



## TOWN OF JAMESTOWN

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

Planning Office (401) 423-7210

Approved as written  
**PLANNING COMMISSION MINUTES**  
**April 16, 2025**  
**6:00 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave, Jamestown, RI 02835**

### **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    |
| Bernie Pfeiffer         |                   |

Not present: Dana Prestigiacomo and Nick Insana

Also present:

Lisa Bryer, AICP, Town Planner  
Carrie Kolb, Planning Assistant  
David Petrarca, Esq., Ruggiero, Brochu & Petrarca  
Steven A. Ross, Esq., Applicant  
Timothy Burke, AIA, Applicant Architect  
Michael Sherburne, Applicant  
Carolyn Anne Morabit, Applicant

### **II. Citizen's Non-Agenda Item - none**

### **III. Correspondence – Review, Discussion and/or Action and/or Vote:**

1. Development Plan approval for 14 Narragansett Avenue Plat 8 Lot 168, owner 1601 Mineral Spring Avenue, LLC.

Correspondence was recognized as received.

### **IV. Public Hearing: Review, Discussion and/or Action and/or Vote:**

**Under Unified Development Review per RIGL§ 45-23-50.1.**

#### **1. Public Hearing continued from March 19, 2025**

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 demolish and replace 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.

A motion was moved by Commissioner Swistak and seconded by Commissioner Pendlebury to resume the Public Hearing under Unified Development Review per RIGL § 45-23-50.1 continued from March 19, 2025 for the applicants Steven and Kristi Ross whose property is located at 224 Narragansett Avenue, AP 8 Lot 9 for a variance from Article 6, Section 82-602 and Development Plan Review in the Jamestown Village Special Development District. All in favor.

A motion was moved by Commissioner Pendlebury and seconded by Commissioner Swistak to allow the amended application from the previous public hearing which revises the requested relief of the setbacks on the side yard and front yard. All in favor.

Steven Ross of 354 Beavertail Road was sworn in by the stenographer. Ross explained that he and his wife, Kristi, own 224 Narragansett Ave as well. They have amended their application and he will have Tim Burke explain.

Timothy Burke, AIA, was sworn in by the stenographer and recognized as an expert witness at the previous public hearing. Burke thanked the Planning Commission for the opportunity to present new plans. They went back to the drawing board and have proposed a new house which align with Village Design Guidelines. The side setback is now met, with 7-feet on the side yard and the porch meets the 9-foot front yard setback and the only variance needed is the house front yard where 18 feet is required and 9 feet are provided. They will not be on the neighbor's property with the new house. Burke said that there is still some work to do on the drainage plan. The new accessory structure has remained the same. The exterior of the new house will be cedar shingles. On the main house, the windows have been changed to white trim and muntin. The elevation in the back and side are unchanged.

Commissioner Harrison said that the new house works much better with the porch.

Commissioner Pendlebury asked about a stormwater mitigation system? Burke said that the neighbors told them about the shale. They will work with a local engineer to control stormwater. Bryer said that Burke has been working with Jean Lambert, PE, in Public Works for acceptable solutions. Bryer suggests that the final drainage plan be approved administratively by Planning and Public Works departments. Commissioner Swistak said that the draining plan will not impede a demo permit, but it will hold up the building plans.

Commissioner Pfeiffer asked about the purpose of the out building? Burke explained that the out building will be used for storage and workout space on the second level. Commissioner Pfeiffer said that vehicle cannot fit. Burke said it will be used for storage and exercise.

A motion was moved by Commissioner Swistak and seconded by Commissioner Pendlebury to

grant your Petition heard by the Town of Jamestown Planning Commission under Unified Development Review on March 19 and April 16, 2025 per RIGL § 45-23-50.1. whose property located at 224 Narragansett Avenue, and further identified as Tax Assessor's Plat 8, Lot 9.

This motion is based on the following findings of fact:

1. Said property is located in an R-20 zoning district and contains 5,022 square feet;
2. This application was reviewed at the January 23, 2025 and April 8, 2025 Technical Review Committee meetings;
3. The existing house has a 1'7" setback in the front and 0' setback on the east side (encroaching on adjacent lot by 6").
4. This Commission has determined that this application does satisfy the requirements of 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 to demolish an existing single-family dwelling and construct a new single-family dwelling and accessory structure where proposed dwelling is located 10'1" from front property line where a 18' front setback is required (per the R-8 district as an undersized lot). The east (side) setback is now conforming.
5. The review included insuring consistency with Jamestown Village Design Guidelines;
6. Timothy Burke, Architect, and applicant/owner Steven Ross gave testimony at the March 19, 2025 Planning Commission meeting. Residents Stephen and Anne Hines gave testimony during the public comments at the March 19, 2025 Planning Commission meeting;
7. After testimony was completed at the public hearing for which due notice was given and a record kept, the Town of Jamestown Planning Commission, after taking into consideration all of the testimony and exhibits at the public hearing, makes the following determination:

A motion was made by Commissioner Swistak and seconded by Commissioner Pendlebury to grant the request of Steven A. and Kristi Ross, of 354 Beavertail Road for the property located at 224 Narragansett Avenue for a dimensional variance and development plan approval based on the finding of facts as noted in this approval with the following conditions to be adhered to.

In granting a variance, the Planning Commission through unified development review pursuant to § 45-24-46.4 has determined that the following standards for granting of such variance have been met by evidence submitted or testified to:

- (1) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area;
- (2) That the hardship is not the result of any prior action of the applicant; and
- (3) That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based; and

The Planning Commission also finds that:

In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief.

In granting the Variance and Development Plan Approval the Planning Commission imposes the following special conditions as are deemed necessary to maintain harmony with other lots in the same or abutting zoning districts and to promote the objectives of this Ordinance.

1. This project must be constructed in strict accordance with the site and building plans duly approved by the Planning Commission as follows:
  - a. Site Plan – Existing Conditions dated 12-19-24
  - b. Site Plan – Proposed Conditions dated 12-19-24
  - c. Plan A0.1 - Site Plans dated 04/01/2025
  - d. Plan A1.1 – Proposed Floor Plans dated 04/01/2025
  - e. Plan A1.2 – Proposed Floor Plans dated 04/01/2025
  - f. Plan A2.1 – Elevations dated 04/01/2025
  - g. Plan A3.1 – Garage Design dated 04/01/2025
  - h. Plan A4.1 – 3D Views dated 04/01/2025
  - i. Plan A5.1 – Architectural Renderings dated 04/01/2025
2. The applicant shall comply with State and local building codes. The applicant shall apply for the required demolition and building permits.
3. The final drainage plan to be approved administratively by Planning and Public Works departments.
4. This Variance shall expire one year from the date of granting unless the applicant exercises the permission granted.
5. This approval shall be recorded with the office of the Town Clerk, in the Jamestown Land Evidence Records within 30 days of signing in coordination with the Planning Office.

The motion carried by a vote of 4-0.

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

**The public hearing adjourns.**

**V. New Business – Review, Discussion and/or Action and/or Vote:**

1. Michael Sherburne, 30 Steamboat Street, AP 5, Lot 461, High Groundwater Table and Impervious Overlay District – Zoning Ordinance Section 82-800 - Sub-district A, review and recommendation to the Jamestown Zoning Board

Michael Sherburne purchased the property at 30 Steamboat Street. The property has a very small shed and does not have a garage. The previous owners didn't keep up with the property.

Sherburne and his fiancé Carolyn Morabit are getting married in two months and very excited with their new property. They want a larger shed as a place to store the lawn mower. Commissioner Pendlebury asked about stormwater mitigation? Sherburne said that they are installing a rain garden to mitigate storm water. Commissioner Swistak asked for details on the rain garden. Sherburne said that the rain garden has been designed and approved by Jean Lambert. They have the plant types picked out. The rain garden will be larger than required.

Bryer said that Carolyn Anne Morabit is also an owner of the property as listed in GIS. She needs to sign the application and be listed in the ruling.

Commissioner Harrison asked what the lot size? Bryer said 21,500 square feet.

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

At the April 16, 2025 Planning Commission meeting, the Planning Commission voted 4-0, with Commissioner Pendlebury recused, to recommend to the Jamestown Zoning Board, approval of the application of Michael Sherburne and Carolyn Anne Morabit: AP 5, Lot 461; 30 Steamboat Street, Jamestown, RI; being reviewed under Zoning Ordinance Section 800 - High Groundwater Table and Impervious Overlay District Sub-district A. The recommendation for approval is based on the following findings of facts and recommended conditions of approval as amended:

#### Findings of Fact

##### Existing Conditions:

1. The property is 21,500 square feet (sf) in area;
2. The existing site is developed with a 3-bedroom house, shed, crushed stone driveway, and patio.
3. The total existing impervious area is **1,293 sf or 6.01%**;
4. Topography on the lot slopes from northeast to southwest (towards Steamboat Street);
5. There are no freshwater wetlands on the property;
6. Soil evaluation results show that the site falls under **Sub-district "A"** requirements of the High Groundwater Table and Impervious Overlay District with 32" to the seasonal highwater table and 20" to impervious soil; and,
7. The maximum impervious cover allowed is **11.0% or a maximum of 2,365 sf.**

##### Proposed Conditions:

1. The applicant is proposing to install a 384 sf shed (16'x24') and remove an existing 100 sf shed;
2. There is an existing 4-bedroom Septi-tech to a BSF (RIDEM #9815-0517). The system is current for inspection (last inspected in December 2024);

3. A 284 sf increase in impervious area is proposed;
4. A rain garden is proposed to mitigate the increase stormwater runoff associated with the site improvements. The required stormwater treatment volume for the new improvements is 116 cubic feet (cf). The total proposed treatment volume is 120 cf;
5. The total proposed impervious cover will be **1,577 sf or 7.33%** where 11% is permitted;
6. Jamestown Engineer Jean Lambert provided correspondence to Dennis Begin, Building Official (project building file) and Lisa Bryer, Town Planner dated April 3, 2025 regarding the Sherburne application (attached); and,
7. The proposed project complies with the requirements of the HGWT ordinance per Memo from Jean Lambert, P.E. dated April 3, 2025.

### **Recommended Conditions of Approval**

1. A Special Use Permit is required from the Zoning Board of Review per Zoning Ordinance Section 82-800;
2. Erosion and sediment controls must be installed at the down gradient limits of site disturbance and maintained until stabilization of the site is attained. Erosion controls shall be maintained until final stabilization is achieved on the site.
3. Maintenance and inspection of the OWTS shall continue as required by the Town Onsite Wastewater Management Ordinance.
4. The rain garden must be installed as shown on the approved sketch plan.
5. Any additional future site work that increases the area of impervious coverage will require a review following the requirements of the High Groundwater Ordinance.

Roll Call vote:

Mick Cochran – aye

Diane Harrison - aye

Bernie Pfeiffer - aye

Michael Swistak – aye

Motion carries 4-0 with Dana Prestigiacomio and Nick Insana absent. Duncan Pendlebury recused from the vote.

### **VI. Old Business**

1. Comprehensive Community Plan Update & Re-write 2024/2025 – Review, Discussion, and/or Action and/or Vote
  - a. Review of Draft Element:
    - a. Public Services and Facilities

The draft element for Public Services and Facilities was reviewed. It is a good first draft.

Page 6, there are two sets of numbers for Pre-K through 8<sup>th</sup> grade.

Page 9 in Administration and Engineering paragraph the correct title is highway superintendent, not highway supervisor.

Page 9 – the portion of the highway garage was rented to the Fort Wetherill Boat Owners & Operators Association.

Page 13 – in the last paragraph, list the comparison to 41.3 GCPD. In last sentence of last paragraph change “may be dependent” to “is dependent”. The Town’s water capacity problem needs to be discussed in Average per capita water consumption section. Questions raised by Commissioner Swistak what do you do when water capacity is reached or there is a crisis?  
Page 14 the two numbers listed do not match, one is one-million gallons and the other is 0.7 million gallons.

Page 17, a sentence needs to be added that explains what the urban-water sewer district is.

Page 18 – Remove the sentence, “The Town has systematically replaced existing meters with remote reading meters.” Replace with, “In 2025-2026 the Town is upgrading all the water meters in the system.”

Page 21 – In the Police Station section, add “Part of...” to the beginning of the second sentence when further describing the Police Department’s mission.

Page 22 – add police bikes to the fleet. In second paragraph, the first two sentences repeat information.

Page 23 – Fire and Rescue – second paragraph, move “false alarms” to the end of the sentence. In the last paragraph, what is the average age?

Page 27 – Looking Upwards is correct spelling.

b. Final Draft Review of Element:

a. Public Engagement Summary

Commissioner Swistak said that the graphics do not make sense.

Page 2 – the graphics of Neighborhood Respondents is unclear with no percentage number shown for Village and East Shore and Dumplings. Qualify sentence in first paragraph with “In a question marked check all that apply,” 22% work in Jamestown.

Page 3 – Employment and Income – add “slightly” to read “higher income residents are slightly overrepresented...”

Page 6 – numbers in the Figure 6 in white are not clear.

Page 7 – Figure 7 – remove 0% unclear from graph.

c. Goals, Policies and Actions related to:

Bryer explained that the spreadsheets will not be contained in the Comp Plan. There will be a summary of goals in each section.

a. Housing

Policies #8 – remove “ADUs and”. Discussion ensued regarding water capacity and ADUs by right. There is a water capacity problem at certain times in the summer, not generally a crisis situation, but also with weather issues. Commissioner Cochran asked to have the water numbers easily available when making decisions. Bryer said that the Town did have to make some assumptions/predictions for ADU, multi-family housing and affordable housing.

b. Cultural and Historical –

General discussion ensued. Bryer said that it would be nice to have an architectural consultant available to answer questions when dealing with historical properties. Commissioner Cochran

asked about preserving historic documents digitally? Bryer said that the Town Clerk has it in the budget to digitize documents.

### **Future Land Use**

Bryer said that there will be an existing Land Use Map in the Comp Plan and a Future Land Use (FLU) Map. When that is approved in the Comprehensive Plan, the town must amend the Zoning Ordinance to make it consistent with Comp Plan; both text and map.

There was a Comprehensive Plan and Zone Change at the end of Melrose Avenue. This Map shows the change that needs to change as a matter of right, it has already been approved by the Town Council. Needs Zone change in FLU map.

Should 7 Clarke Street be changed to CL or CD. Discussion ensued. It is a residential property that is wedged into a CL. The lot could become a business, if changed. It is currently a rental property. The consensus is to keep it as is.

CL District by the Library that is mostly all residential houses with just a few commercial lots including the fitness center, the Jamestown Art Center and offices for Island Rubbish, which is a dwelling. Since many of these lots are very undersized for an R-8 district, should a new Zone be created for smaller lots that could be an R-4 or an R5? A smaller zoner would provide a smaller lot size for undersized lots. By creating a smaller zone, we can develop standards for the Zone. The Planning Commissioners liked this idea. Bryer will flush this out some more and look at the other end of Southwest Avenue that is within is CL to see if sections can fit into a smaller zone.

20 Elm Street is a property that is half CD and half CL and there is a house on the property. Bryer thinks that this property should be zoned R-8. The Planning Commission consensus was to make it R-8.

Commissioner Harrison had a general question about the new law that allows for the unmerging of lots? Bryer said that we should have future discussion on this topic.

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

### **1. Planner's Report**

#### **a. Future meetings – topics and applications**

Bryer let the Planning Commission know that for monthly TRC meetings, we have several members that are happy to serve when needed and some have not signed up and some would like to participate with other members present. The Planning Commission agreed that we will continue to schedule the Planning Commission Representative as needed each month.

Bryer told the Planning Commission that the Town Council changed the Zoning to allow arcades by right in the CD District only with the definition recommended by the Planning Commission. There is no application for an arcade at this time, but when an application does come in, it would go to TRC and it may go to the Planning Commission. The Planning



Commission believes it should be reviewed by them since it is new use with interested residents.

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

1. March 19, 2025

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

**IX. Adjournment**

A motion to adjourn at 8:30pm was moved by Commissioner Cochran and seconded by Commissioner Pendlebury. All in favor.

Attest:

Carrie Kolb