

Approved As Amended
PLANNING COMMISSION MINUTES
October 21, 2015
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 7:05 p.m. and the following members were present:

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

Not present: Mick Cochran

Also present:

Lisa Bryer, AICP – Town Planner
Wyatt Brochu – Town Solicitor
Cinthia Reppe – Planning Assistant

II. Approval of Minutes October 7, 2015

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

Page 3, last paragraph - ~~He~~The applicant is going to defer to his architect, he thinks he can get to the point where he doesn't need the variance.

Page 7, 2nd paragraph - The comments heard are they would like to work with the applicant to come to a successful conclusion here.

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 – Mike Jacquard has resigned and hopefully we will have a new member quickly. The Town Council will hold a workshop on rental properties on Nov. 30th at 6 p.m. They will be discussing, Should the town regulate it?
Commissioner Enright wants to know if this is all rental housing. Yes it is.
2. Chairpersons report

3. Town Committees
4. Sub Committees

VI. Old Business – nothing at this time

VII. New Business

1. Discussion of RIGL Title 45-53-1 and the role of the Planning Commission sitting as the local Review Board

Town Planner Lisa Bryer gave a presentation regarding the low and moderate income Act which addresses affordable housing in RI.

The board questioned what could be done if an applicant appeals their decision. It is not appealed to the zoning board but it goes straight to SHAB.

Solicitor Wyatt Brochu discussed a peer review process that will help the Planning Commission review the application. A discussion can take place at that time to put demands on the applicant if the peer review has brought up some issues. Sometimes a peer review process can give you back up for your decision. For instance a real estate appraiser can look at the pro forma to see if the applicant's number of units needed for a feasible project is accurate. It is looked at from the state that the town should look at these projects positively since we have not met our 10% goal. According to our plan we should be adding between 5-7 houses a year to our affordable housing stock.

Commissioner Swistak asked about whether you round up or down with respect to number of affordable units required. Always up Mr. Brochu said. What is the financial fraction monetarily? Can a developer buy out any affordable unit with cash? They could propose the smaller amount of the fraction and then an option to give us a monetary value is permitted we believe under the new amendments to the Act from last spring. Commissioner Swistak asked if the planning commission can waive affordable housing requirements? Lisa responded: The Planning Commission does not sit as the local board if they are not applying for a comprehensive permit. They have to provide 25% affordable housing if they want to use the comprehensive permit process. Lisa said there is nothing stopping the developer from not going through the comp permit process.

Pendlebury asked if we are still guided by the zoning ordinance? Yes Brochu said. How do you approve a density bonus? Mr. Brochu said you have to look at what those density bonuses do for you. Given land and building costs in this community density bonuses are required to make the projects work here. The builder is expected to obtain a reasonable profit. There can be debate on what is reasonable and how it is calculated. He urges the board to look at the numbers when they are submitted and ask questions or bring in a peer review person for accuracy. But you need to make that decision about additional professionals early. Don't wait till the last minute.

Commissioner Swistak asked "Can RI housing give advice of what normal profit and acceptable profit is? Would someone at the town be looking at the cost figures? Who could we request of this? Chris Costa? Mike Gray?" Brochu responded that many towns would seek peer review for this. This needs to be done and decided early on with a project not during the public hearing process.

Commissioner Swistak asked about the relief needed for the Swinburne project? Setbacks, lot size, easements etc. Commissioner Swistak does not recall any being requested or that being contentious with anybody. Yes they did request variances, lot size being only one of them. What we looked at Ms. Bryer said was the neighborhood and a 3500 sq. ft. lot was average for that neighborhood and it fit well there. We as a town cannot ask them to meet our requirement of 25% affordable housing without variances. It is unrealistic since they need additional density to make the project work financially.

Commissioner Pendlebury asked if the population went to court and said the housing court overturned the zoning ordinance what grounds does the population have to stand on. If the board of review denies, the applicant can appeal the decision to SHAB. We have less leverage if we are with that board if we are not meeting our affordable housing goals.

Mr. Brochu urges the planning commission to ask the questions and probe into what the witnesses are telling you. Whether it's planning or zoning sometimes you just know it is going to be denied and if nobody has cross examined the professionals then what grounds do you have to deny it? Brochu feels all the info needs to get out there.

Commissioner Enright asked how detailed is the financial information provided? We do not know until it is submitted. Go to the RI Housing website and look at the example pro forma.

Solicitor Brochu said when we have an application and you get the packet get your questions together before hand. If you want more detail let us know so we can ask the applicant. You can ask for more information but do it early.

2. Sustainability Plan - Discussion

Lisa Bryer said we discussed this about a year ago. We initially started talking about an Economic development plan. We asked the Chamber and they wanted to meet occasionally to discuss economic development but were not necessarily interested in being part of a planning process.

Then we discussed expanding it into a historic, creatives and cultural economies plan. Then we decided to expand our scope to include all aspects of comp plan elements and how to make the Town, not just economic elements sustainable. It makes sense as an Island to look at Sustainability. In our comp plan it says we will develop a plan. Ms. Bryer says she thinks it is time to get started on this, it will be a process similar to the Comp Plan. A discussion ensued regarding what has been done around the state and in the US. Canada has a very comprehensive process for communities and ~~I have~~ **Ms. Bryer has** several of those plans if anyone wants to look at these she can hand them out. ~~I~~ **She** will provide the Commission the links to these plans as well. We will have to decide how we want to handle this planning process; through Committees or sub-committees or just through the Planning Commission. Commissioner Swistak said you can get a degree in Sustainability? This is the wave of the future. We only have so many resources on this earth. Ms. Bryer is just looking to see if the planning commission is on board with this. If so then ~~I~~ **she** will provide more information coming up. A visioning workshop would be first step. Creating a plan you have to look into the future said Commissioner Pendlebury.

VIII. Adjournment

A motion was made by Commissioner Pendlebury and seconded by Commissioner Enright to adjourn the meeting at 8:35 p.m.

Attest:



Cinthia L. Reppe
Planning Assistant

This meeting was digitally recorded