

**Approved As Written**  
**PLANNING COMMISSION MINUTES**  
**August 19, 2015**  
**7:30 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

**I. Call to Order and Roll Call**

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 Jacquard	Bernie Pfeiffer
Michael Smith	

Also present:

Lisa Bryer, AICP – Town Planner  
Wyatt Brochu – Town Solicitor  
Cynthia Reppe – Planning Assistant  
Quentin Anthony - Attorney  
Christian Smith  
Douglas DeSimone – Douglas Enterprises  
Christian Infantalino – Attorney  
Matt Cotta – American Engineering  
David Presbey – Architect  
Mark Naciel

**II. Approval of Minutes August 5, 2015**

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

Page 4, 1<sup>st</sup> sentence - All of the vehicle traffic ~~existing~~**exiting** from the property will occur on Narragansett Ave. and not Grinnell St.

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 – meeting next Wednesday at 6:00 Conservation Development lots meeting in case anyone is interested in coming. The Planning Commission is welcome to attend. She will explain that the change is just in the process.
2. Chairpersons report
3. Town Committees
4. Sub Committees

#### **VI. Old Business – nothing at this time**

#### **VII. New Business**

- 1. Christian Smith, Plat 1 Lot 264, Circuit Avenue (paper street) - Application for Zoning Relief from Zoning Ordinance Section 82-302 to allow construction of a single family residence on a lot without any frontage on a public road where 200 feet are required**

This application was on the Zoning Board agenda in August and they requested the Planning Commission review the Zoning Application of Christian Smith, Plat 1 Lot 264, Circuit Avenue (paper street).

Attorney Quentin Anthony represented Mr. Christian Smith who owns a parcel that was platted the end of the 19<sup>th</sup> century and the adjacent street has never been developed. Mr. Smith came to the town to ask what he could do and was told if he has adequate turn around for emergency vehicles and applied to the zoning board since he had no official frontage, he would get the relief he needed. Mr. Smith went through on all the advice he was given and went to DEM for wetland approval and DOT for curb cut approval since East Shore Road is a State Road, the fire chief for help in designing the road for fire trucks etc. He thought he had followed all the procedures recommended by the Department Heads and agencies. When Mr. Smith went to the Zoning Board they said they would like the Planning Boards opinion. This is why they are before us.

Lisa Bryer said this is fairly routine matter. These types of applications generally go to Zoning and they do not generally come to the Planning Commission. But the Zoning Board has the ability to ask the Planning Commission opinion on any matters before them. They have no technical frontage and a street is defined as being dedicated and accepted by the town. Because the lot has no frontage, it needs a variance. Ms. Bryer spoke to the Zoning Board chair and Wyatt Brochu about this. The Zoning Board is looking to insure that the application is consistent with the Comp Plan. Public safety has been addressed in this process. The application is certainly consistent with the Comprehensive Plan.

Commissioner Swistak asked about maintenance of the road. Solicitor Brochu noted that it is the purview of the Zoning Board but that Mr. Smith noted that he has volunteered to maintain the road and Attorney Anthony has a maintenance agreement noting that the Town has no responsibility.

Discussion ensued regarding the radius being accurate and the turn around base needs to be appropriate depth and the gravel needs to be compacted.

A motion was made by Commissioner Swistak and seconded by Commissioner Pfeiffer to

“to recommend to the Zoning Board approval for the application of Christian Smith, Plat 1 Lot 264, Circuit Avenue, to develop an existing lot of record on a paper street with no “street” frontage.

The recommendation for approval is based on the following findings of fact:

1. The property fronts on Circuit Avenue, a paper street, which is accessed by Providence Avenue (also a paper street, but a portion of which is utilized by the abutter as a driveway) from East Shore Road;
2. The Town of Jamestown has no record of Circuit Avenue nor the portion of Providence Avenue to be utilized, being accepted by the Town as a public street;
3. The Town of Jamestown Zoning Board routinely reviews applications for development on paper streets as a variance application for development of an existing lot with no frontage on a public street;
4. The applicant has a letter from the Fire Department stating that the design for access is acceptable;
5. The applicant has an Insignificant Alteration permit from the RI DEM for construction of the road/driveway;
6. The applicant proposes that this road will be maintained privately and the Town shall not be asked to accept or maintain this right of way;
7. The applicant does not propose exclusive use of this paper street;
8. The proposal is consistent with the Jamestown Comprehensive Plan;
9. Attorney Quentin Anthony testified on behalf of the applicant.
10. The PC accepted the following exhibit into the record:
  - a. Property survey prepared by Douglas Land Surveying & Consulting originally dated Jan 21, 2013, and last revised Jan 30, 2015.

Recommended Condition of approval:

1. Applicant will review the design of the proposed road improvement with the Jamestown Fire Department as it pertains to the ability of the road materials and compaction to handle vehicular traffic including emergency vehicles appropriately.

So voted:

Michael Swistak – Aye

Duncan Pendlebury – Aye

Rosemary Enright – Aye

Mick Cochran - Aye

Michael Jacquard - Aye

Bernie Pfeiffer - Aye

Michael Smith - Aye

Motion carries 7-0

Commissioners Swistak and Smith recused and left the table

2. **Jamestown Village Condominiums, Douglas Enterprises, LTD., A.P. 8 Lot 79, 138 Narragansett Avenue, Application for Major Land Development Project , Comprehensive Permit per Zoning Article 17, Zoning Variances and Special Use Permit. Pre-application Review**

Christian Infantalino, Attorney for the applicant, Douglas Enterprises, Douglas DeSimone and David Presbey, architect are present for this application. This is the former site of the PAC.

The property is in an R20 zone and is neighbored by Jamestown Village. The proposed project is 19 units 5 of those units being affordable. Mr. DeSimone updated the list of the most recent variances based on the TRC meeting from yesterday.

Attorney Infantalino introduced Doug DeSimone. He is applying for a Comprehensive Permit for affordable housing. He has developed under this act previously with projects in South Kingstown, Westerly and is going through a project in Coventry currently. The challenges they have are in design and marketability. He explained the density bonus. It translates to the number of units he can have. Lot size is what decides the density. It is difficult to find a lot size in the village that will accommodate a project like this without using the Comprehensive permit option. This design is changing as it goes. Each apartment will be approximately 1200 sq. ft. 1 is handicap accessible. Building B they originally wanted to put 6 units in it but decided upon 5 units, it is 2 1/2 stories but at the 35 ft. high maximum allowed. They do not know how high the elevator shaft will go so it is depicted by a chimney, when they are done they believe there will be a significant reduction in pervious surface. They are planning on pervious parking. He turned it over to David Presbey the architect on this project who explained the design to the Planning Commission.

Commissioner Pendlebury said we need enlightenment on how he is doing this application under affordable housing. He is also wondering if the affordable units will be spread throughout the 2 buildings. Yes and 25% of the project must be affordable. The Planning Commission has the authority to grant all the waivers and variances needed.

Since the TRC meeting they have changed it to 4 units at 100% and 1 at 80%. There will be 1 in the smaller building and the rest will be in the larger building. It is their plan to construct the first building and it will be the small building. The units have 9 ft. ceilings, slab on grade, no basements. Hoping tonight for discussion about the way the building looks.

Mr. Presbey showed the landscaping. All access to the buildings is off of Narragansett Ave. it passes by building B. He described the floorplans of the building. There will be 2 top floor units in the big building and they will be about 1600-1800 sq. ft.

Mr. DeSimone thinks this is an appropriate site for this project.

Commissioner Pfeiffer who is the representative at the TRC said this is the first time seeing the rendering. His biggest concern is the amount of relief asked for based on the 41,000 sq. ft. lot. This is a major amount of building then what is there currently. DeSimone thinks this is probably the only site that we will have in Jamestown to offer this with affordable units.

Ms. Bryer said our zoning ordinance is not very friendly to multi-family and we discussed this in 2010. She thinks multi family is appropriate for that site as a transition between commercial zoning and residential zoning. But in her mind it is about scale and density. It is difficult to visualize the size of the building. DeSimone noted that the PAC is just over 7000 sq. ft. now. 8149 sq. ft. is a little bigger than the building there now with another story on it.

Commissioner Pendlebury asked about the relationship to the building behind you. DeSimone thinks it is about 25 feet, it is at a higher elevation so you may see it. Scale is an important factor. The one story houses in the vicinity will be dwarfed. They can come back with a plan that shows

the surrounding buildings for scale purposes. Pendlebury said it is required but DeSimone said usually not at pre-app. Pendlebury wants to see the heights of the surrounding homes.

There is not an application filed yet with Rhode Island Housing. Pendlebury noted that we have skimmed over the top as to what the benefit is to the town. This is a long list of variances that will be asked for. Mr. DeSimone said there are certain affordable housing requirements the towns have to meet in the state of Rhode Island (10%) and Jamestown is not there and he thinks this is a nice project. Commissioner Jacquard asked if we can have the Affordable Housing Committee take a look at it. Yes, we can have them look at it noted the Planner.

Commissioner Cochran said he is curious about a condo association and the rules and regs.

Mr. DeSimone said there is a lot of housing out there that is affordable but it cannot be counted. There has to be some kind of subsidy, they are asking for a municipal subsidy waiving the fees including the building permit fee, inspection fee only to the affordable units. Will that include water and sewer Ms. Bryer asked? He has not thought about that yet, they will look at it when he does the budget. You will see exactly what the budget is so the Planning Commission will see the profit margin etc. These applications are very transparent noted DeSimone

Commissioner Enright would like to see how it compares to Bridges new building. It is similar in size. DeSimone will look at that building. The difference is the subsidy is a real subsidy; this is a for-profit developer. Commissioner Enright said you are still going to be part of the neighborhood. The apartments that he is creating are larger than a typical affordable housing unit.

Commissioner Pendlebury asked if anyone in the audience had any questions or comments.

Mike Swistak - 143 Narragansett Ave. is an abutter, his initial reaction is it is extremely offensive, you need a lot of relief, there is a huge disparity between what is permitted and what is being requested; this is very aggressive. The 2 buildings are out of scale for the neighborhood.

Mark Naciél - 144 Narragansett Ave. – he is a Florida resident originally from RI. He is a direct abutter. When he first looked at property he was a little surprised at the size of this since by-right only 2.4 units are permitted for the property. He has nothing against affordable housing. He would like to have a neighborhood workshop.

Commissioner Cochran asked about Jamestown Village how many units and how many variances? Commissioner Enright noted that there are 20 units at Jamestown Village, next door, it is 2000 sq ft more property and those units are smaller.

Mike Smith - 125 Narragansett Ave. - his reaction is similar to Swistak's, setbacks are close, will you be back to expand for the Martin and the corner property? DeSimone had a signed contract from Bill Martin who just passed away and he had conveyed the house to his brother who passed away a few years ago so there is a lot of owner issues going on and probate, so he is not going to purchase it. Without the Martin property he would not acquire the Mercer property if he did he would have to ask for more density.

Commissioner Pendlebury asked at this point what is your proposed schedule, he is going to ask for continuance he will reach out to the neighbors and will meet with them without the planning commission. Timing wise he hopes to file the Rhode Island Housing application within the next 6 weeks. It cannot be filed until you are comfortable with the relief and density. He wants to go forward in 6 weeks. The traffic study will be done at Master Plan he will have 3 experts Matt Cotta, Traffic Engineer, a financial expert, and a planner. The board has the ability to ask for experts to make a decision on this application.

A motion to continue this application until the Sept 16<sup>th</sup> Planning Commission meeting was made by Commissioner Cochran and seconded by Commissioner Enright. All in Favor.

**VIII. Adjournment**

A motion to adjourn was made by Commissioner Enright and seconded by Commissioner Cochran at 8:54 p.m. All in Favor.

Attest:



Cynthia L. Reppe