxes, State approval, and appropriate signatures:
- 1) STR-61, Laura Edelstein, 7 Pleasant View
  - 2) STR-168, Alyce Robinson, 21 Buloid Avenue

Councilor Meagher read aloud each Short-Term Rental host application name and address, asking those in attendance for any objections or comments to be known.

A motion was made by Councilor Meagher with a second by Councilor Ross to approve the Short-Term Rental applications for licensing as listed on the Consent Agenda. Vote: President Beye, Aye; Vice President Brine, Aye; Councilor Meagher, Aye; Councilor Glackin, Aye; and Councilor Ross, Aye.

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

Communications were acknowledged.

**XI. 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 Letter to: Town Clerk Roberta Fagan  
 From: James B. King, Jr.  
 Dated: January 30, 2025  
 Re: Review of the overall process and authority of the Planning Commission and Technical Review Committee (TRC).
- 2) Copy of email to: Town Clerk Roberta Fagan  
 From: Andrew Williams  
 Dated: January 29, 2025  
 Re: Thank you for consideration to the Harbor Commission.
- 3) Copy of letter(s) to: Town Council  
 From: Beth Smith  
 Dated: January 21, 2025  
 Re: 1/21 Town Council Agenda
- 4) Copy of letter(s) to: Town Council  
 From: Taxpayers Association of Jamestown  
 Dated: January 20, 2025  
 Re: Tax Concerns

- 5) Copy of letter(s) to: Town Council  
From: American Civil Liberties Union  
Dated: January 24, 2025  
Re: Immigration Model Ordinance
  
- 6) Copy of letter(s) to: Town Council  
From: United State Department of the Interior  
Dated: January 14, 2025  
Re: Bolstering Ecosystems Against Coastal Harm Act  
(BEACH Act; Pbul. L. 118-117)

**XII. OPEN FORUM**

- A) Continued (If necessary) - No additional speakers.

A motion was made by Vice President Brine to move into Executive Session at 8:37 p.m. with a second by Councilor Ross. Vote: President Beye, Aye; Vice President Brine, Aye; Councilor Meagher, Aye; Councilor Ross, Aye; and Councilor Glackin, Aye.

**XIII. EXECUTIVE SESSION**

- A) Review, Discussion, and/or Action and/or Vote in Executive Session and/or open session pursuant to § 42-46-5(a) Subsection (2) Collective Bargaining (NAGE 68 and NAGE 69).

President Beye recused from the discussion regarding NAGE 68 and left the meeting at 8:47 p.m.

A motion was made by Councilor Meagher to seal the minutes and adjourn from Executive Session with a second by Councilor Ross. Vote: Vice President Brine, Aye; Councilor Meagher, Aye; Councilor Ross, Aye; and Councilor Glackin, Aye.

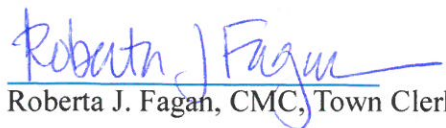
It was announced that no votes were taken.

The Town Council reconvenes the regular meeting.

**XIV. ADJOURNMENT**

A motion was made by Councilor Meagher with a second by Councilor Glackin to adjourn at 8:55 p.m. Vote: President Beye, Aye; Vice President Brine, Aye; Councilor Meagher, Aye; Councilor Ross, Aye; and Councilor Glackin, Aye.

Attest:

  
Roberta J. Fagan, CMC, Town Clerk





# ZONING ORDINANCE AMENDMENTS

Town Council Public Hearing  
February 3, 2025



## ZONING ORDINANCE AMENDMENTS A. NEW SECTIONS/INITIATIVES:

- Sec. 82-708. Basements
- Basements and/or the bottom of any structure's slab, not including pilings/footings for any proposed new construction, or fifty percent or greater reconstruction or renovation of a structure, shall be located 12" above the seasonal high groundwater table...
- Proposed due to significant flooding on public roads due to pumping of basements. Homeowners often look to the Town to solve their groundwater flooding issues on private property.
- This is the same requirement as in the High Groundwater and Impervious Layer Overlay District.
- Use Variance required

## ZONING ORDINANCE AMENDMENTS A. NEW SECTIONS/INITIATIVES:

- **\*Article 12. Use Performance Standards** (Special Use Permit standards for all uses permitted by "special use" are now required by state law. Standards have been added for the following uses:)
- \* Sec. 82-1212. Adaptive reuse projects
- Sec. 82-1213. Standards for Non-Residential Uses in Residential Zoning Districts
- Sec. 82-1214. Motel or Hotel
- Sec. 82-1215. School or College
- Sec. 82-1216. Religious Institution; Library, museum, etc.
- Sec. 82-1217. Hospital or clinic; Emergency counseling service
- Sec. 82-1218. Nursing or convalescent home; Assisted living facility
- Sec. 82-1219. Government-owned penal, garage or utility facility

## ZONING ORDINANCE AMENDMENTS A. NEW SECTIONS/INITIATIVES:

- ### Use Performance Standards (con't)
- Sec. 82-1220. Charitable or fraternal organization
  - Sec. 82-1221. Recreational ballfields
  - Sec. 82-1222. Park and recreation use, including skateboard or ice rinks and playgrounds together with buildings, ancillary to the park use, such as bathrooms, educational space, and storage
  - Sec. 82-1223. Seasonal off-site marina parking
  - Sec. 82-1224. Public and semipublic structure
  - Sec. 82-1225. Radio and TV studios
  - Sec. 82-1226. Satellite dish
  - Sec. 82-1227. Sale of produce raised on premise
  - Sec. 82-1228. Lunchroom or restaurant (no alcoholic beverages)
  - Sec. 82-1229. Tavern, bar or nightclub (alcoholic beverages)



ZONING ORDINANCE AMENDMENTS  
A.  
NEW SECTIONS/INITIATIVES:

- Use Performance Standards (con't)
- Sec. 82-1230. Motor vehicle dealers, including repairs conducted in a building; Autobody or paint shop; General auto repair; Vehicle rental agency
- Sec. 82-1231. Commercial recreation facilities
- Sec. 82-1232. Theater or concert hall
- Sec. 82-1233. Golf course
- Sec. 82-1234. Tent or recreational vehicle camps
- Sec. 82-1235. Riding academies
- Sec. 82-1236. Marina; Yacht clubs and beach clubs; Boat and ship storage, and repair
- Sec. 82-1237. Temporary real estate office or model home
- Sec. 82-1238. Boarding of animals (excluding dogs)
- Sec. 82-1239. Ship and boat building including sales
- Sec. 82-1240. Environmental Criteria for Industrial Uses

ZONING ORDINANCE AMENDMENTS  
B.  
AMENDED REGULATIONS:

- **82-104.1 – Definitions: (con't)**
- **\*Adaptive reuse.** Conversion of an existing structure from the use for which it was constructed to a new use by maintaining the elements of the structure and adapting such elements to a new use.
- New definition
- **\*Development plan review.** The process whereby authorized local officials Design or site plan review the site plans, maps, and other documentation of a development of a permitted use. A municipality may utilize development plan review under limited circumstances to determine the compliance encourage development to comply with the stated purposes design and/or performance standards of the ordinance. ~~this chapter~~ community under specific and objective guidelines, for the following categories of developments:
- **Land unsuitable for development.** Means land which has environmental constraints or physical constraints to development and shall be defined as follows:
  - Wetlands as defined in ~~G.L. 1956-6-1-18 et seq.~~ and intertidal salt marshes as defined by ~~G.L. 1956-5-46-23-1 et seq.~~ RIGL 45-22-2-4 (wetland, coastal) RIGL 82-1-20 (wetland, freshwater), and as the same is or may be from time to time amended, and in any rules or regulations adopted pursuant thereto. For the purposes of delineating suitable land for the computation of the maximum number of dwelling units, land encompassed by any Rhode Island setback requirement, need not be excluded from consideration as developable land area.
- Both above - Wording and categories added per state law.

ZONING ORDINANCE AMENDMENTS  
B.  
AMENDED REGULATIONS:

- **82-104.1 – Definitions:**
- **\*Accessory Dwelling Unit.**
- Based on June 2024 State Law change (simple wording changes, parcel - lot, primary - principal etc.
- A residential living unit on the same ~~parcel~~ lot where the ~~primary~~ principal use is a legally established single-family dwelling unit or multi-family dwelling unit ~~dwelling~~. An ADU provides complete independent living facilities for one or more persons. It may take various forms including, but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling. (See Sec. 82-1201 – Accessory Dwelling Units)

ZONING ORDINANCE AMENDMENTS  
B.  
AMENDED REGULATIONS:

- **82-104 – Definitions: (con't)**
- **\*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-boat~~ boat storage, and accessories, boat haul-out facilities and personal services.
- Not a change to existing ordinance.
- **\*Modification.** Permission granted and administered by the Zoning Enforcement Officer for a Dimensional Variance other than lot area requirements from the ordinance [this chapter] to a limited degree as ~~determined by the ordinance~~ ~~[this chapter]~~ ~~but not to exceed 25 percent of each of the applicable dimensional requirements~~ set forth in Sec. 82-309.
- Per State Law.
- **\*Seasonal Off-site Marina Parking.** Any portion of a lot that is used for the commercial parking of vehicles related to a Marina use, such parking area not being collocated with or adjacent to said Marina use.
- In current use table but not defined.

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

• 82-104 – Definitions: (con't)

**Substantial Modification.** Alteration to a building that includes one or more of the following:

- That is valued at more than 50% of the replacement cost of the entire building;
- New construction other than single family;
- Fifty percent or greater alteration of a building exterior;
- Demolition;
- Grading that disturbs more than two vertical feet of land;
- Fifty percent or greater alteration of street façade;
- New use category;
- Expansion of use which requires more than 15 net new parking spaces or adding more than 15 parking spaces to an existing use; or
- A use applying for no net loss of parking per Sec. 82-1307.

• Substantial Modification is used to determine which applications go to the TRC and which go to the Planning Commission. Also used in the Village Special Development Overlay District.

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

• 82-104 – Definitions: (con't)

• **Variance.** Permission to depart from the literal requirements of the ordinance [this chapter]. An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land, which is prohibited by the ordinance [this chapter]. There shall be only two categories of Variances, a Use Variance or a Dimensional Variance.

• **Use Variance.** Permission to depart from the use requirements of the ordinance [this chapter] where the applicant for the requested Variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of the zoning ordinance [this chapter].

• **Dimensional Variance.** Permission to depart from the dimensional requirements of a [the] zoning ordinance [~~this chapter, where under the applicant for the requested relief has shown, by evidence upon the record, 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. However, the fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief~~ applicable standards set forth in § 45-24-41.

• Per State Law

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

• 82-104 – Definitions: (con't)

• **Sec. 82-104.2 Flood Plain Definitions.**

• **Height.** The maximum height for buildings and structures erected in Special Flood Hazard areas shall be in accordance with the Dimensional Table of this ordinance (§82-602) minus the difference between the base flood elevation, however established, and the average existing grade.

• To be consistent with the definition of *Building Height*.

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

• **\*Article 3. Special Use Permits and Variances** (amendments to proposed use determinations, expiration and extensions, hearing requirements, unified development, dimensional variance hardship clarification)

• **\*Sec. 82-301. Special Use Permits authorized by this ordinance [chapter].**

• In accordance with the procedure established in Article 2 (Zoning Board of Review) hereof [of this chapter], the Zoning Board may, in appropriate cases and subject to conditions and safeguards as further provided in this ordinance [chapter], make exceptions to the terms of this ordinance [chapter] in harmony with the general purposes and intents of this ordinance [chapter] and the comprehensive plan. Special Use Permits may be granted by the Zoning Board for the uses listed as special use in Sec. 82-601 (Uses and districts) herein, for change of a nonconforming use as provided in Article 9 (Nonconforming Uses) [of this chapter], and for accessory structures located in front yards as provided in Sec. 82-700 (Accessory structures) herein.

• Any proposed land use that is not specifically listed in Sec. 82-601 may be presented by the applicant to the Zoning Board for an evaluation and determination of whether the proposed use is of a similar type, character and intensity as a listed use requiring a Special Use Permit. Upon such determination, the proposed use may be considered to be a use requiring a Special Use Permit.



ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

**\*Sec. 82-303. Expiration and extension of Special Use Permits.**

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. 82-305. Variances authorized by this ordinance [chapter].**

The Zoning Board shall hold a public hearing on any application for Variance in an expeditious manner, after receipt, in proper form, of an application, and shall give public notice thereof at least 14 days prior to the date of the hearing in a newspaper of general local circulation in the town. Notice of hearing shall be sent by first class mail to the applicant, and to at least all those who would require notice under G.L. 1956, § 45-24-53. The notice shall also include the street address of the subject property. ~~The cost of~~ At least fourteen (14) days prior to the hearing, the same notice shall be posted in the town clerk's office and one other municipal building in the town and the town shall make the notice accessible on the home page of its website. For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing. The cost of newspaper and mailing notification shall be borne by the applicant.

Requests for dimensional and Use Variances and Special Use Permits submitted under a Unified Development Review provision of this zoning ordinance shall be submitted as part of the subdivision or land-development application to the Administrative Officer of the Planning Commission, pursuant to RIGL §45-24-46.4. All subdivision or land-development applications submitted under the Unified Development Review provisions of this zoning ordinance shall have a public hearing, which shall meet the requirements of the Town of Jamestown Subdivision Regulations Article

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

**\*Sec. 82-307. Variances—Additional restrictions**

The Zoning Board of Review or, where Unified Development Review is enabled, the Planning Commission shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:

- In granting a Use Variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the ordinance [this chapter]. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a Use Variance; and

• In granting a Dimensional Variance, the hardship that will be suffered by the owner of the subject property if the Dimensional Variance is not granted shall amount 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 shall not be grounds for relief.

• An applicant may apply for, and be issued, a Dimensional Variance in conjunction with a special use. If the special use could not exist without the Dimensional Variance, the Zoning Board of Review, or the Planning Commission in Unified Development Review, shall consider the Special Use Permit and the Dimensional Variance together to determine if granting the special use is appropriate based on both the special use criteria and the Dimensional Variance evidentiary standards.  
(Ord. of 12-26-2001)

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

**\*Sec. 82-306. Conditions for granting a Variance.**

In granting a Variance, the Zoning Board of Review, or the Planning Commission under Unified Development Review as appropriate, shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

- 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; and
- That the hardship is not the result of any prior action of the applicant ~~and does not result primarily from the desire of the applicant to realize greater financial gain or owner, and of the applicant to realize greater financial gain or owner, and~~
- 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 ordinance [this chapter] or the comprehensive plan upon which the ordinance [this chapter] is based; ~~and;~~

~~• That the relief to be granted is the least relief necessary.~~

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

**\*Sec. 82-308. Expiration of variances.**

~~A variance from the provisions of this ordinance [chapter] 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.~~

**\* Sec. 82-309g. Modifications granted by Building Official (changes to application of such)**

~~The zoning enforcement officer shall be permitted Zoning Enforcement Officer is authorized to grant modification or adjustment Modification from literal dimensional requirements of the zoning ordinance [this chapter] listed in Article 6 [of this chapter] up to 25 percent. The Zoning Enforcement Officer shall permit Modifications that are 5 percent or less and may permit Modifications up to 25 percent (RIGL §45-24-46).~~



ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

\* **Sec. 82-309. Unified Development Review.** (Establishment, hearing requirements, appeals)

- A. Unified Development Review established. There shall be Unified Development Review for the issuance of variances and Special Use Permits for properties undergoing review by development plan review and/or land development or subdivision review.
- B. Public hearing. All land development and subdivision applications and development plan review applications that include requests for Variances and/or special-use permits submitted pursuant to this section, shall require a public hearing that meets the requirements of 445-23-42(b).
- C. In granting requests for dimensional and Use Variances, the Planning Commission shall be bound to the requirements of Sec. 82-306 relative to entering evidence into the record in satisfaction of the applicable standards.
- D. In reviewing requests for Special Use Permits the Planning Commission shall be bound to the conditions and procedures under which a Special Use Permit may be issued and the criteria for the issuance of such permits, as found within the zoning ordinance Sec. 82-300, and shall be required to provide for the recording of findings of fact and written decisions as described in the zoning ordinance pursuant to Sec. 82-203.
- E. Appeals. An Appeal from any decision made pursuant to this section may be taken pursuant to 445-23-71.

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

**Sec. 82-601. Uses and districts.**

The abbreviations for each of the zoning districts in this table are as described in Sec. 82-500. Zoning districts. CW refers to the Commercial Waterfront District at East Ferry and CWw refers to the Commercial Waterfront District at West Ferry. ~~Where use allowances are the same for both of these sub-districts, there is one symbol. Where use allowances are different, there are two symbols. Mixed use refers only to a mix of uses. The individual uses being mixed shall be governed separately in the use table. Note that any non-residential use allowed by Special Use Permit in a residential district must follow the standards of Sec. 82-1213 and any industrial use allowed by Special Use Permit must follow the standards of Sec. 82-1240.~~

**Table 6-1 – Permitted Uses**

Changes made to permissibility, districts and standards for review (Article 12 – Use Performance Standards)

**Sec. 82-602. District dimensional regulations.** Table 6-2

- Multifamily Dwellings have been removed from Districts RR-80 and R-40.
- The dimensional requirements have been reduced in the R-20 district from 200,000 square feet to 80,000 square feet.
- The dimensional requirements for Duplexes have been reduced in the R-8 (15,000s.f. to 12,000s.f.) and R-20 (40,000 to 30,000) districts.
- Minimum setbacks have been increased in the CD district.

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

**Sec. 82-800. High groundwater table and impervious layer overlay district. (High Groundwater Overlay)**

- Construction, reconstruction, or renovation of structures or other new impervious surface coverage 200 square feet or greater in Sub-district A shall be reviewed first by the Planning Commission through ~~Development Plan~~ as a recommendation to the Zoning Board of Review. The activities shall subsequently require a Special Use Permit from the Zoning Board of Review. The Planning Commission ~~decision~~ recommendation shall be advisory to the Special Use Permit application reviewed by the Zoning Board of Review.
- ~~Construction~~ One-time construction, reconstruction, or renovation of structures or other new impervious surface coverage less than 200 square feet in Subdistrict A shall be reviewed under Administrative Development Plan Review. Any additional construction, reconstruction, or renovation to the subject lot shall comply with the requirements of section 82-800 as development over 200 square feet or greater.
- Activities subject to review in Sub-district B shall be reviewed under Administrative Development Plan Review.
- The town may engage one or more professionals as deemed necessary by the Town, at the expense of the applicant, to assist with the review of applications at a reasonable cost.
- Prohibitions.
- The installation of subsurface drains designed to intercept and lower the groundwater table for the installation of an OWTs.
- ~~Basements associated with any structure. Any proposed new or expanded basement and/or the expansion bottom of any structure, are structure's slab, not allowed in Sub-district A, including pilings/footings that is less than 12 inches above the seasonal high groundwater table is prohibited. In-ground swimming pools are not allowed prohibited in Sub-district A.~~

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

**Sec. 82-904. Alteration of a nonconforming use.**

Any alteration of a nonconforming use shall make the use more closely adhere to the intent and purposes of this ordinance [chapter]. Applications for alteration of a nonconforming use shall be made as a request for a Special Use Permit to the Zoning Board. The board shall ensure that no alteration is permitted which would increase the degree of nonconformity, except in the ~~CD and CW zoning districts~~ Village Special Development Overlay District where the Zoning Board may allow alteration or expansion at its discretion in conformance with Article 11 - Jamestown Village Special Development District and the standards in this ordinance.



ZONING ORDINANCE AMENDMENTS  
B.  
AMENDED REGULATIONS:

**\*Sec. 82-908. Single nonconforming lots of record. (Substandard lots of record).**

Where no adjacent land is in the same ownership so as to form a larger land parcel, a lot smaller than the minimum dimensions and area required by this ordinance [chapter] which was a lot of record on the effective date of the ordinance [from which this chapter is derived] and is on a publicly accepted street may be used for a single-family dwelling. For any structure proposed under this section on a single nonconforming lot of record, the following dimensional regulations shall apply:

1) Minimum building setbacks, lot frontage and lot width requirements for a lot which is nonconforming in area shall be reduced by applying the building setback, lot frontage and lot width requirements from the zoning district in Jamestown in which the subject lot would be conforming as to lot area. By way of example, if a lot is 15,000 SF and located in the R-20 zoning district, the dimensional requirements for the R-8 zoning district (8,000 SF minimum lot size) shall apply, if the subject lot is not conforming as to lot area in any of Jamestown's zoning districts, the setbacks, lot frontage and lot width shall be reduced by the same proportion that the area of such substandard lot meets the minimum lot area of the district in which the lot is located. By way of example, if the lot area of a substandard lot only meets forty percent (40%) of the minimum lot area required in the district in which it is located, the setbacks, frontage and width shall each be reduced to forty percent (40%) of the requirements for those dimensional standards in the same district.

2) Maximum lot building coverage for lots that are nonconforming in area shall be increased by the inverse proportion that the area of such substandard lot meets the minimum area requirements in the district in which the lot is located. By way of example, if the lot area of a substandard lot only meets forty percent (40%) of the required minimum lot area, the maximum lot building coverage is allowed to increase by sixty percent (60%) over the maximum permitted lot building coverage in that district.

Further, a single nonconforming lot of record shall not be required to seek any zoning relief based solely on the failure to meet the minimum lot size requirements of the district in which such lot is located.

\*Most language removed from these sections as new state law has placed the responsibility of Development Plan within the Subdivision Regulations

**\*Sec. 82-1000. Purpose/Development Plan Review Established**

The shall be development plan review for uses that are permitted by right under the zoning ordinance.

**\*Sec. 82-1001. Applicability/Permitting Authority**

The permitting authority shall be the Planning Commission, the Administrative Officer or the technical review committee per the Town of Jamestown Land Development and Subdivision Regulations.

**\*Sec. 82-1002. Coordination with Zoning Board of Review/Specific and Objective Guidelines**

Design of all projects shall be consistent with the provisions of the Town of Jamestown Land Development and Subdivision Regulations.

**\*Sec. 82-1003. Waivers**

The authorized permitting authority may grant waivers of design standards as set forth in the Town of Jamestown Land Development and Subdivision Regulations.

**\*Sec. 82-1004. Appeal**

A reelection of the decision shall be appealable pursuant to RIGL §45-23-71.

ZONING ORDINANCE AMENDMENTS  
B.  
AMENDED REGULATIONS:

**\*Sec. 82-909. Merger of contiguous nonconforming lots of record. (Substandard lots of record).**

Standards for merger of substandard lots on a district-by-district basis. The Town of Jamestown is primarily a residential island community. All of the town drinking water is derived from precipitation that collects in watersheds flowing into two surface reservoirs or which seeps into the ground, reaching cracks in the underlying bedrock. The island's bedrock aquifers have limited yield and its public water supply is at maximum capacity. Much of the town was laid out or platted decades ago and many of the recorded plats contain street layouts, never built, or which were originally created for a less dense population and are already over-taxed in many neighborhoods. The need for preserving or protecting the town water supplies and preserving open space is evident. Accordingly, the merger provisions of this section shall apply in every district within the Town of Jamestown herein designated. The standards for specific districts below, notwithstanding, in all zones, the merger of lots shall not be required when the substandard lot of record has an area equal to or greater than the area of fifty percent (50%) of the lots within two hundred (200) feet of the subject lot, as confirmed by the Zoning Enforcement Officer.

ZONING ORDINANCE AMENDMENTS  
B.  
AMENDED REGULATIONS:

**\*Sec. 82-1005. Project review fees. (added April 9, 2007)**

Changes to procedure due to state law changes.

**Article 11. Jamestown Village Special Development District**

Changes made to this section to clarify the Development Plan Review procedure and applications meeting the definition of significant alteration. Types of plantings also added.

**\*Article 12. Use Performance Standards (discussed previously under New Section/Initiatives)**

Each of the following uses is permitted in a specific district to the extent indicated in Sec. 82-601 Uses and districts, for that use and district, subject to all provisions of the applicable district, and the provisions in this section. Any use below is permitted in the underlying zoning district if it meets all the requirements for that district, meets the specific and objective criteria listed in this section, and, if required, receives an approval of a Special Use Permit per the standards of Sec. 82-300 Considerations of the Zoning Board.



ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

Table 12-1 Density Regulations – Multifamily Dwelling Project Dwellings

Zoning District	Services	Square foot per unit in excess of 1 to be added to the Zoning District minimum lot size <sup>1</sup>
CD R-8	Water and sewer <sup>2</sup> required	N/A 5,000
CD R-20	Water and sewer <sup>2</sup> required	N/A 6,000
		Units per acre, excluding open space
R-8CD	Water and sewer <sup>2</sup> required	3,500 15 units per acre
R-20CL	Water and sewer <sup>2</sup> required	3,000 15 units per acre
R-40	Water and sewer <sup>2</sup> required (at least 50% of the lot public utility services)	3,300

- Assumes one unit per minimum lot size for the zoning district and the additional square footage for each additional unit.
- 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.
- "Water" and "sewer" refer to public water service or public sewer service as provided by the Town of Jamestown.

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

- Sec. 82-1200. Multifamily Dwellings (con't)
- Screening. The following uses and areas within the premises of a multifamily structure or development shall be screened from adjacent residential properties or public streets.
  - d) In the CD zoning district, buffering and screening as defined in this section shall not be required adjacent to commercially developed land.

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

Sec. 82-1200. Multifamily Dwellings

Sec. 82-1200.2. ~~Special-use permit required~~ Review procedure. The zoning board of review. The Planning Commission, through Unified Development Review per section 82-310 and Formal Development Plan Review per Article 10 and the Town's Subdivision and Land Development Regulations, may permit, in the zoning districts specified in section 82-601, the establishment of multifamily dwellings by the granting of a Special Use Permit in accordance with the provisions of Article 3 [of this chapter] and additional standards found in this Article 12. In addition to the considerations listed in section 82-300, the zoning board/planning Commission shall also consider:

- Any advisory opinion from the planning commission/technical review committee through the development plan review process.
- Sec. 82-1200.3. ~~Development plan review.~~ Prior to the hearing for a special-use permit, an application shall be submitted to the planning commission for development plan review pursuant to Article 10. The planning commission shall have the administrative duty to review the plans for the proposed multifamily development and make a written report to the zoning board. The zoning board may then hear and make a decision on the application. Pursuant to RIGL 45-24-49a, Development Plan Review shall be advisory to the zoning board's review of a special-use permit application and shall not, on its own, constitute a decision on the application.
- Sec. 82-1200.4. ~~Standards of development.~~ The following standards of development shall apply to any multifamily dwelling structure or project:
  - C. 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 25% open space requirement for the CL and DC districts and 50% open space requirement for R-8 and R-20 zoning districts for multifamily dwelling projects, which does not include any land unsuitable for development as defined in Section 82-104.

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

- Sec. 82-1200. Multifamily Dwellings (con't)
- D. Density – Multifamily structures. Not more than 124 dwelling units shall be permitted in a multifamily dwelling structure in any district where permitted, pursuant to the definition of multifamily structure in Sec. 82-104, Definitions. Each multifamily dwelling structure shall have no more than a 4,000 square-foot footprint. The zoning board or appropriate permitting authority may allow a structure to contain more than 124 dwelling units, provided the following conditions are met to the satisfaction of the zoning board:
  - E. Site Design:
    - Open Space. In the R-40 district, at least half of the site that is 8 and R-20 districts, the open space area shall not be covered by buildings, driveways or aboveground utilities or parking areas. Fifty percent (50%) of the total "Open Space" shall be open space designed and/or maintained for the enjoyment of residents on that site without buildings, driveways, parking areas or aboveground utilities. These areas may include, without limitation, perimeter buffer areas, walkways, paths, playgrounds, outdoor recreation areas, gardens, ornamental, landscaping, or natural areas. In the CD and CL districts, the open space area shall not be covered by buildings, or driveways but maintained for the enjoyment of residents on that site and may include, without limitation, perimeter buffer areas, walkways, paths, playgrounds, outdoor recreation areas, gardens, ornamental, landscaping, or natural areas. In the CD and CL districts, particular attention shall be paid to the public frontage, specifically encouraging compliance with the retail and mixed use and residential porches guidance as noted in the Jamestown Pattern Book and Guidelines.



ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

**\*Sec. 82-1201. Accessory Dwelling Units**  
Sec. 82-1201.2. Standards.

- An accessory dwelling unit may be permitted, by right, in any residential zoning district with the following limitations:
- A. Accessory dwelling units are only allowed on a lot with one single-family or with a duplex dwelling as the principal dwelling and should appear to be subordinate to the principal dwelling. The ADU shall be permitted to be ~~600 square feet, or less than nine hundred square feet (900 sq. ft.), or sixty percent (60%) of the floor area net of the principal dwelling, whichever is less, for a studio or one (1) bedroom ADU and up to twelve hundred square feet (1,200 sq. ft.) or sixty percent (60%) of the floor area of the principal dwelling, whichever is less, for a two (2) bedroom ADU as permitted by Section 82-700 - Accessory Structures.~~
  - B. Only one ADU may be allowed per lot by right:
    - 1) On an owner-occupied property as a reasonable accommodation for family members with disabilities; or
    - 2) On any lot with a total lot area of twenty thousand (20,000 s.f.) or more for which the primary use is residential; or
    - 3) Within the existing footprint of the principal dwelling or existing secondary attached or detached structure and does not expand the footprint of the structure.
  - C. Accessory dwelling units located within or attached to the principal dwelling shall meet all the requirements of Sec. 82-602 - District dimensional regulations, as they pertain to the principal dwelling.
  - D. Accessory dwelling units located in a new or existing accessory structure:
    - 1) Shall meet the requirements of Sec. 82-602 - District dimensional regulations and Sec. 82-700 - Misc. Structure and Site Regulations, as they pertain to an accessory structure (82-700) ~~the principal dwelling, except for height which shall be maintained at or below the maximum requirement for accessory structures of 25 feet;~~
    - 4) A special use permit shall be sought for an ADU in a detached structure on the lot where that detached structure does not meet the setbacks required for the primary structure;

**Sec. 82-1209. Underground storage tanks.**

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 are allowed to be placed Underground propane tanks must be placed at least 12 inches above the high groundwater table.
- 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:
  - \*Tanks must be placed at least 12 inches above the high groundwater table.

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

**Sec. 82-1204. Solar Energy Systems and Facilities**

- Regulations added for Major Solar Energy Systems (permitted by Special Use Permit in Public District)

**\*Sec. 82-1205. Wind Energy Systems**

- **Sec. 82-1205.2. Applicability.**
- D. No wind energy system shall be erected, constructed, installed or modified as provided in this section without ~~first undergoing receiving a special use permit from the Planning Commission through Formal Development Plan Review (FDR) through the Planning Commission per Sec. 82-1004 Article 10 and then applying for a Special Use Permit through the Zoning Board of Appeals per Sec. 82-202, Procedures for Appeals, Special Use Permits, Town's Subdivision and Variances and Development Regulations and Article 3, Special Use Permits and Variances. Unified Development Review per section 82-3210.~~ All applications for a wind energy system shall meet the standard requirements for ~~DPAs (Sec. 82-1005) Development Plan Review (Amestown Subdivision and Land Development Regulations) and Special Use Permits (Sec. 82-203 and Article 3) as well as the requirements described below in Sec. 82-1205.3, General Requirements.~~

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

**Article 15. Conservation Developments**

**Sec. 82-1501. Applicability**

- A. In accordance with the standards set forth in this section, the Planning Commission shall require all ~~major~~ subdivisions or land development projects of 5 or more residential lots to be developed in the form of a conservation development, whether a subdivision or not, except as provided in subsection B., below, only in the RR-200, RR-80, R-40 and R-20 zoning districts.
- B. If an applicant requests approval of a ~~major~~ conventional subdivision, the Planning Commission shall first require the applicant to submit a plan(s) of a conservation development for the property proposed for development, following the requirements and procedures for conservation developments provided in this section. As a comparison, the applicant shall also submit plan(s) for the conventional type of development requested. If the Commission finds that the conventional subdivision meets the general purposes of the Subdivision and Land Development Regulations and is consistent with the Comprehensive Plan, and after consideration of the purposes of conservation developments set forth in Sec. 82-1500 herein, the Commission may permit the application to be reviewed in a form other than conservation development. For ~~major~~ subdivisions or land development projects, the Commission may make this determination at the pre-application meeting, but no later than the master plan stage of review.
- C. The Planning Commission may not require an application for a ~~major~~ conventional subdivision of less than 5 lots to be submitted as a conservation development. Applications seeking approval of either a ~~major~~ conventional subdivision or a minor conservation development if of less than 5 lots shall be at the discretion of the applicant.

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

**\* Article 16. Low- and Moderate-Income Housing**

**Sec. 82-1601. Application fees.**

The application fee for a comprehensive permit application shall be equal to the fee for the most analogous fee required in the subdivision and land development regulations of the Town of Jamestown as determined by the director of planning and development. ~~Provided, however, the imposition of such a fee shall not preclude a showing by an applicant that the fee makes the project financially infeasible.~~

**Sec. 82-1603. Municipal Subsidy.**

The Town of Jamestown may grant municipal government subsidies for the development of Low- and Moderate-Income housing in the approval of a Comprehensive Permit application consistent with municipal government subsidy as that term is defined by R.I. Gen. Laws § 45-53-3 (12).

The Town of Jamestown ~~is not obligated to~~ shall provide ~~any form of~~ or more municipal ~~subsidy~~ government subsidies to a comprehensive permit applicant to offset the differential costs of the low- or moderate- income housing units, including but ~~may offer or negotiate a subsidy in return for specific design considerations, facilities improvements or other direct or indirect public benefit~~ not limited to the minimum incentives required by R.I. Gen. Laws § 45-53-4(b). The Planning Commission shall have sole authority to exercise this authority for any applications submitted under this Sec. 82-1600.

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

**\* Article 16. Low- and Moderate-Income Housing (cont)**

**Sec. 82-1604. Low- and Moderate-Income Housing Incentives**

~~The~~ In addition to the incentives required by R.I. Gen. Laws § 45-53-4(b), the Town of Jamestown, in compliance with the ~~housing chapter of its 2013~~ approved Comprehensive Plan (which serves as the Jamestown Affordable Housing Plan) allows the following incentives to encourage the development of Low- and Moderate-Income housing:

~~1) Reduction in minimum lot area Bonus market rate units. All projects subject to this article, with the exception of Cottage Community Developments (CCD), shall be entitled to a density bonus showing of one (1) additional market rate units for reduction in the minimum lot area per dwelling unit in the development based upon the underlying zoning. The each affordable unit required.~~

~~2) Eligibility for density bonus. An application that utilizes a fee-in-lieu off site construction or rehabilitation, or donation of land suitable for development of the required affordable units shall not be thirty percent (30%) for developments up to and including 10 dwelling units and shall be twenty five percent (25%) for developments with more than 10 dwelling units, eligible for density bonus.~~

~~3) Modification of lot dimensional requirements. The density bonus shall correspond with a 25% decrease in the minimum front, rear and side yard setback requirements and a 25% decrease in the minimum frontage and lot width requirements of the Jamestown Zoning Ordinance for the The minimum lot area per dwelling unit normally required in the applicable zoning district in which the property is located shall be reduced by that amount necessary to accommodate the development.~~

ZONING ORDINANCE AMENDMENTS  
B. AMENDED REGULATIONS:

**\* Article 17. Amendment**

\* Change to Notice and Hearing Requirements per new state law requirements.