

Approved As Written 10-22-08
PLANNING COMMISSION MINUTES
October 15th, 2008
7:30 PM
Jamestown Town Hall
93 Narragansett Ave.

The meeting was called to order at 7:33 p.m. and the following members were present:

Gary Girard Michael Swistak
Jean Brown Barry Holland
Richard Ventrone Alexandra Nickol
Nancy Bennett

Also present:

Lisa Bryer, AICP – Town Planner
Cynthia Reppe – Planning Assistant
Jack & Mary Brittain
Gail Sheehan
Randy Tyson
Bill Munger

The Chair opened the meeting and stated that we will try to end the meeting by 9:00 so that those who want to watch the Presidential debate may do so.

I. Approval of Minutes September 17, 2008

A motion to approve the minutes was made by Commissioner Ventrone and seconded by Commissioner Swistak. Commissioner Bennett had requested the minutes be postponed at the last meeting so she could listen to the Tape. She did so and submitted 1½ pages of changes for the Planning Commissions consideration. The Chair asked the Planning Department to review the tape for accuracy. The motion was withdrawn and the minutes are continued again.

Approval of Minutes October 1, 2008

A motion was made by Commissioner Ventrone and seconded by Commissioner Swistak to accept the minutes with the following changes:

Page 2 – 5th paragraph, 4th sentence – Commissioner Bennett thinks increasing the **parking** intensity **may** have a detrimental impact on parking.

Page 3 – 2nd paragraph, 3rd sentence – If the pitch is **too** ~~to~~ low then it changes the character of the building. So unanimously voted. Commissioners Nickol and Brown Abstain.

II. Correspondence

1. FYI – Letter to Robert & Sirje Carl & The E&A Mercurio Revocable Trust – Admin Subdivision. Received.
2. FYI – Letter from Attorney Generals Office Re: Dutton v. Jamestown Planning Commission. Received.
3. FYI – Letter to Valerie Tessier – Recommendation to Zoning Board. Received.
4. FYI – Letter to John Hayes – Recommendation to Zoning Board. Received.

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

IV. Reports

1. Town Planner's Report

Lisa Bryer would like a month for legal counsel to review before it goes to the Town Council. Commissioner Girard agrees.

2. Chairpersons report

We will be having a workshop on the 22nd of this month that will begin at 7:00 p.m. We need to keep our comments limited to get through this in a timely fashion. Commissioner Brown suggested keeping comments to 3 minutes or less if possible, since we need to schedule separate meetings to get through this.

3. Town Committees

- a. Harbor – Commissioner Bennett was out of Town for the last meeting.
- b. Fort Getty – Town Planner reported that they have not met since the last meeting.
- c. Buildings and Facilities - Town Planner reported that they have not met since the last meeting.
- d. Tree Preservation and Protection - Commissioner Bennett had nothing to report.
- e. Others

4. Sub Committees

V. Old Business

1. Jamestown Zoning Ordinance Amendments – Continued Discussion

Commissioner Girard stated that Town Planner Lisa Bryer will use power point like last time to help keep everyone on the same page and we will stay focused on the points brought up. The Planner began by discussing the map. CW is shown on the map although this district is not within the Special Development District. Kens Barber shop property is currently shown as residential but it should be T4. She would like the board to focus on the T4 and T5 district boundaries tonight. She reminded the Planning Commission that we are looking at the future not necessarily what is there today. This map is a bit different than the one done by the consultant last May. Split lots that were half in one and half in another district have been changed to all be in one district. From St. Mark Church to the Town Hall on Narragansett Ave. the Consultant recommended to keep T4. Higher density development at the 4 corners area is recommended and they showed it at the Charette and in the vision report. Commissioner Swistak made a recommendation that we break this down in pieces. Let's start at the water front.

Gail Sheehan - stated "whatever we have now we should be grandfathered, as a property owner and business owner I don't want anything taken from me, you are taking away the value of my property from CD to T4"

Do we have the ability to change zoning asked Commissioner Brown. With Town Council approval Ms. Bryer answered it is within your purview to make that recommendation. Commissioner Brown asked about the value difference between CL and CD and was answered that we discussed this previously and the Tax Assessor has researched this and the value is more dependent on how the property is kept up and over time and the location than what it is zoned. He felt that Zoning was not a contributor to assessed value more than commercial versus residential.

Gail Sheehan said that everyone down at the end of Clinton Ave. have all worked really hard to make their property look nice so that their values are the same.

Jack Brittain thinks that the people at the Charette said this is what they wanted but he never heard the word zoning change, he went to all the meetings. The maps from the Charrette showed the separate districts.

Donna Kohler if you are CD it should stay consistent, she does not think that you can pick and choose which one goes where as far as picking and choosing the decision that it should change from T5 to T4.

Bill Munger – he owns 3 lots on Knowles Court and it seems that his 3 lots were cherry picked down to T4 from CD, it should be consistent to whatever the abutters are. These were picked along with other lots on that street because they were adjacent to residential.

Commissioner Ventrone – We should sit down with Sandy Sorlein and Don Powers to see what their vision is after hearing all this.

John Bush lot 708 has always been CD he wants to maintain it CD or T5.

Nick Robertson – his property has changed back to T5 he said several months ago it was split. He is O.K. with that. The majority of the people think that changing the zoning designations will decrease the value of their property, it should be consistent.

Commissioner Nickol asked Ms. Bryer how many lots we are talking about; she responded 9 lots are going from CL to T-5 and 19 lots are proposed from CD to T-4?

Jack Brittain said the uses are almost the same in CD and CL. Why can't we take the CD and leave it the way it is.

Randy Tyson - Jamestown has a small commercial area now and we want to keep it that way. It was CD before and there should not be an area in the middle cut out of the CD.

Commissioner Nickol if growth is going to happen in the future than we need to plan it together now before it happens. How about if we call it T5 but put a caveat in that says if you are adjacent to residential you will have greater setbacks.

Commissioner Holland made a point last time, actually 2 points, the Comprehensive Plan says we do not want commercial buildings anywhere but downtown, on the other hand when we decided to look at the Smart Code, it emphasizes Transition zones which we are trying by changing some of the CD to T4 and another way is change some of the residential to T4 we are trying to meet the intent of the smart code to transition codes, is it all that critical and that big of a deal?

The Planner responded that the Comp Plan is clear; No expansion of the Commercial District. If we expand into the residential districts, then we have to change the Comp Plan.

Commissioner Girard said we are not trying to diminish ones value or use.

Currently you often have to go for variances in CL because the setbacks are so great and this is going to reduce the amount of variances. Ms. Bryer said the commercial districts are not proposed to expand, it is also very clear that commercial should not encroach into the residential districts. What we are proposing now is not to change the business district.

Commissioner Nickol said T5 is denser than CD so that makes up for the loss. We should greatly encourage those buffer properties to assimilate that if you have T5 property and are in the transition zone that is adjacent to residential but meet T4 criteria then you do not have to go before the Planning Commission and you can achieve approval administratively.

The Planner reiterated, that The Planning Commission was very clear in both the request for proposal and the charrette that one of the desires was to figure out a way to treat the areas of transition from Commercial to Residential, so you need to decide, do we want to address the transition areas or not? If the answer is yes, then there are several ways to look at it and the board needs to discuss it. She outlined the different ways to address the transition areas.

Commissioner Brown asked the audience that are CD now do you have confidence in being T5? They want the old requirements of CD until we can convince them that they are getting a better deal economically.

Commissioner Ventrone left at 9:05 p.m.

Commissioner Swistak made a motion seconded by Commissioner Holland to keep all lots currently zoned CD to T-5 and that any lot that is T-5 and adjacent to residential would transition to T5. The proposed lots that are CL transitioning to T5 is acceptable and finally ask the Town Planner to draft a change to encourage T5 development adjacent to residential to follow T4 standards.

Commissioner Bennett said she has a problem where the Post Office is, going to T5. If we are going to keep T-5 along Narragansett, she wants to look at keeping everything the same then and does not want to expand the T-5 district.

Based on this disagreement Commissioner Swistak is willing to withdraw his motion and make a new motion which says:

To keep all lots currently zoned CD to T-5 and that any lot that is T-5 and adjacent to residential would transition to T5. The Town Planner should draft a change to encourage T5 development adjacent to residential to follow T4 standards. Commissioner Girard seconded the motion. So unanimously voted.

Commissioner Girard stated the Town Planner can approve it administratively which is one of the purposes of this zoning change to cut down on the boards workload and the applicants pain.

VI. New Business – nothing at this time

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A motion to adjourn at 9:20 p.m. was made by Commissioner Brown and seconded by Commissioner Girard. So unanimously voted.

Attest:



Cinthia Reppe
Planning Assistant

This meeting was digitally recorded