

Approved As Written
PLANNING COMMISSION MINUTES
December 19, 2012
7:30 PM
Jamestown Town Hall
93 Narragansett Ave.

The meeting was called to order at 7:30 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Michael Jacquard	Richard Lynn
Michael Smith	

Also present:

Lisa Bryer, AICP – town Planner
Cinthia Reppe – Planning Assistant
Justin Jobin – Environmental Scientist
Michael Darveau – Professional Land Surveyor – Darveau and Associates
John Somyk

I. Approval of Minutes December 5th, 2012

A motion was made by Commissioner Enright and seconded by Commissioner Cochran to accept the minutes as written. So unanimously voted.

II. Correspondence

1. Letter to Jamestown Simpatico – Planning Commission Development Plan Approval. Received

III. Citizen’s Non Agenda Item – nothing at this time

IV. Reports

1. Town Planner’s Report
2. Chairpersons report
3. Town Committees
 - a. Harbor
 - b. Buildings and Facilities
 - c. Affordable Housing Committee
 - d. North Rd. Bike Path Committee
4. Sub Committees

V. Old Business – nothing at this time

VI. New Business

1. **John Somyk – Plat 5, Lot 175 & 194 – Riptide St. - Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table Impervious Overlay District – Zoning**

Ordinance Section 82-308 Variance Request for Development within the 150' freshwater wetland setback – Recommendation to the Zoning Board

Commissioner Swistak informed the board that their charge with this application will be to make a recommendation to the Zoning Board for approval or denial of Section 314, Section 308, and any relief necessary from Zoning; they will consider this application and it's need for relief as a whole.

John Somyk, 401 Seaside Dr., Jamestown presented his application. He grew up in Jamestown living in the house in the front. He has two additional lots and wants to combine the lots to make one house lot. He tried to buy another lot but the town owns most of the property around there which are for the most part wetlands. He started this process in 2005 and has been going back and forth to state agencies over all the years, there have been changes to the groundwater ordinance over the years.

Commissioner Swistak asked if there is an existing structure on the two lots that are part of the application; yes a shed about 12x8. Commissioner Smith asked about the lot to the east, it is still in the family's possession, it is a rental.

Michael Darveau- professional land surveyor, PO box 7918 Cumberland, RI. He has presented over the last several years to this board. He is a class 2 septic designer. Commissioner Swistak asked him to explain the differences between Class 1,2, and 3 designers. Can you testify as expert witness with regards to failures of septic systems. He answered Yes. A motion to accept Mr. Darveau as an expert witness was made by Commissioner Jacquard it was seconded by Commissioner Cochran. So unanimously voted.

Mr. Darveau explained to the board that this is a Subdistrict A application. DEM has approved an Advantex system. The application meets the regulations and the site is approved by DEM wetlands. The approval is valid until 2016 for the septic system and wetland approved until April of 2014. It will be a 2 story dwelling. Commissioner Cochran asked some questions about the grade as did Commissioner Pendlebury. A discussion about what the impact would be to the wetlands if this did not qualify under the current regulations with regards to the buffer. Darveau says no difference. Where does this drain into? Close to the new 138, Darveau said.

Commissioner Pendlebury questioned the two maps with different wetland lines. The wetlands on the site plan that has been stamped by DEM is what the planning commission should look at. DEM said the proposed access through the easement is ok. Commissioner Swistak asked Justin Jobin, is there anything that is out of sync with the groundwater application? Mr. Jobin said, It meets the guidelines and meets the criteria in the ordinance.

Commissioner Swistak asked Mr. Darveau, what happens if it fails. If it fails or clogs there are 2 pipes and it is possible that it would flow to wetland area. Commissioner Swistak was concerned about what were to happen in the winter. The ground could be frozen and it could be a hazard. Another concern is salt or sanding. If maintained properly there should not be a problem. Mr. Jobin said the concern is with the septic system, they are required to have the system inspected and maintained, this is recorded with the deed. DEM only requires annual maintenance the manufacturer requires twice a year. This has been a policy for the past few applications that we have approved. Commissioner Cochran asked about any restrictions for fertilizers or chemicals? The town does not have any, it is recommended by DEM, but nothing strict.

Commissioner Pendlebury asked, is it fair to say this wetland is a contributor to the wells? Mr. Jobin said this was the concern and the reason we have this ordinance to begin with. Mr. Somyk says the crushed stone driveways are not salted because they don't plow.

A discussion ensued regarding the frontage, setbacks and easements. Justin Jobin will speak with Fred Brown, Zoning enforcement officer regarding the questions. The lots will be combined based on approval.

The memo from the Conservation Commission asked that we do not send a positive recommendation to zoning. Mr. Somyk said he is pretty flexible and has worked with the town and has made adjustments.

Commissioner Swistak said under 308 the Zoning ordinance asks for any impacts, does Mr. Somyk have anything from a biologist? Mr. Darveau didn't realize they needed it for the planning commission. He will have it for Zoning.

We will have our solicitor here for first meeting of month. A discussion ensued about continuing this application to the January 2nd meeting. The Planning Commission will deliberate and get findings and conditions together then.

A motion was made to continue this application until the next earliest date by Commissioner Pendlebury and seconded by Commissioner Smith. So unanimously voted.

A motion to adjourn was made by Commissioner Smith and seconded by Commissioner Enright. So unanimously voted.

Attest:


Cynthia Reppe
Planning Assistant

This meeting was digitally recorded