

**JOINT TOWN COUNCIL/PLANNING COMMISSION SPECIAL MEETING  
COMPREHENSIVE COMMUNITY PLAN PUBLIC HEARING  
June 18, 2014**

**I. ROLL CALL**

Town Council Members present:

Kristine S. Trocki, President  
Thomas P. Tighe  
Eugene B. Mihaly  
Blake A. Dickinson

Town Council Members absent:

Mary E. Meagher, Vice President

Planning Commission Members present:

Michael Swistak, Chair  
Duncan Pendlebury, Vice Chair  
Rosemary Enright, Secretary  
Michael Cochrane  
Michael Smith  
Bernd Pfeiffer

Planning Commission Members absent:

Michael Jacquard

Also in Attendance:

Andrew E. Nota, Town Administrator  
Lisa Bryer, Town Planner  
Peter D. Ruggiero, Town Solicitor  
Wyatt A. Brochu, Town Solicitor  
Cheryl A. Fernstrom, Town Clerk

**II. CALL TO ORDER**

Town Council President Trocki called the special joint meeting of the Jamestown Town Council and Planning Commission Comprehensive Community Plan Public Hearing to order at 7:07 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and Councilor Dickinson led the Pledge of Allegiance.

**III. PUBLIC HEARING: JOINT TOWN COUNCIL AND  
PLANNING COMMISSION PUBLIC HEARING**

- A) Proposed Amendment and Update to the 2004 Jamestown Comprehensive Community Plan, adopted by the Jamestown Town Council in June 2002, to be

sent to the State of RI for review and approval, and developed to meet the requirements of RIGL §45-22.2; duly advertised in the *Jamestown Press* May 29th, June 5th, and June 12<sup>th</sup> editions; discussion and/or potential action and/or vote

**A motion was made by Blake Dickinson with second by Thomas Tighe to open the Joint Public Hearing for Amendment and Update to the 2004 Jamestown Comprehensive Community Plan. President Trocki, Aye; Vice President Meagher, Absent; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.**

Town Planner Lisa Bryer commended the Planning Commission for their efforts on the Comprehensive Plan update and amendment. This public hearing was advertised three times in the *Jamestown Press* as required by law. The document was done completely in house; a professional editor was hired to complete the job, with assistance by Rosemary Enright. Maps and pagination will be corrected when the document is accepted and the final copy prepared. Planner Bryer reviewed the comprehensive plan update process, which took four years. Most of the updated data was done in 2012. This is an updated, stand alone document, and the next rewrite will be 2024. State guidelines for comprehensive plans are currently in the update process, and Jamestown followed the prepared interim guidelines. The process began with the 2010 citizen survey, used to develop goals and policies to formulate the Functional Plan Elements. Discussion of the build out analysis and action plan ensued. Public hearings are held as required; the Planning Commission, followed by the Town Council, must adopt the Comprehensive Plan. It is then forwarded to the State of RI for approval by no less than five state agencies, and then comes back to the Town for completion. It is expected to be back to the Town in 120 days. Lengthy discussion ensued.

Planner Bryer gave a PowerPoint presentation outlining the Comprehensive Community Plan Process highlighting the steps and timeline and comparing the 2004 Plan to the 2014 Plan as follows:

TOWN OF JAMESTOWN  
2014 COMPREHENSIVE COMMUNITY PLAN  
COMPREHENSIVE COMMUNITY PLAN PROCESS

- Community Survey – 2010
- Inventory and Analysis
- Plan Goals and Policies – Public Participation
- Functional Plan Elements
- Build Out Analysis
- Implementation Program
- Comprehensive Community Plan

- Local Acceptance of Plan – Planning Commission Public Hearing and Adoption/Town Council Public Hearing and Adoption
- Submission to State for Acceptance

Key Elements of the presentation included:

- Comprehensive Plan Timeline
  - Community Survey (2009-2010)
  - Update of Data (2010)
  - Data Analysis
  - Update of Elements
- 2004 vs. 2014 – What has changed:
  - Population (decline)
  - More Protected Land
  - Agriculture
  - More emphasis on Natural Hazard Risk
  - Alternative Modes of Transportation
  - Sustainability/Energy
  - Economic Development
  - Housing
  - Public Services and Facilities
  - Wastewater Management Program
- Goals/Policies/Implementation Action Plan – What has changed:
  - Land Use: Statement that our land use regulations must be consistent with Comp Plan
  - Natural Resources – Plan, protect, maintain, improve
  - Conservation and Open Space
  - Agriculture (farming)
  - Recreation
  - Economic Development
  - Circulation (transportation)
  - Housing (diversity)
  - Public Services and Facilities (energy initiatives, sustainability & recycling improvement)
- New Maps since 2004
  - Comparison of Future Land Use and Zoning
  - Projected Sea Level Rise
  - Active Farmland
  - Pavement Management
  - Municipal Facilities and Areas of Interest (formerly combined with public water and sewer)
- Amended Maps
  - Active Farmland (new)
  - Public Water and Sewer Service Area

Discussion ensued of mandates and non-compliance with State directives. These are unfunded mandates. The penalty for non-compliance is denial of State approval of the Comp Plan, which may make the Town ineligible for certain grant projects and reimbursements. The revised maps were referenced and reviewed. Planner Bryer completed the presentation and asked for questions and comments. [Applause] President Trocki remarked on the tremendous amount of work to complete the Comprehensive Plan update and amendment. Public comment was invited.

#### Public Comment.

Gayen Thompson of Grinnell Street stated it is exciting to see the proposed Comprehensive Plan and how it is prioritized. The recreation report was referenced (not part of the comp plan process). At what point will the Town review its barriers to ADA accessibility in its public buildings, which is Federal law?

Town Administrator Nota stated there are two ongoing projects. The Town Hall project is two elements. The main entryway - enhancements are needed and underway for the door system - and we should have bid numbers within weeks. Funding has been authorized and the interior glass doors will remain and sequenced with the exterior doors (new). There are secondary accommodations that can be made to make the building compliant. Town Hall needs a little bit of work and we are moving in that direction towards accessibility.

We recently met with the Department of Justice regarding access at East Ferry. The parking lot is being restriped to accommodate van accessibility (public) and access to sidewalks is being improved (private). We will continue to make modifications, and the process is underway for all Town buildings. Ms. Thompson thanked Mr. Nota for his time. She encouraged the Town government to change its claim of accessibility, as it is misleading.

Sav Rebecchi of Sail Street stated this was a gargantuan task to amend the Comprehensive Plan over the last four years. He referenced his experience with the Town Charter Review Committee and the importance of the Comprehensive Plan and its impact. He was concerned as some of the public documents did not have the same pages as the online document. He suggested when a new version arrives it should be noted. President Trocki stated there have been many iterations of this document, and it has been updated as changes were made. The Town Hall, Library, and online version are the same and updated. There are no different versions floating around. Mr. Rebecchi stated the Town Clerk's Office version is missing paragraphs. The public needs access to the most current document. The people need to know this was done very different than the 2004 survey version as it was circulated as an insert in the newspaper and available at places around town. These were two different types of surveys in the way it was delivered with different results (17% vs. 30% return).

He noticed in reading the State ordinance (45-22.2) it states what is presented and approved by the Town Council shall update the Zoning Ordinance. What specifically in the Comp Plan will trigger a change in the Zoning Ordinance, if any?

When we have a committee, creating an ordinance or a charge by the Town Council after a public hearing, it appears this Comp Plan is adding to the charge of some committees. The Conservation Commission stated they were taking their expanded duties directly from the new Comp Plan. Is it indirectly sending a revised charge to a committee or commission through the Comp Plan by approving it?

Councilor Dickinson feels the answer to that is no. Councilor Mihaly understands the point and wonders if there is a way to deal with it. President Trocki feels this is a Solicitor question. Planning members asked if he was referring to actions that are listed and assigned to certain bodies to oversee or the initiation responsibility column. President Trocki noted there are four questions and the Town Planner and Solicitor will attempt to answer them.

Lisa Bryer stated Mr. Rebecchi is correct, the distribution of the survey this time was sent to each household in the *Jamestown Press* and the option of online filing was offered, which worked well. However, we got a reduced response rate. People were not as involved and we received half the response as last time (520 vs. 1300). The information was significant, and next time we will think more about distribution methods. Online surveys are easier, as we don't have to input the data and it is tallied automatically. Surveys have been very useful. Discussion continued.

Mr. Nota commented on the varying techniques used for surveys, and in the future, we should look for continuity in the method we use for surveys for a more accurate comparison of the data.

Lisa Bryer commented once the Comp Plan is updated, State law requires that all land use regulations must be compliant. Once the Comp Plan is adopted and approved, the Zoning Ordinance will be reviewed to make it and the Zoning map up to date and compliant. It will be consistent with the Comp Plan, and all revisions will be made through the public hearing process with proper notice and advertising.

All versions of the Comp Plan will be updated so they are consistent. The Library, Planning Office, and online version were all updated. The Clerk's Office copy will be checked and if needed updated.

The initiation and resource columns and action plan were reviewed and explained. Private entities cannot be held responsible for actions that appear in the resource column of the Comp Plan. Upon approval of the Comp Plan, these become action items for the committees.

Solicitor Brochu noted a Town committee acting outside of its charge should be brought forward. Town Administrator Nota stated he didn't find any actions that varied from the intent of the charge formed for a particular group. Charges do vary over time, and most of them are within the original intent of the original charge. President Trocki commented if there is an issue or question we can address it with the Solicitor. Councilor Dickinson commented on version control or configuration management, and asked the Town Administrator to institute something basic. Solicitor Brochu stated such questions should be brought to staff so that they can be addressed with the Solicitor.

Sav Rebecchi had some specifics as to what he thinks is being assigned to a committee that is not listed in their individual charge document. This could be adding to their charge document without going through the proper procedure and public hearing process. This public hearing is changing the responsibilities of a committee. Solicitor Brochu disagrees. President Trocki commented the public knows how significant the Comprehensive Plan is. The Solicitor has tried to answer your questions. To say the public doesn't know is not a fair statement. This is a public forum to discuss the plan and hopefully adopt it this evening. The action items will be addressed accordingly.

Solicitor Brochu stated this is open for discussion and he appreciates Sav's comments. Solicitor has answered the question. To say public doesn't know is not a fair statement. Action items will be taken care of accordingly.

Solicitor Brochu stated he appreciates Sav's comments, he has attended all the meetings where this has been discussed, and it is unfortunate this is being brought up at the 11<sup>th</sup> hour tonight. It would be more appropriate to address them through town staff or the Solicitor and address such concerns previously. He has been at all planning sessions and is asking these questions now.

Sav has been trying to address this charge issue for years. He has been consistent with this and thought this was the place he would get his answer whether the Comp Plan can change an individual committees charge and he learned that yes it can.

Gayen Thompson stated this is the first Comprehensive Plan hearing she has attended. The goal of accessibility has been on the law books since 1990, and shouldn't the Comprehensive Plan have this as a goal? If not now, when?

Lisa Bryer stated ADA is Federal law and we are required to do it anyway. It is a great point and she is glad Andy is working with Gayen, but our building code and Zoning Ordinance address this. Eugene Mihaly concurs. This is Federal law and this document does not need to affirm our readiness to obey Federal law.

Gayen Thompson stated this touches on access of all types of activities and it is not just a kindness, but an obligation. It needs a commitment from this body.

President Trocki stated we understand that and we are addressing the issue and money has been set aside for ADA compliance, we are working on it, and looking to be compliant. This is not the proper forum for this discussion. It would be better served to work with the Town Administrator. It can't be done overnight; key personnel are working on this. Issues are noted, but this is not the right forum for this.

Town Administrator Nota stated we have major projects and all accessibility issues will be incorporated into those projects at the Golf Course, Fire Station expansion and enhancements, and Town Hall. Such critical elements will be addressed. Lengthy discussion ensued.

President Trocki stated the Town is working on ADA compliance. Ms Thompson urged the Town to make a commitment and make ADA a priority. She feels this should be in the Comprehensive Plan and a true commitment on the part of this Town. She hopes every effort is made to make this Town Hall compliant. She feels an affirmative commitment begins with the Comprehensive Plan as the Town has not met its commitment. Discussion continued.

Councilor Dickinson disagrees with many points. We listened to your requests and done what we can. He agrees it does seem odd the Town has taken more interest in that document and the ocean rising than whether there is access to this building. We hear you and it is important to know we hear you, and we are doing it and there is more to go.

Chair Swistak stated if we send document to the Council this evening, it then goes to the State. If there are changes, and if there is something critical, can the plan be modified if found deficient for any reason? Lisa Bryer stated it depends on the change if it is significant whether there has to be an additional public hearing. We can cross that road when we come to it.

President Trocki asked if this should be in the Comp Plan. Planner Bryer feels it is addressed in our land development regulations.

Solicitor Brochu stated this is a planning document. From a planning perspective, that issue is incorporated. Those types of things such as fire codes and building are not listed in this document. Just because you're not stating it does not mean there is not a commitment to ADA and it is not being addressed as a priority.

President Trocki stated by not singling it out in the Comp Plan does not mean it is not a priority.

Duncan Pendlebury stated when he prepares documents for a building he stamps the drawings, and that makes him legally responsible for compliance with all codes. The State accessibility code is more strict than the ADA. It is Federal law, and every town owned building complies with the regulations in place when the building was built or

substantially renovated to the extent required by ADA. It is the option of the public to ask the Town to go further to comply with the highest level we can. The automation of doors is based on a population of a building. When this building was built power doors were not required. If you go through all accessibility regulations and the ADA, there are many different factors. You may look at a building and say it doesn't comply, but it complies because someone gave it a certificate of occupancy meaning it complied to the extent it was required to comply.

Mic Cochrane asked if we could establish some way of saying we are following Federal law and identify where the problems are, which may be more pertinent.

Chair Swistak stated the question is when. When will the changes happen? There will be a short list of things that will have to be changed.

Planner Bryer stated the time to do it would be now to make any revisions, if the Council wanted to establish a policy in the Comp Plan.

Solicitor Brochu asked for a recess. A five minute recess was called at 8:50 p.m. The public hearing is back in session at 9:05 p.m.

President Trocki stated the comprehensive plan public hearing is resuming. The Council consulted with legal counsel and the Town Administrator. Solicitor Brochu stated he talked with the Town Clerk, Town Administrator, Town Planner and Mr. Rebecchi. There were two binders in Clerk's Office; one was kept and updated for the purpose of this meeting and that binder was given to the public. A second black binder was on the side table where other public information is available. It said 2014 Comprehensive Plan on the cover but it did not have the May 19, 2014 update. Solicitor Brochu recommends those May 19<sup>th</sup> updates be included as an amendment to the Comp Plan out of caution. This amendment was included in the official copies in all locations and online, just not at the side table. He asked this be included in the Comprehensive Plan as an amendment this evening.

Mike Swistak asked if there is anything presented during the public hearing to prevent us from moving forward with adopting the Comprehensive Plan? Council consensus was not in their opinion. Some of the other changes to the farmland map for tree farms and the winery were not included. Discussion continued.

Gayen Thompson would like a statement we are dedicated to improving accessibility. Chair Swistak stated it will be added at the next available time but will not be in his motion.

In talking about the survey, we tried to find a way to get thoughts on paper, as outlined on Page 236 under Conclusion. The Planning Commission needs to get this adopted and send it over to the Council.

**A motion by Michael Swistak with second by Rosemary Enright that the Planning Commission hereby adopts the Comprehensive Community Plan by the Town of Jamestown, amended as follows with the changes discussed at the public hearing:**

- 1. Notes the addition of the Sea Level Rise Map**
- 2. Corrections to certain action items misidentified as ongoing which are actually new actions**
- 3. Update to the Land Use Map to reflect the Bike Path spurs**
- 4. Certain page numbering corrections that are required due to the addition of new pages, and further changes to the Comp Plan provided to the Town Council via memo on May 19, 2014**
- 5. Farmland Map amended to include Hodgkiss Farm and Watson Farm**
- 6. Farmland Map presented to all present**
- 7. Public Water and Sewer Map**

**Discussion.** There was discussion of version management, and Planner Bryer will put today's date on the appropriate pages of the final version.

Back to the vote on the motion. **Michael Cochrane, Aye; Rosemary Enright, Aye; Berndt Pfeiffer, Aye; Duncan Pendlebury, Aye; Michael Smith, Aye; Michael Swistack, Aye; Michael Jacquard, Absent.**

**A motion was made by Michael Swistak with second by Michael Smith to forward the now adopted Comprehensive Community Plan to the Jamestown Town Council for their approval. Michael Cochrane, Aye; Rosemary Enright, Aye; Berndt Pfeiffer, Aye; Duncan Pendlebury, Aye; Michael Smith, Aye; Michael Swistak, Aye; Michael Jacquard, Absent.**

President Trocki called for a motion for adoption of the Resolution for adoption of the Comprehensive Community Plan.

**A motion was made by Eugene Mihaly with second by Thomas Tighe to adopt the Resolution as stated in the document before me which reads:**

**WHEREAS, The Town Council hereby certifies that a Joint Public Hearing was held with the Jamestown Planning Commission on Wednesday, June 18, 2014 to receive public input on the Jamestown Comprehensive Community Plan.**

**WHEREAS, On this day, June 18, 2014, the Town Council of the Town of Jamestown hereby adopts the Jamestown Comprehensive Community Plan, for the Town of Jamestown, as a guide for future policy and community development, as amended with all changes discussed during the public hearing process on June 18, 2014, including the changes provided to the Town Council on May 19, 2014.**

**FURTHERMORE, The Town Council will forward this Comprehensive Community Plan to the State of Rhode Island, pursuant to the Rhode Island General Laws Chapter 45-22.2, entitled Rhode Island Comprehensive Planning and Land Regulation Act.**

**President Trocki, Aye; Vice President Meagher, Absent; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.**

Planning Commission members discuss their July schedule. Planning Commission members schedule their meetings for July 9<sup>th</sup> and July 30<sup>th</sup>.

#### **IV. ADJOURNMENT**

Town Council.

**A motion was made by Eugene Mihaly with second by Blake Dickinson to adjourn. President Trocki, Aye; Vice President Meagher, Absent; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.**

Planning Commission.

**A motion was made by Rosemary Enright with second by Michael Cochrane to adjourn. Michael Cochrane, Aye; Rosemary Enright, Aye; Berndt Pfeiffer, Aye; Duncan Pendlebury, Aye; Michael Smith, Aye; Michael Swistak, Aye; Michael Jacquard Absent.**

The special meeting and Comprehensive Community Plan Public Hearing was adjourned at 9:26 p.m.

Attest:

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Cheryl A. Fernstrom, CMC, Town Clerk

Copies to:     Town Council  
                  Town Administrator  
                  Finance Director  
                  Town Solicitor