

PLANNING COMMISSION MINUTES  
January 5, 2005  
**7:30 PM**  
**Jamestown Library**

Planning Commission Workshop

With

The Jamestown Town Council

To Discuss

The High Ground Water Table Ordinance

Commissioner Girard called the meeting to order at 7:30 p.m. The following members of the Planning Commission and Town Council were present:

Town Council

Claire Ferguson  
David Long  
Julio DiGiando  
Guy Settipane

Planning Commission

Gary Girard, Chair  
Barry Holland  
Andrew Kallfelz  
Betty Hubbard  
Jean Macgregor Brown  
William Kelly

Arrived at 8:30 p.m. Ken Littman, Town Council President

Not present: Victor Calabretta, Planning Commission

Also present:

Lisa Bryer, AICP – Town Planner

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Mark Haddad – Town Administrator

Fred Brown – Building Official

Mike Gray, PE – Town Engineer

Cynthia Reppe – Recording Clerk

A. Lauriston Parks, Esq. - Town Solicitor

Planning Commission Chair Girard welcomed the two boards and professionals on behalf of the Planning Commission and the Town Planner Lisa Bryer.

Commissioner Girard explained that there will be no public input at this time because of time constraints but during future Planning Commission meetings we will take public input on this issue.

Town Planner Lisa Bryer gave a brief overview of the Planning Commissions October 2004 ordinance changes since the original submission of proposed changes in June 2004. The Town Council sent back the October 2004 changes to the Planning Commission for further review.

Town Solicitor Larry Parks went over the changes with both boards and changed some wording. There were so many changes that this needs to be re-advertised stated Mr. Parks. Town Planner Lisa Bryer said the Planning Commission found all the changes acceptable as well but still feel the permitting authority should be the Planning Commission.

Councilor DiGiando stated all these different versions of this ordinance are confusing Page 3 of the newest version, shows test holes designed for new construction but we need to clarify what kind of test holes will be needed for an addition. Fred Brown stated that he felt that the language in the paragraph before the table took care of this issue and gave him the authority to determine how many test holes were needed, but that it should be clarified that the table is for new construction.

Commissioner Brown would like to know Freds opinion on whether the Town should object to DEM variances. Mr. Fred Brown, building official said we are copied when DEM is considering certain variances and we are an abutter. To have input you must file interjector status, and file a written report with scientific evidence as to why the variance shouldn't be granted. Only then will they consider your objection.

Councilor Settipane stated his comments are more global in nature. He thinks a small across the board exemption would be acceptable for additions. He also stated that it could create a hardship for people that are just doing a small addition to dig a test hole.

Fred Brown did not think that exemptions should apply to Subdistrict A but gave his ideas regarding test hole requirements for Sub-district B additions; Development within subdistrict B whose total square footage is less than \_\_\_\_\_ square feet and which does not require DEM-SSD review may be relieved of the test hole requirements upon

presentation of existing water table and impervious layer engineering data, by majority vote of the administrative review committee.

How would people know if they are in A or B until they do the test? We have records available in the town hall with that may have that information on it. Mr. Brown stated 600 sq feet could be the number to fill in the blank with, that would be up to the Planning Commission and all involved to come up with the actual number. The homeowner will still have to stay within the 15% lot coverage requirement and all the other requirements. The idea behind this is to save the money for a test pit.

Commissioner Holland clarified that by using the preexisting data that is available in the town hall it would just save the applicant from having to do the test holes.

Town Councilor David Long commented that this ordinance was drafted for development in general and it applies to new or existing development and it is for the betterment of the island. This ordinance was put into effect to protect people in the shores area and the northern end of Jamestown.

Councilor DiGiando stated it would be a hardship to require more holes for an addition.

Councilor Ken Littman arrived and apologized for being late, he had another town commitment to attend.

Town Solicitor Larry Parks stated the Planning Commission can work on the amendments and then present this information to the Town Council for public hearing.

Commissioner Kallfelz suggests less than 600 sq ft for the footprint. He also stated that the Planning Commission is faced with stormwater runoff as a main issue, and this needs to be looked into also. Grading to the lot is the biggest issue; landscape changes etc. do not require a building permit so significant can occur that are not currently being reviewed.

Councilor Settipane stated enforcement is an issue. Town Solicitor Larry Parks said even though a building permit is not required, as it currently exists no grading on a lot in either a or b is allowed until the building official sees it. The burden is on the violator to change it if there is an issue that is effecting downhill residents. They would have to come up with a plan and hire someone to fix it. We need to act proactively in this ordinance. The stormwater runoff issues are island wide. Larry Parks said to approach this very carefully by looking at an erosion and sediment control ordinance along with a grading and filling ordinance. North Kingstown has looked at this issue and has not yet adopted such an ordinance stated Mr. Parks.

Mike Gray, Town Engineer said the new phase 2 stormwater regulations will come into affect over the next 5 years which will require us to adopt some control.

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This ordinance is not spot zoning stated Solicitor Parks. It applies to a large area of town. The stormwater issue is an Island wide one. Leave it more broad and leave it up to enforcement. Commissioner Bill Kelly stated that since this is an enforcement issue and there is only one Building Official that it sounds like Mr. Brown could use some help.

The Planning Commission will work on these issues along with Mr. Parks and present them to the Town Council to set a date for a public hearing in the near future.

Commissioner Girard thanked everyone for attending this workshop and for their input.

A motion to adjourn was made by Commissioner Kelly at 9:30 p.m. this was seconded by Commissioner Brown. So unanimously voted.

Attest:

Cynthia Reppe  
Recording Clerk

This workshop was recorded on 1 microcassette