

Approved As Written
PLANNING COMMISSION MINUTES
October 2, 2013
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 Smith

Not present:

Michael Jacquard, Richard Lynn

Also present:

Lisa Bryer, AICP – Town Planner

Cynthia Reppe – Planning Assistant

Wyatt Brochu – Town Solicitor

Anthony Cofone

Joshua Rosen – P.E. Commonwealth Engineers & Consultants

Doug DeSimone

Shelly Widoff

Barbara Hermann

Eleanor Burgess

Jim Burgess

Eric Lexow

Betty Hubbard

I. Approval of Minutes Sept 18, 2013

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

II. Correspondence – nothing at this time

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

1) Anthony Cofone – Assessors Plat 3A Lot 157, Catamaran Street-Zoning Ordinance Section 314 High Groundwater Table and Impervious Overlay District Sub-district A review-Recommendation to Zoning Board - Continued

Mr. Anthony Cofone made changes to the plan and introduced his engineer Joshua Rosen from Commonwealth Engineers and Consultants.

Mr. Rosen gave the commission his background. He is a civil engineer. He graduated 11 years ago from Roger Williams University. He has his class 3 OWTS designers license. Commissioner Smith made a motion to accept Mr. Rosen as an expert witness; it was seconded by Commissioner Cochran. So unanimously voted.

He will go through each item and address how they revised the plan. The first two were in reference to the original plan that had a 13% impervious footprint. The new plan is 9% and they now have reconfigured the deck so it is all contained in the building envelope. The stormwater control has been changed and now they have expanded the basin to accommodate for the 10, 25 and almost 100 year storm. The 10 and 25 year storms will be contained although a small amount, .07 cubic ft, will exit in a 100 year storm. This is a very prudent design. The foundation cross section has been shown. Operation and maintenance and restrictions will be followed and recorded with the approval, and they outline typical procedures. A well variance was approved by RIDEM and documentation was shown.

Commissioner Pendlebury asked about the memo from Mike Gray and Justin Jobin and was wondering if they are still concerned about the spillway. They are not concerned about it due to the redesign and the reduction of water that will reach Catamaran Street.

Commissioner Cochran was not present at the meeting that this application was heard the first time so Mr. Rosen showed Commissioner Cochran the plan and answered all his questions with regards to the flow of water and fill.

Commissioner Enright asked about a garage. At this time they will not be putting a garage in. She also asked will the driveway go in the middle of the lot? Mr. Cofone said it is to the right of the house. It is 12 feet from the pond area.

Commissioner Swistak asked about recommended plantings. The stormwater basin is designed to be grass and no plantings are included. That should be noted on the plan and in the operation and maintenance language noted Solicitor Brochu. This will be an added condition that no plantings occur in the stormwater basin.

A motion was made by Commissioner Cochran and seconded by Commissioner Smith to accept the motion as amended as follows:

“At a meeting of the Jamestown Planning Commission on October 2, 2013, The Commission voted to recommend to the Jamestown Zoning Board, approval of the application of Anthony Cafone –Plat 3 Lot 157 – Catamaran Street. The Planning Commission reviewed this application

under Zoning Ordinance Section 314 High Groundwater Table and Impervious Overlay District Sub-district A in accordance with the plans entitled **Site Plan and Site Plan Details for A.P. 3A Lot 157 Catamaran Street in Jamestown, Rhode Island, Sheets 1-3, dated revised 9/13/13.**

The recommendation for approval is based on the following findings of fact and subject to the following conditions of approval:

Findings of Fact

1. The applicant is proposing to construct a 648 square foot footprint, three story house.
2. The lot is 7,200 square feet.
3. There are no wetlands on or within the vicinity of the property.
4. Based on soil evaluation reports, the subject lot is in sub-district A.
5. The application was reviewed by the Planning Commission on September 4, 2013. At that meeting, the Planning Commission had serious concerns with the application exceeding the permitted impervious cover, the required setback variance, the amount of fill, water discharging onto Catamaran Street, a well variance, and maintenance documents for the pervious driveway and the rain garden.
6. A Memorandum (attached) dated August 30, 2013 to Town Planner Lisa Bryer, provided by Michael Gray, PE and Justin Jobin, Environmental Scientist notes a host of deficiencies, that have since been addressed appropriately (See finding of fact #9), including impervious cover that exceeds the ordinance, excessive fill and grading, stormwater control and inadequate separation to the water table, zoning setback and insurance that the two bedroom deed restriction is recorded and a foundation cross section is provided showing the foundation and footings in regard to the seasonal high water table.
7. The proposed impervious cover is 9 percent, which meets the ordinance requirement of nine (9) percent.
8. The revised plans show two bedrooms, which is consistent with the RI DEM approval for an ISDS/OWTS for a two-bedroom dwelling. This approval includes a deed restriction requirement, limiting the dwelling to no more than two bedrooms.
9. The application meets the standards of 82-314 according to a Memo to Lisa Bryer, provided by Michael Gray, PE and Justin Jobin, Environmental Scientist dated September 25, 2013. The Memo (attached) states that the application “in our opinion meets the requirements of the ordinance.”
10. The proposed Norweco Singulair onsite wastewater treatment system and bottomless sand filter leach field provides advanced treatment, and meets the requirements of the ordinance.
11. The Well is located 26 feet from the edge of pavement of Catamaran Street. A well variance was received from RIDEM, Office of Water Resources, Permitting Section. This Well Variance Affidavit is required to be recorded in the Office of the Jamestown Town Clerk.
12. There is no basement being proposed and the foundation is designed to have water flow through it.
13. In order to mitigate increased runoff from the proposed improvements, the applicant has proposed the use of a shallow drainage basin at the southwesterly corner of the lot to collect a

portion of the proposed overland lawn and driveway runoff as well as the entire roof runoff which will be directed to the basin via roof downspouts proposed at the west corners of the proposed dwelling. The proposed mitigation meets the criteria of the ordinance.

14. Joshua Rosen, PE, Commonwealth Engineers and Consultants, Inc. presented the application on behalf of the applicant, and was accepted as an expert witness with regards to drainage and OTWS design.
15. RIDEM requires maintenance of all storm water mitigation systems by the owner, which is critical to continued mitigation of runoff. The applicant has stated in a Memo to Lisa Bryer, Town Planner that Siegmund Environmental Services, Inc. will be contracted to maintain the OWTS.

Conditions of Approval

1. The RIDEM Well Variance Affidavit shall be recorded in the Office of the Town Clerk
2. The OWTS 2 Bedroom deed restriction, required by RIDEM, shall be recorded in the Office of the Town Clerk
3. The Operation and Maintenance (O & M) requirements for pervious driveway, stormwater mitigation and OWTS shall be recorded in the Office of the Town Clerk with the Zoning Approval. The language for such O and M shall be approved by the Director of Public Works prior to recording.
4. The O & M shall indicate that driveway shall remain pervious in perpetuity. Any change in this requirement will require additional approval by the Zoning Board of Review. In addition, the O & M shall note that there shall be no plantings within the grass swale drainage basin and it shall be maintained as a "grassed drainage basin".

So unanimously voted.

2) Historic Preservation Strategies

A. Demolition Permit

B. Building of Value

Town Planner Lisa Bryer reminded the Planning Commission that at the August 5th Planning meeting we talked about Buildings of Value and they were interested at that time in pursuing such all over the island. At that time, she committed to giving the issue more thought and come back with a game plan. The Planning Commission wanted to keep that designation and put criteria for review language in the ordinance once the Buildings of Value are designated on the map.

We all agreed that we have buildings of value that need protection and that we should make an attempt to move forward and protect them? They are all in agreement. The question now is how to accomplish this.

What is our final goal? Do we want to just make sure they are not demolished or do we want the structures historically preserved? Are we talking about the classic buildings like the windmill, meeting house, etc?

Commissioner Pendlebury said we need to go back to the elements of the comp plan for a foundation to the plan. Do people want the character of the town to be maintained by maintaining the historic character and rural character? Do we use this as a foundation? Since we are talking about private property we have to encourage the homeowners that they want this, said Commissioner Cochran. The Commission agreed that we need to put the language that is already there in the Village special development district to include buildings of value all over the island. We have the purple book so we should start there and then get the communities input. Make a text amendment to include the whole island.

Commissioner Smith asked if there is going to be a historic district commission: will this be their purview? Not necessarily, it is not laid out in state enabling like Historic District Zoning. It is up to the Town Council. He thinks we need more guidance from the Town Council if we are going to do this.

Commissioner Enright thinks we need direction from the Town Council and we have to consider how will it be put into the zoning law. Even if the Planning Commission is involved in the definition, they cannot take on the responsibility of enforcing it. She thinks it is a Historic Commissions job.

Commissioner Smith ~~Swistak~~ said he sees faces that were here for the Historic District meetings and would like to hear their input.

Eleanor Burgess 29 Longfellow in lower Shoreby Hill is not a proponent of the Historic District. She prefers houses of value rather than a commission. She said she has inquired about the original voting for the historic district in Shoreby and is not being told how the votes went who the voters were etc. She loves Jamestown, lower Shoreby is mostly summer residents. She thinks that there is a huge new area of architects that are producing fabulous houses. Mary Meagher, Wharton etc, she would rather that it be up to planning or zoning.

Shelly Widoff - 27 Standish Rd lower Shoreby Hill– she is against the historic district commission proposal, her understanding is the Buildings of Value is an alternative to the historic commission. If the purple book designates this as a beginning she is all for it. She would like to see the planning commission move forward and designate and identify these buildings of value.

Eric Lexow – Shoreby Hill – he is confused and is not quite sure what we are trying to accomplish if you had a statement of what you are trying to accomplish maybe then you could accomplish what you are setting out to do.

Barbara Hermann 23 Hawthorne – she would love to see the Planning Commission embrace a Historic Commission and enforce 821105c that says any building has to go in front of the Planning Commission, we just need to give Mr. Brown the list. What are your standards of review? There is training so it is not so open ended. Apply them. Start with enforcing the ordinance that has been on the books since 2010.

Betty Hubbard has no thoughts on this issue at this time. When the association wrote the letter requesting a historical district they also requested buildings of value for Shoreby Hill at that time.

Wyatt Brochu said this commission does not have the capability of enforcing this; it resides with Mr. Brown. If he interprets the ordinance a certain way it is up to him not the Planning Commission.

Commissioner Smith said he thinks the state register and purple book would line up with regards to buildings of value. Commissioner Pendlebury read the actual name of the “purple book” which includes other things in addition to houses; landscapes and view sheds.

A discussion ensued regarding buildings of value which are not necessarily historic but are treasured and are valuable to the community character.

Commissioner Enright asked, “What are we trying to do? Are we trying to create buildings in a historic districts? A neighborhood? Are we trying to retain the character in Jamestown?” There are things that happen downtown that are not characteristic with a historic model.

Commissioner Pendlebury said sub paragraph C states buildings of value but we do not have any designated. Do we want to keep that in the zoning ordinance? We should develop an advisory group to come up with what standards we want.

Mary Meagher - 23 Melrose Ave. - the language is loose in the ordinance and that is why Mr. Brown does not enforce it. You need standards and she can ask the town council to put it on the next agenda. She thinks that it is not only buildings of value but also landscapes of value. She agrees with Commissioner Cochran’s and Pendlebury’s ideas. Newport uses the secretary of interior standards but they do have a historic planner on staff.

Shelly Widoff - said since the Buildings of Value concept is already on the record that they follow through with their review and standards and be definitive before the town council goes through with the historic commission. She thinks that is the proper methodology that the buildings of value come before the historic.

Let’s start with the secretary of interior standards. Enright does not necessarily think that buildings of value have to be historic. Pendlebury: we need to make sure that the building coming down is being replaced with that of equal or better value. He thinks this is a complicated subject. Does the owner wish to have it identified as a building of value? Let’s start with them and then move forward. Once a home is identified as a building of value it cannot opt out. This would be the first time in history that a zoning ordinance would be by volunteer basis, said Ms. Bryer. It is most likely those structures, whose owners do not want to be designated that we have to worry about. But there does have to be community buy-in.

Do we want to expand this to include the whole island? Agreed by all that yes this was our intent. Start with those places that are on in the purple book.

Jim Burgess 29 Longfellow – struggle is why do people value their houses, it may not be because they are historic but in his case it is the location, the proximity to the water. What matters to him is his view and access to town not necessarily the architecture or the fact that it may be historic.

Mary Meagher responded to Mr. Burgess comment; zoning is an imposition on the property owner by its nature. We are trying to preserve our history and culture and it is important to the community.

Mr. Jim Burgess - what are you asking us to do, do you want our house to be preserved as a museum? The actual house itself? It is currently very vague.

Commissioner Swistak said we want a list, we want to expand the area to include buildings of value on the entire island, a set of criteria on what makes it a building of value. Our Zoning Ordinance is a bit unclear right now and we need to find out what we are responsible for and finally we need a set of standards. We recognize that we are going to scare the daylights out of people that do not want it.

Commissioner Pendlebury said there is no intention that we are creating museums, it is context that we are trying to preserve. He agrees with Mary Meagher and it is not just the structures, but how they address the street and their context within the landscape.

Commissioner Cochran it is true it is a zoning law, but he thinks we should allow leeway for homeowners to speak up about whether they want to be involved; that is the democratic way.

Swistak thinks a workshop would be appropriate. Smith would like to see some examples of buildings of value. The town of Bristol has one and Commissioner Enright said one of the towns has a voluntary aspect to it. Maybe Cranston, Betty said, Bristol or Barrington Rosemary said. Lisa Bryer thinks that she has enough to move forward and demolition can be included but it is a separate process. A workshop at a regular Wednesday meeting was suggested.

The Planning Commission was reminded that Monday night is the public hearing for the accessory dwelling ordinance.

VI. New Business – nothing at this time

A motion to adjourn at 9 pm was made by Commissioner Smith and seconded by Commissioner Cochran. So unanimously voted.

Attest:



Cynthia L Reppe, Planning Assistant

This meeting was digitally recorded