

## **PLANNING COMMISSION MINUTES**

**October 2, 2002**

**7:30 PM**

**Jamestown Library**

**The meeting was called to order at 7:37 p.m. and the following members were present:**

<b>Rob Lambert</b>	<b>Gary Girard</b>
<b>Mary Brennan</b>	<b>Betty Hubbard</b>
<b>Michael Schnack</b>	<b>Jean Brown</b>
<b>Andrew Kallfelz</b>	<b>Sue Barker</b>

**Also present:**

**Lisa Bryer, AICP – Town Planner**  
**Cynthia Reppe – Recording Clerk**  
**John Murphy – Attorney**  
**George Gifford – Landscape Architect – Gifford Design Group**  
**Mark Convoy – Engineer – David Gardner and Associates**  
**Mr. And Mrs. Froeberg**  
**Mr. And Mrs. Hartley**  
**Richard Allphin**  
**Michaela Kennedy – Jamestown Press**  
**Sherry Lussier**  
**Ray Ianetta**  
**Sav Rebecca**

### **I. Reading and Approval of Minutes from September 18, 2002**

**A motion was made by Commissioner Brennan and seconded by Commissioner Girard to accept the minutes with the following change:**

**Page 3 Item 2, second paragraph change Andrew Kallfelz – ~~Aye~~ to Nay**

**So voted:**

<b>Rob Lambert - Aye</b>	<b>Gary Girard - Aye</b>
<b>Mary Brennan - Aye</b>	<b>Betty Hubbard - Aye</b>
<b>Michael Schnack - Abstain</b>	<b>Jean Brown - Aye</b>
<b>Andrew Kallfelz – <del>Aye</del> Nay</b>	<b>Sue Barker – Abstain</b>

**Motion passes by a vote of 6-0, 2**

**Abstentions**

### **II. Correspondence**

- 1. FYI – Section 709 Merger of Contiguous Nonconforming Lots of Record. Received**

### **III. Citizen's Non Agenda Item**

**Charlotte Zarlengo, 350 Seaside Dr., wanted to address the Planning Commission on the recommendations that the Planning Commission made to the Town Council on the comments from the Public Hearing of the Proposed Zoning Ordinance Amendment**

related to protection of critical lands containing freshwater wetlands, high groundwater table and/or shallow impervious layer. Mrs. Zarlango asked the Planning Commission to carefully consider the situation in the Jamestown Shores and encourage stricter rules instead of making it a more lenient amendment. Commissioner Lambert thanked Mrs. Zarlango for her comments and let her know that the Planning Commission already voted on their recommendations and sent them to the Town Council and that she should take her concerns to the Town Council Public Hearing that is continued to October 7, 2002.

**IV. Reports – nothing at this time**

- a. Town Planner's Submitted Report
- b. Town Committees
- c. Sub Committees

**V. Public Hearings**

**1. Hartley 2 Lot Minor Subdivision – Ship Street extension – Public Hearing and Preliminary Decision**

Commissioner Lambert opened the Public Hearing and asked the audience if anyone had a comment or question. Charlotte Zarlango asked where the water was going. Mark Conboy, engineer for David Gardner & Associates of Warwick RI, stated that the water will stay on the property. Commissioner Lambert closed the public hearing at 7:46 p.m. after asking if there were any other questions. Commissioner Hubbard stated that she would like to see 2 separate wells, 1 on each parcel. Commissioner Kallfelz said that maybe we can come up with an alternative. Pres Froeberg stated that there would not be anything built on the 2<sup>nd</sup> parcel at this time and nothing is planned for the immediate future. The Planning Commission suggested that item 9. under Findings of Fact be changed to Lot 1 in the subdivision will have access to sufficient potable water for the intended use. Under Conditions of Approval number 5. add shall drill one well on lot 1 prior to final approval of this plat which meets the requirements of A.9. above; Lot 2 shall drill a well which produces sufficient water for the intended use prior to receiving a building permit. A motion was made by Commissioner Lambert and seconded by Commissioner Girard to approve the DRAFT Motion for preliminary approval as presented by the Town Planner for the Hartley subdivision with the above changes as follows:

**“To Grant Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "Subdivision Plan HARTLEY SUBDIVISION; Ship Street, Jamestown, Rhode Island, Map 15, Lot 339; Property Owner Prescott E. and Florence M. Froberg; prepared by David D. Gardner & Associates, Inc., 200 Metro Center Boulevard, Warwick, Rhode Island, (401) 738-3200; dated 8-23-2002 based on the following Findings of Fact and subject to the following Conditions of Approval:**

**A. Findings of Fact**

**The Board makes the following findings:**

- 1. The subdivision is consistent with the requirements of the Jamestown Comprehensive Plan:**

2. Each lot in the subdivision conforms to the standards and provisions of the **Jamestown Zoning Ordinance**;
3. No building lot is designed and located in such a manner as to require relief from **Article 3, Section 308 of the Zoning Ordinance** as long as the proposed system is located within 150 feet from the edge of any wetland;
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions for approval;
5. The subdivision as proposed will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and buildings standards would be impracticable;
6. All subdivision lots have adequate and permanent physical access to a public street, namely, Ship Street. The proposed subdivision road will be privately owned and maintained;
7. The subdivision provides for safe circulation of pedestrian and vehicular traffic, for adequate surface water runoff, for suitable building sites and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community;
8. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion; and,
9. Lot 1 in the subdivision will have access to sufficient potable water for the intended use.

**B. Conditions of Approval**

1. The approval is for a total of 2 lots;
2. That payment of a fee in-lieu-of land dedication shall be required for this subdivision in the amount required by Article IID of the Jamestown Subdivision Regulations. This fee shall be determined at the time of filing of the final plat and paid prior to recording of the final plan;
3. Froberg Way shall be shown on the Street Index on the Final Plat;
4. Monuments shall be placed at all corner points at the new property line;
5. The applicant shall drill one well on Lot 1 prior to final approval of this plat which meets the requirements of A.9. above. Lot 2 shall drill a well which produces sufficient water for the intended use prior to receiving a building permit;
6. The Planning Commission delegates Final Review to the Town Planner with the signature of the Planning Chair to appear on the Final Record Plan;
7. The Road Ownership and Maintenance Agreement shall be recorded in the Office of the Jamestown Town Clerk contemporaneously with the Final Plat;
8. This approval shall be recorded with the Town Clerk contemporaneously with the Final Plat; and,
9. This approval shall expire one year from the date of approval by the Planning Commission.

So unanimously voted.

**VI. Old Business**

**1. Cedar Lane Estates – 3 Lot Minor Subdivision – Vegetation Management Plan**  
Attorney John Murphy introduced Landscape Architect George Gifford who made a presentation of the Vegetation Management Plan. A discussion ensued and the following changes will be made to the Vegetation Management Plan. The reference to herbicide use should be removed from the management plan narrative and the arrow toward the cemetery should be removed from the map. In addition, the final view corridor shall be monumented. The final view corridor shall be within the boundaries shown on the plan and shall be refined at the time of building construction. A motion was made by Commissioner Hubbard and seconded by Commissioner Lambert to approve the Vegetation Management Plan with the above stipulations and amendments. So unanimously voted.

**2. Proposed Zoning Ordinance Amendment related to Businesses operating from Marinas**

A discussion ensued regarding the comments that were made at the joint meeting of the Town Council and the Planning Commission back on February 14, 2002. The following comments and concerns from the Town Council were:

- It puts an unnecessary burden on water based business owners
- They don't agree with limiting marina parking to commercial. They want it in R-20 and R-40 still
- Section 1210 – The standard for satellite parking lots should be put on all commercial businesses

The Planning Commissioners disagreed with the second item and a motion was made by Commissioner Schnack and seconded by Commissioner Lambert to continue this item for the next agenda and to specifically include for discussion Section 1202 and 1210. So unanimously voted.

**3. Town Highway Garage Facility – Discussion of Location**

Town Planner Lisa Bryer stated that this issue was put on the Agenda because several Planning Commissioners requested this in response to the latest suggestion made by the Town Council to place the new Highway Garage at Fort Wetherill. At the suggestion of the Town Council President, Town Planner Lisa Bryer brought the proposed conceptual plan that was shown at the last Town Council meeting.

Commissioner Schnack stated that two committees have made recommendations to the Town Council regarding proposed sites for the Highway Barn and this site was not recommended because it was not felt to be appropriate by either committee.

Included in the packet were 2 previous memos from the Planning Commission to the Town Council. One of the memo's specifically referred to the future use of the Fort Wetherill facility as not being used for the Town Highway Garage but that future use of Ft. Wetherill should be a water dependent or water enhanced use.

Sherry Lussier of Prospect Ave. stated that this site has never been looked at before, because the 2 committees thought that there were restrictions from both CRMC and DEM. Ray Ianetta, North Main Rd., stated that the committees didn't look at this site because it was too small and because of the restrictions. The Buildings and Facilities Committee narrowed it down to 2 sites, Lot 47 and the sewage treatment plant. Both committees preferred Lot 47 according to Mr. Ianetta, but he stated that

**lot 47 is no longer under consideration by the Town Council and that neither committee looked at the Transfer Station as an alternative. Both Committees did however look at Ft. Wetherill and for various reasons did not recommend it as a final site. Commissioner Schnack questioned why we have a drawing for this site and not one for Lot 47 or the transfer station. Commissioner Hubbard stated that the Planning Commission never thought this was an appropriate site before. Commissioner Girard asked whether the Planning Commission should even look at this now. Commissioner Brennan asked why is the Town Council second guessing 2 committee's decisions. Commissioner Schnack stated that the Comprehensive Community Plan shows that this use is inappropriate and handed out excerpts from the Comprehensive Plan supporting his statement. In addition, the salt water is to destructive to the equipment, and this is a scenic coastal area. Commissioner Schnack made a motion to adjourn which was withdrawn. Commissioner Kallfelz made a motion that was seconded by Commissioner Barker to send a memo to the Town Council that the Planning Commission understands from viewing a complete concept that the Town Council is nearing a decision and if this is the case have you considered the Comprehensive Plan references. The Planning Commission feels proceeding without having a joint discussion on the site is inappropriate. So unanimously voted.**

**VI. New Business – nothing at this time**

**A motion to adjourn at 10:00 p.m. was made by Commissioner Schnack and seconded by Commissioner Barker. So unanimously voted.**

**Attest:**

**Cynthia Reppe  
Recording Clerk**

*This meeting was recorded on 1 micro-cassette*