

Approved As Written
PLANNING COMMISSION MINUTES
February 4, 2015
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 7:00 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Michael Jacquard	Bernie Pfeiffer
Michael Smith	

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
Wyatt Brochu – Town Solicitor
Justin Jobin – GIS - Environmental Scientist

II. Approval of Minutes January 21, 2015

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

III. Correspondence – nothing at this time

IV. Citizen’s Non Agenda Item – nothing at this time

V. Reports

1. Town Planner’s Report – Comp Plan was reviewed by the state prior to sending it for an official review, she has sent it to Peter and Wyatt for their determination as to whether it needs a public hearing. It will be a joint hearing if needed and will most likely be scheduled for March 23.
2. Chairpersons report
3. Town Committees
4. Sub Committees

VI. Old Business

VII. New Business

1. Zoning Ordinance Amendments related to Conservation Development

Commissioner Swistak turned it over to Town Planner Lisa Bryer who will do a power point presentation for all of the members of the Planning Commission on Conservation Development. This is comparable to our cluster zoning that we have in the Zoning Ordinance today. A few years ago Tony Lachowicz looked at our subdivision regulations and comprehensive plan with regards to Conservation Development. The Planning Commission has discussed this several times and we incorporated some enabling language into our comp plan to lay the groundwork. Why switch from our current ordinance to Conservation Development? Conservation Development methodology is much more detailed and it is a more comprehensive process. There are a few large parcels that are available on the island and we should have this tool in our toolbox in the event they are developed. This presentation was borrowed from DEM.

Commissioner Smith said his problem with the cluster/conservation development is you lose a lot of view shed if the open space is not kept up.

This draft suggests that it not be mandatory as cluster is today, but by agreement with the applicant. It is the preferred alternative but may not always be the best for a certain site. This may seem like a relaxing of the cluster development but it is not. Cedar Lane is an example of a cluster that may have been better as a conventional subdivision because of the groundwater issues in that area. Since it was mandatory, the Planning Commission could not talk the applicant into exploring a conventional subdivision since it would have required a waiver; they wanted to go by the book and do a cluster. This was very costly for the applicant since it required significant groundwater studies to determine that the density was not going to pollute the groundwater for the residents.

Commissioner Swistak said the last time we went through this Commissioner Smith had some issues with it. Smith said he does not see this as a big benefit for the homeowner.

Commissioner Pendlebury thinks it is suitable for outside the village district and within the District require the applicant to submit within the context of conservation but be allowed to show why it doesn't need to apply (lack of impact on resources, etc.). Discussion ensued on this issue. Attorney Brochu explained that we needed to be more black and white. Pendlebury then indicated that conservation development within the Village Overlay was probably not necessary since there would be wetlands review etc if the lot included resources at risk since they are small lots generally.

We have already embraced the concept of Conservation Development in the comprehensive plan Commissioner Swistak said. The Conservation Commission is pushing us to get this zoning amendment done. They think any future development is at risk if a development does not follow these guidelines.

Commissioner Cochran said there is so little opportunity downtown for this to happen and he thinks it speaks to affordable housing too. He likes the idea that it allows developers to have open space. This would replace the wording of cluster in the ordinance. Difference is now it is mandatory and with this it is an option.

Commissioner Jacquard asked if there are guidelines. Ms. Bryer said looking at it on a site to site basis we need to see if it is possible to get the 75% open space. The reality of our poor soils may factor into how small each lot can and should be. Swistak asked what is left here on the island in the village. The Planner indicated that we can provide a map with exactly what we are talking about.

Lisa Bryer suggested taking a random piece of property from Jamestown and actually going through it with the planning commission to see if this would be beneficial for the Town of Jamestown. The Chair asked Lisa to explain the difference between minor and major subdivisions which she did including that she can only approve administratively lot line changes.

Commissioner Pendlebury said we might want to say both minor and major subdivisions should follow Conservation Development. Minor may not have to do it but as a town we would want to understand the impact to the town. The Planning Commission could say this shouldn't be this way but the applicant has to show us why the resources are not going to be impacted. For minor they can make the case there is not impact but they have to prove it. The Planning Commission then has the latitude to come up with a different solution like for instance Cedar Lane.

Smith thinks it is up to the whim of the Planning Commission. He was reminded that would come with a very specific process and therefore not be at the whim of the Planning Commission. Jacquard says the Planning Commission should be driving the bus. Smith is saying if the Planning Commission is driving the bus we better have rules to back it up. Jacquard thinks it should be your only option. Set the basis that all subdivisions and they should come to us Pendlebury said.

A discussion ensued regarding development with conservation and conventional. Town Solicitor Wyatt Brochu said why wouldn't a property owner or developer be able to do a conservation development. You are asking the applicant to make a case. Essentially what you are doing is putting an overlay, you can call it whatever you want but it is an overlay. When you get into arbitrary standards that's where we can get into a problem; based on what criteria? Then you would have to develop the criteria. We can find through our GIS to see. Brochu feels that this is similar to the plan that was before us a few weeks ago. He thinks there is not a benefit to the objective of conservation development. If no features we would still have to meet the 50%. The smaller the subdivision it is more difficult to have the open space. Solicitor Brochu thinks it would be beneficial to take a look at it.

Development is market driven Commissioner Pendlebury said. This looks like it is intended for major subdivisions said Pendlebury. Bryer said the primary purpose of it statewide is to not carve up the rural areas. Pendlebury said you can see the reaction the community has even in minor subdivisions. Brochu said there is an open space requirement in some towns. Bryer thinks we can develop some standards where we can have concrete reasons to not do a conservation development such as for water quality purposes. Swistak said if it's a major subdivision, its conservation no matter what. Unless there is a reason like high groundwater as to why you could not do a conservation development. Jacquard asked about taxes and how are they taxed on the open space?

We will come back with maps of the Island to see where this could be beneficial.

VIII. Adjournment

A motion was made by Commissioner Enright and seconded by Commissioner Pfeiffer to adjourn at 8:55 So unanimously voted.

Attest:



Cinthia L. Reppe
Planning Assistant

This meeting was digitally recorded