

## PLANNING COMMISSION MINUTES

March 17, 2004

7:30 PM

### **Jamestown Library**

The meeting was called to order at 7:35 p.m. and the following members were present:

Andrew Kallfelz	Betty Hubbard
Victor Calabretta	Jean MacGregor Brown
William Kelly	

Also present:

Lisa Bryer, AICP – Town Planner  
A. Lauriston Parks – Town Solicitor  
Richard Pastore – Town Engineering Consultant  
Peter Brockmann - Attorney  
Kevin Fetzer, Class IV Soil Evaluator, Ecotones  
Nicholas Piampiano – PE  
Anthony and Lorana DeMedeiros  
Sav Rebecchi  
Charlotte Zarlengo  
Leo Erara

#### **I. Approval of Minutes from March 3, 2004**

A motion was made by Commissioner Hubbard and seconded by Commissioner Calabretta to accept the minutes as written. So unanimously voted. William Kelly abstains.

Commissioner Holland arrives at 7:45 p.m.

#### **II. Correspondence**

1. CRMC – Permit to alter Freshwater Wetlands – Andrea Colognese and Doriana Carella 2 Watson Ave, Jamestown, RI 02835; Permit given to alter Freshwater wetlands subject to all controlling rules and the terms and conditions set forth herein. Located at Plat 16, lot 351, Gondola and Frigate St. Received
2. CRMC – Assent – Joseph Maraia 19 Seaside Dr. Jamestown, RI 02835; to construct modifications to and existing residential dock by replacing the 3' x 20' ramp and 6' x 20' float with a 4' x 20' (elevated) access platform and install one tie-off piling. The terminus of the pier will (remain the same) extend to 50 feet beyond mean low water. Located plat 14 Lot 17. Received
3. FYI –Memo re: Amendment to the Rhode Island Low and Moderate Income Housing Act. Received

#### **III. Citizen's Non Agenda Item – nothing at this time**

#### **IV. Reports**

1. Town Planner's Report

Town Planner Lisa Bryer reported that there will be a site visit with Conservation Commission on Saturday March 27 at 1:30 for Manning Subdivision. Meet on site.

2. Town Committees

Commissioner Kallfelz reported on the new touch and go facility at east ferry. Looking at definitive plan for 1000 ft. CRMC line.

3. Sub Committees

**V. Old Business**

1. Star Snell – 74 Steamboat St. – Plat 5 Lot 84 – Review per section 308 of Zoning Ordinance – setback to freshwater wetlands – **Continued at the request of Applicant**
2. Zoning Ordinance - Article 314 – protection of critical lands containing freshwater wetlands, high ground water table and/or shallow impervious layer – Amendments - **Continued**

**VI. New Business**

1. Demedeiros – Bark Ave. - Plat 16 Lot 40 – Zoning Ordinance Section 314 - High Ground water table/ Impervious Layer Overlay district - Sub-District A review

Attorney Peter Brockman representing Kevin Fetzter, Class IV Soil Evaluator, Nicholas Piampiano, PE and Anthony and Lorana Demedeiros. Peter Brockman made the presentation and noted that there were several items in the Planners Memo that he would like to address, there are 1.5 full baths and not 2. Mr. Brockman reported that living space is 2,224 square feet; 1,112 square foot footprint, plus a 2 car garage. Mr. Brockman read from the URI fact sheet prepared by URI for the Source Water Assessment entitled Protect your drinking water, he noted that septic systems are helpful in recharging the groundwater, he also stated that substandard systems are the greatest threat. Mr. Brockman read from the Jamestown Comprehensive Community Plan, on page 2 in the preamble, regarding managing growth and the density in the shores. The subject lot is a 15,360 square foot lot.

Kevin Fetzter who is with Ecotones was questioned by Mr. Brockman. He did two test pits per the DEM rules, and encountered a 12 inch watertable, and no class 9 soils. Class 7 soil has a perc rate of 20 minutes per inch. Nick Piampiano, P.E. questioned by Mr. Brockman as the engineer of record. The system to be used will be the Advantex bottomless sand filter system. The stormwater drainage is to be handled by using leaders to be discharged into the driveway with 2 feet of crushed stone. The dwelling will be slab on grade, with footings just below frost level.

Mr. Richard Pastore, town engineering consultant answered a question about building footings being on fill. He stated, it is not an ideal situation, but as long as they are properly compacted, then it should be O.K. Mr. Brockman stated that the overall density in the area is approximately  $\frac{3}{4}$  acres per house. He did not feel that many of the surrounding lots could be developed because of environmental reasons

such as wetlands and some lots have been merged to make 14,400 square feet in the R-40 district.

The fill issue was discussed. Nick Piampiano the P.E. stated that the maximum amount of fill was 4.5 feet around house. The issue of the two extra rooms on the third floor was discussed with respect to being bedrooms in the future. Mr. Brockman stated that in the long run, the property may be better off environmentally because of the drainage in the driveway and the recharge capacity of the ISDS.

Commissioner Calabretta quoted the ordinance with respect to the “least disturbance to the site”. Mr. Brockman stated that he felt that the intent of the ordinance is that least disturbance does not refer to the amount of soil being moved or cleared.

Commissioner Holland questioned the storage capacity of the driveway and whether the water will run over the driveway and not infiltrate. Mr. Pastore responded that the void space in the gravel would respond to capacity as well as slope.

Total impervious surface is approximately 6.7 percent. Commissioner Kallfelz commented that the overall size of the structure does not provide least site disturbance as suggested by the ordinance.

Town Solicitor Larry Parks responded to a comment by Commissioner Kallfelz stating that denial in this type of advisory capacity would not prevent the applicant from re-applying to the Planning Commission with a new plan or moving directly onto the Zoning Board.

Sav Rebecchi, as president of the Jamestown Shores Association was concerned about the height of the structure, not so much the footprint. He would rather have it fitted with a 4 bedroom ISDS rather than 2 bedroom ISDS knowing that it may be used in the future in excess of a two bedroom dwelling. The engineer stated that the ISDS is oversized for a 2 bedroom system and could accommodate 3-4 bedrooms.

Charlotte Zarlengo stated that allowing 4 + feet of fill on a sensitive piece of property like this is not acceptable and asked the Planning Commission to enforce the ordinance that we all worked so hard to adopt.

Leo Erara stated that the water has to go somewhere when it is displaced and the Planning Commission should enforce the ordinance.

Commissioner Kallfelz asked the opinion of the Planning Commission. Commissioner Holland stated it is a good plan and he has sympathy for the fact that this is a double lot, but still is far undersized for the respective zoning. He would

like to uphold the minimum disturbance criteria that the Planning Commission developed.

Commissioner Hubbard agreed with Commissioner Holland.

Commissioner Brown stated they have done a good job trying to address all the issues, she would like to see this pass, but noted that the Planning Commission does have a job to do.

Commissioner Kelly stated that he is concerned with size of house with respect to the size of lot.

Commissioner Calabretta noted that he has been consistent with this issue and that this proposal does not meet the minimum disturbance standard set forth in the ordinance.

Lorana Demedeiros spoke about trying to do everything possible to meet the requirements of the ordinance.

Anthony Demedeiros spoke with respect to the house size not being any relation to the number of occupants. He does not think that they are asking for an excessive house. DEM approved the system and feels that the system will work because it is oversized.

Commissioner Kallfelz addressed the job of the Planning Commission is to address the standards. He asked for a motion.

Commissioner Brown asked for clarification on the minimum disturbance standards developed by the Planning Commission. Richard Pastore, Town Engineering Consultant addressed the Planning Commission regarding fill and drainage.

Commissioner Calabretta made a motion to deny the development plan that has been presented to the Planning Commission because it does not represent the least possible disturbance to the site. This motion was seconded by Commissioner Hubbard. So voted:

Andrew Kallfelz – Aye

Victor Calabretta – Aye

William Kelly – Aye

Betty Hubbard – Aye

Jean MacGregor Brown – Nay

Barry Holland – Aye

*Motion passes by a vote of 5-1*

As guidance to the Zoning Board, it was suggested that the footprint be reduced to more closely conform to the Planning Commissions recommendation of minimum disturbance (600 square feet). The Planner should add discussion to the motion relating to how the Planning Commission arrived at this minimum standard. The Planner will provide the Planning Commission with a draft copy of the motion for approval at the next meeting.

2. Planning Commission Secretary Appointment

Commissioner Kallfelz nominated Commissioner Calabretta for the position of secretary of the Planning Board this motion was seconded by Commissioner Hubbard. So unanimously voted.

3. Request from Town Clerk on Committees, Commissions, Authorities and Boards

Commissioner Holland suggested that his term ending be checked. Commissioner Hubbard suggested that the terms expire in 2, 2 and 3 instead of 3, 3 and 1.

Motion to adjourn was made by Commissioner Calabretta and seconded by Commissioner Holland at 9:30 p.m.. So unanimously voted.

Attest:

Lisa Bryer