



TOWN OF JAMESTOWN

P.O. Box 377
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JAMESTOWN, RHODE ISLAND 02835

Planning Office (401) 423-7210

Approved as written

PLANNING COMMISSION MINUTES

March 19, 2025

6:00 PM

Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 6:02pm. The following members were present:

Michael Swistak – Chair

Duncan Pendlebury

Mick Cochran

Diane Harrison

Nick Insana

Bernie Pfeiffer

Not present: Dana Prestigiacomo

Also present:

Lisa Bryer, AICP, Town Planner

Carrie Kolb, Planning Assistant

David Petrarca, Esq., Ruggiero, Brochu & Petrarca

Ashley Sweet, Weston & Sampson

Steven A. Ross, Esq., Applicant

Timothy Burke, AIA, Applicant Architect

Christian Infantolino, Esq., Applicant Attorney

Daniel Herchenroether, AIA, Applicant Architect

Stephen Hines, abutter

Anne Kuhn-Hines, abutter

Mark Libertati, Esq., abutter attorney

Raymond Bazzano, abutter

II. Citizen's Non-Agenda Item - none

III. Correspondence

1. TRC Minutes and Development Plan Approval for Accessory Structure for 121 Walcott Avenue, Plat 9 Lot 339, owners 121 Walcott Avenue, LLC.

Bryer explained that this application needed a variance for a garage in the front yard. The application did not fit under Unified Development Review. Development Plan approval from TRC was granted.

2. TRC Minutes and Development Plan Approval, 11 Alden Road, Plat 8, Lot 201, owners Joseph and Suzanne Jachinowski.

Bryer said that the application for an Accessory Dwelling Unit in front (secondary) yard within Village Special Development District was approved with findings of fact and conditions of approval.

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

1. Application of Steven A. and Kristi Ross whose property is located at 224 Narragansett Avenue, and further identified as Tax Assessor's Plat 8, Lot 9 for a variance from Article 6, Section 82-602 entitled "District Dimensional Regulations", Table 6-2 for the Village Special Development District Zones R-8, R-20, CL and CD and Article 3 (Section 82-305 entitled "Variances Authorized by this Ordinance" and Sections 82-306 and 82-307) and "Unified Development Review" - Zoning Ordinance 82-309, including Development Plan Review - Zoning Ordinance 82-1102.C to renovate an existing single family dwelling and construct a new accessory structure where existing dwelling is currently located 1.7' from front property line where a 7.5' front setback is required and 0' from the side (east) property line where 2.5 feet are required. Said property is located in an R-20 zone and contains 5,022 square feet.
The Application is being reviewed under Unified Development Review (RI Gen. Laws 45-23-50.1 "Special provisions - unified development review" - effective January 1, 2024) which provides that Development Plan Review may include a request for issuance of variance by the Planning Commission.

Commissioner Swistak opened the Public Hearing.

Steven A. Ross, applicant for 224 Narragansett Avenue, was sworn in by stenographer. Ross explained that he and his wife, Kristi, bought property in December 2024 for their 33-year-old daughter and her fiancée. Steven and Kristi Ross live on Beavertail Road.

Timothy Burke, Architect was sworn in by stenographer. Timothy Burke gave his credentials. A motion was moved by Commissioner Swistak and seconded by Commissioner Pendlebury to accept Timothy Burke, AIA as an expert witness. All in favor.

Burke explained and showed on plan boards the existing conditions and proposed renovations of the house. Burke said that the applicant would like to renovate instead of tear down. Burke said that there was a positive TRC meeting. The plans were drawn up following the Jamestown Vision Pattern Book and Design Guidelines.

The porch will be removed because it is intruding on the lot line. The house itself is situated on the side lot. The proposed renovations will add on a new roof shape and dormers. The direction of the ridge line will be changed to so it is no longer parallel to the street. The top floor will have a cut out with a deck to view the marina. The proposed exterior is a red cedar with a weathered look with black windows for a bit more modern look. The applicant is also proposing a small accessory building with storage on the first floor and gym on the second floor.

The relief requested is due to the existing setbacks. The renovations on the side will go upwards but not go further into the neighboring property.

Discussion of windows ensued. Commissioner Cochran stated that the design of windows was the only discussion not covered in the TRC. Commissioner Harrison said the house looks commercial with the windows and people walking down the sidewalk would be able to look right into them. Commissioner Pendlebury asked if they were casement windows? Burke answered yes. Commissioner Pendlebury said the Jamestown Vision Design Guidelines are double hung, multi-panes and white. Also, the proportion doesn't match the guidelines with the context of historic facades.

Discussion of existing house ensued. Commissioner Pendlebury asked if the house has a full foundation? Burke answered, yes, it has a basement with a stone foundation and a crawl space at the back. Commissioner Pendlebury asked if the home straddles the property line? Burke said yes, goes over by 0.5 foot at the back corner. Commissioner Pendlebury asked if there is any paperwork that shows an allowance of use? Burke said that there is a right-of-way on record with the neighbor's property and he doesn't think that anyone knew that there was an encroachment until there was an instrument survey done. Commissioner Pendlebury asked if the ground of right of way is part of neighbor's lot #10? The property is encroaching on lot 10 regardless of a right of way. Burke said yes, that is correct. Commissioner Pendlebury asked if the proposed new roof overhangs onto the neighbor's property? Burke said the roof overhangs by 12 inches with the soffit. Commissioner Cochran asked if the current roof overhangs onto the neighbor's property? Burke said yes, it does overhang. Commissioner Swistak asked if the new overhang will be the same, greater or less? Burke said that the existing house has more and they will be reducing it, which is an improvement. Commissioner Pendlebury said that he is in favor of changing the roof line. He is uncomfortable with 0 ft. setbacks and front yards that are not fixable and he knows that they are existing conditions. Burke said that they are improving the front set back by removing the porch and bringing the home into the lot lines.

Commissioner Swistak opens public comments.

Mark Liberati, Esq. represents the neighbors, the Hines. The existing home and the proposed home encroach on the Hine's property and they are not co-applicants. The application is defective because it does not include an assent from the Hines to build on their property. Liberati said the house is on an undersized lot and conforms to CD district regulations, which require a 5-foot setback. Liberati would like to continue this public hearing so Shanin Barzin, AIA, a local architect, can attend. Liberati questioned if the old foundation could withstand a renovation? Liberati said that there is a right of way but that does not allow them to build. Liberati said he would like the owners and the architects to talk to each other. Commissioner Swistak asked for clarification on "defective". Liberati said that the Planning Commission does not have the authority to rule on the application. Counselor Petrarca said that the Planning Commission has the argument of the abutter and that there is the color of the law. Liberati said that "color of the law" means the argument of the abutter is not ridiculous. Commissioner Swistak asked Liberati if Shanin Barzin is consulting for his client? Liberati said yes and he would like to see if they can settle this matter outside.

Ross responds and stated that he filed the application with the hardships. The overhang is less than it is now. He asked Carrie Kolb if there were any comments by the deadline published in the paper? The answer was no. They are anxious to get going on the project. They are willing to adjust the windows. He is doing this house for his daughter. There is a whole process to go through and he does not want a continuance.

Stephen Hines, 222 Narragansett Avenue, said that he is the abutter to the East. He welcomed the Ross family to the neighborhood. Jim and Ann Pemantel were his neighbors for almost 40 years. He and his wife enjoy being good neighbors and get along with their neighbors. Hines said that he did not get notice of the TRC meeting. The expansion of the building is going up 8 feet. Hines said he does not want anyone on his property due to sewer line and septic. He would like to have an expert speak to the Committee. They are willing to be good neighbors. They want to get along with everybody.

Anne Kuhn-Hines, 222 Narragansett Avenue, said that she wants to re-iterate the excitement of the Ross' daughter moving in. Neighborhood used to be full of kids and it will be nice to have young people back in the neighborhood. The neighborhood is friendly and welcoming. They want to be able to talk to each other.

Commissioner Swistak asked Counselor Petrarca about Liberati's interpretation of the right of way because it is over his head and it is a critical point to make a decision. Counselor Petrarca said he did not review it but the Planning Commission can't give more relief that what is asked for. It is a negative – by going into the property line and zero feet is asked for. Petrarca said there is not a time clock with State mandates and the Planning Commission can allow the parties to have further discussions. Commissioner Swistak said that he is uncomfortable with rights of way because of negligence and an appeal on a decision would take months. Ross said that he is willing to have a continuance of the public hearing.

A motion was moved by Commissioner Swistak and seconded by Commissioner Pendlebury to continue the Public Hearing and Unified Development Review of Steven and Kristi Ross to April 16, 2025 at 6:00pm in the Town Council Chambers of Jamestown Town Hall 93 Narragansett Avenue, Jamestown, RI 02835. The Planning Commission also accepted the applicant granting an extension of time to resolve the issues. All in favor.

The public hearing is continued to Wednesday, April 16, 2025 at 6:00pm in the Town Council Chambers of Jamestown Town Hall 93 Narragansett Avenue, Jamestown, RI 02835.

V. New Business - review, discussion and/or action and/or vote (continued from 2-5-25)

1. 14 Narragansett Avenue (formerly Curiosity and Co.) Plat 8 Lot 168, owner 1601 Mineral Spring Avenue, LLC. Development Plan Review for restaurant second floor shed dormer and 562 square foot outdoor awning to over restaurant seating. Located within the Village Special Development District, Zoning Ordinance 82-110.

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

Christian Infantolino distributed a new color set of plans at the meeting which have changes made to plan labeled A001 with the change being the size of the awning. Infantolino said that the application addresses concerns from the letter from the neighbor. At the TRC Meeting, a metal pole, canvas awning was discussed. The awning company made a suggestion for a more permanent structure and not a canvas awning. Infantolino said that there are deed restrictions on the property and they will comply with them. There is existing Zoning approval for a restaurant with 134 seats and parking that is in place. Bryer said that a Special Use Permit runs with the land.

A motion was moved by Commissioner Pendlebury and seconded by Commissioner Cochran to accept Architect Daniel Herchenroether as an expert witness. All in favor.

Herchenroether explained that they are raising the existing roof, bringing the second floor of the proposed restaurant to code and adding dormers on both sides for head room on second floor. Herchenroether said that the awning/pergola will be reduced in size. The cooler, mechanicals and existing awning that covers the cooler will be removed. The new roof will have downspouts and gutters. There will be more space between awning structure and eastern property line. There will be a physical buffer between the sidewalk and the patio seating with planters filled with vegetation.

Discussion of the patio ensued. Commissioner Pendlebury asked about umbrellas on the patio because they will help with noise reduction? Herchenroether said it was discussed at TRC that they would like to have umbrellas. Commissioner Cochran asked if the patio is made with pervious pavers? Herchenroether said no and they are proposing gutters with leaders. Commissioner Pendlebury said that the renderings of the patio structure look too much like a carport and there needs to be more architecture. Herchenroether said that a pergola made of the metal structure is what they are leaning towards.

Discussion regarding the second-floor doors and seating ensued. Commissioner Harrison asked about the sliders on the second floor. Herchenroether said that the sliders are 2 panels that open. Commissioner Pendlebury said that sliding windows have the wrong appeal for the district and that a half window would be better for appearance and visibility of the patrons from the street. Infantolino said that they will fix the windows so not sliders. Commissioner Cochran said to talk to the Fire Marshall about seating on the second floor. Infantolino said that they will comply.

Discussion of the restrictive covenants ensued. The restrictive covenants include: noise, seating, limitations on bar seating, limitation of days and time of operation, exterior lighting and no entertainment.

Discussion of the existing structure ensued. Commissioner Pendlebury asked about seating in the rear of the existing structure. Infantolino said that they are allowed 10 bar seats back there. That does not bring them over the max of 134 seats.

Discussion of the west side ensued. Commissioner Pendlebury asked if the west side can have another window? Herchenroether said that there is one window on the first floor and they can add two windows on the second floor.

Ray Bazzano, 10 Narragansett Avenue, spoke to the Planning Commission. He wrote a letter that was distributed at the February 5, 2025 meeting. He said that the concerns he raised have been mostly addressed. He still has a concern with the noise on the second floor. The change in sliders to windows will hopefully help.

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

The application of 1601 Mineral Spring Avenue, LLC was reviewed by the Planning Commission on March 19, 2025 and the Planning Commission hereby approves the Development Plan based on the following finding of fact and subject to the following conditions of approval:

Findings of Fact:

1. The application was reviewed under the standards of Zoning Article 11 as a Development Plan within the Village Special Development District;
2. The proposal includes raising the roof, adding a full dormer to accommodate interior seating on the second floor, an awning (3 season) over a part of the patio area;
3. This application does not require any variances or special use permit for the proposed work;
4. The proposed improvements do not change the number of permitted seats of 134 and the proposed plan shows 113 seats, interior, which is reduced from 121 total seats from the February submittal. 8 seats (2 tables) have been removed from the exterior seating near the sidewalk. 48 outdoor seats at no more than 12 tables and 10 seats at the outdoor bar are permitted, in compliance with the 2003 Zoning approval and recorded restrictive covenants;
5. This site was granted a parking variance for 134 seats in 2003 for restaurant use. The Zoning Certificate dated 5/6/21 by Jamestown Building and Zoning Official William L. Moore notes the parking allowance of 134 seats;
6. This application has been reviewed by the TRC on 1-23-25 and by the Planning Commission on 3-19-25;
7. The applicant was represented by Attorney Christian Infantolino and Architect Dan Herchenroether;
8. This property has been a restaurant in the past for many years and the abutting property at 10 Narragansett, Plat 8, Lot 169, has a Restrictive Covenant involving the subject property recorded in Jamestown Land Evidence Book 467, Page 113-116 that affects use of the outdoor space. The applicant confirmed the application and plans are in compliance with the Restrictive Covenant;
9. The following information has been provided for the proposed application:
 - a) Application for Development Plan Review dated 3/17/2025
 - b) Narrative – 14 Narragansett Avenue
 - c) A0 - Cover Sheet – dated 3/17/2025
 - d) A001 – Site Plan – dated 3/17/2025

- e) A111 – 1st Floor Plan Extg – dated 3/17/2025
 - f) A112 – 1st Floor Plan Proposed – dated 3/17/2025
 - g) A121 – 2nd Floor Plan Extg – dated 3/17/2025
 - h) A122 – 2nd Floor Plan Proposed – dated 3/17/2025
 - i) A201 – Front Elevation – dated 3/17/2025
 - j) A202 – Side Elevation (East) – dated 3/17/2025
 - k) A203 – Rear Elevation – dated 3/17/2025
 - l) A205 – Side Elevation (West) – dated 3/17/2025
 - m) A301 – Section Extg – dated 3/17/2025
 - n) A302 – Section Proposed – dated 3/17/2025
 - o) A401 – Renders – dated 3/17/2025
10. This property is located in the Commercial Downtown (CD) Zoning District. Restaurant use is permitted by right;

Conditions of Approval:

- 1. The site improvements shall be built in strict accordance with the plans referenced above except where noted herein for additional administrative approval;
- 2. A detailed plan for the sidewalk separation treatment (as shown in the rendering) will be submitted for administrative review and approval;
- 3. Approval of the canopy, side curtains and any proposed heaters shall be approved Administratively by the Planning/Building Departments and approved by the Fire Marshall including second floor seating and exits;
- 4. The Restrictive Covenant involving the subject property recorded in Jamestown Land Evidence Book 467, Page 113-116 shall continue to be abided by;
- 5. Any exterior changes after this approval will require further approval;
- 6. A suitable location for a bike rack will be provided;
- 7. Add fenestration of 3 windows on the west side. This will be approved administratively;
- 8. Change sliding glass doors to sill height, multipaned windows (not floor to ceiling) on the second floor;
- 9. Attach a canopy roof to the pergola for soundproofing;
- 10. Soundproof the patio with as many umbrellas as possible per seating layout;
- 11. Payment of \$250 Development Plan Review application fee is required;
- 12. Plan changes can be approved administratively.

Roll call vote:

Mick Cochran – aye Diane Harrison – aye

Nick Insana – aye Bernie Pfeiffer – aye

Duncan Pendlebury – aye

Motion carries 5-0 with Michael Swistak recused and Dana Prestigiacomo absent.

VI. Old Business

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

and/or Action and/or Vote

a. Review of Draft Existing Conditions Elements:

a. Transportation

Discussion ensued on Transportation section. The first two paragraphs on page 3 will be clarified and the missing data from the third paragraph will be provided. On page 4 the data will be double checked. On page 5 in the Major Roads section, High Street will be added to the east/west sentence. On page 14, the paragraph stating "As the population increases" will be removed. The map on page 18 will be corrected. The times for RIPTA buses #14 and #64 will be double checked. In the Bicycling section, clarity will be added that bicycling on major through fares is stressful. Bicycling on low volume roads is less stressful. Bicycling is not allowed on the Jamestown Verrazzano bridge. In Marine Transportation the companies have changed to TPG Conanicut Marine Services, TPG Dutch Harbor Boat Yard and Safe Harbor Jamestown Boat Yard.

The Planning Commission reviewed this section and made comments that will be addressed and brought back to the Commission for final review.

b. Final Draft Review of Elements:

a. *Housing*

On page 8 the text in the graph is not legible. The table on page 13 is inaccurate. There isn't data available in the RI Housing Fact Book. Weston and Sampson will look to see if rental data has to be included in the Comp Plan? If needed, the graph needs to explain that there isn't readily available data.

Final details will be added and brought back to the Planning Commission for review.

b. Cultural and Historic – This Element was reviewed. Final details will be added and brought back to the Planning Commission for review.

The picture of the Jamestown Arts Center on page 21 is incorrect.

c. Goals, Policies and Actions related to: not discussed

a. Housing

b. Cultural and Historic

d. Public Engagement Summary: not discussed

In this section, the graphs have to have clearly labeled X and Y axis and text within graphics should be legible.

VII. Reports - Review, Discussion and/or Action and/or Vote

1. Planner's Report

a. Future meetings – topics and applications

Bryer said that the Planning Commission Meeting on April 2, 2025 is cancelled because there are no applications.

There is a Town Council Public Hearing for the Proposed Zoning Amendment related to Video Arcades on April 7.

VIII. Approval of Minutes – Review, Discussion and/or Action and/or Vote

1. February 19, 2025

A motion was moved by Commissioner Cochran and seconded by Commissioner Pendlebury to approve the minutes of the February 19, 2025 meeting as written. All in favor

IX. Adjournment

A motion to adjourn at 8:52 pm was moved by Commissioner Cochran and seconded by Commissioner Pendlebury. All in favor.

Attest:

Carrie Kolb