

Approved As Amended
PLANNING COMMISSION MINUTES
October 17, 2018
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
Bernie Pfeiffer	Dana Prestigiacomio
Michael Smith	

Also present:

Lisa Bryer, AICP – Town Planner
Wyatt Brochu – Town Solicitor
Cinthia Reppe – Planning Assistant
William Tuttle
Tom McNiff
Chip Bartlein
Elena McCarthy

II. Approval of Minutes October 3, 2018; review, discussion and/or action and/or vote

A motion was made by Commissioner Enright and seconded by Commissioner Cochran to accept the minutes with the change in spelling for Deb Foppert
As written. So unanimously voted.

III. Correspondence

1. FYI – Memo to ZB – Kushner – HGWTO. Received
2. FYI – Letter final Administrative Subdivision – Mains’l Properties – Dutch Harbor. Received

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

V. Reports

1. Town Planner’s Report – the town council will look at public arts committee again at next meeting and decide on appointments to the committee.
Zoning will be on for our next meeting. Enright would like to look at a whole copy.
Lisa Bryer said she thinks things will be approved in phases.
2. Chairpersons report

3. Town Committees
4. Sub Committees

VI. Old Business – nothing at this time

VII. New Business

1. **Jamestown Beer Holdings, LLC, William Tuttle and Tom McNiff – New Use in the Village Special Development District – Nanobrewery and taproom at the Bomes Theatre Mall, 34 Narragansett Avenue, Plat 8 Lot 453 – Development Plan Review, Recommendation to the Zoning Board of Review – review, discussion and/or action and/or vote**

Tom McNiff introduced William Tuttle and himself. He explained to the Commission what a nano brewery is which is basically a small brewery. They will have about 5 batches per week which will be 5 barrels. No commercial sales. They will have a taproom. That is the gist of the enterprise. Under the terms of the current legislation they will be allowed to sell growlers to take off premise.

Commissioner Swistak asked about their space needs. Mr. McNiff said it is 2 shops combined. Conanicut Brewery will be consolidated and account for 30% of the space, which is home based material sales for brewing.

Commissioner Enright asked the what the square footage is. It is 1373 and brewery will be roughly 1000 sq. ft. so the leftover will be for the home brewery business. Commissioner Swistak asked if they originally intended for this type of business when he opened. No, he did not. It happened organically after he was approached by Tom McNiff to open a brewery and decided this might be a good spot for it. They are both live in Jamestown.

Commissioner Swistak asked Lisa to give the history of the Bomes Theater Mall. Do we discuss this business separately or look at the Mall as a whole. Lisa Bryer said that we need to look at the Mall as a whole.

Back in the 70's it converted from a movie theater to a multi-use facility. In 1983 they were granted a 25 parking spaces variance by the Zoning Board. When Chip Bartlein and Elena McCarthy came to us back in 2016 they did not know at that point who their tenants would be. At that time, it was decided it was not going to be any more parking requirements since many of the uses over the years were similar to what it is today; restaurants, retail, service. Lisa Bryer said the proposed parking need is 14 spaces now.

Mike Swistak noted that at the TRC, Chris Costa said once you are granted variances they never go away and they run with the land. There are 10 spaces off site, deeded spaces. If you follow Lisa's memo there were 34 spaces. We have to defend our opinion to zoning. We have to make sure we are following the ordinance. Can we really count the spots on Narragansett Ave. Yes, that is permitted in the ordinance Bryer noted. Out of the total of 5650 sq. ft in the building, it was assumed that 5100 sq. ft. is usable space on the 2016 plans.

Commissioner Pendlebury asked is the calculation based on the seats? Yes. 1373 includes the total square feet of the two units they have. When she took 70% that includes some space that is not public.

Mr. Tuttle said the brewery space would be approx. 370 sq. ft. for retail and 400 sq. ft for the brewing.

Commissioner Pfeiffer said getting back to Chris Costas comment, are we saying going forward that the 21 spaces are there and will run with the building? Is it time to memorialize that number? Commissioner Pfeiffer said he thinks we should determine the amount of parking. Commissioner Swistak said we need to come to a conclusion.

Smith wants to know how many real parking places exist? There is an easement that runs with Narragansett Ave. for 10 spots at 34 Narragansett Avenue. Commissioner Smith asked if there are any spaces next to them to the west. No, that is owned by Perotti and no spaces are available for the Mall building. There are 5 spaces in the back but there is no way to access those spaces. Lisa said the Bomes Theater building takes up the whole lot width practically. Solicitor Brochu If they do not get the variance for spaces they will lose the opportunity here for the business.

Commissioner Pendlebury said in reality there are 13 physical spaces and we need 15. We would be counting on 2 spaces rooted in a variance over history. A discussion ensued on how many spaces they currently have. They put a walkway the length of the building and their neighbor continued the fence the length of the property so the back is not accessible.

They have to decide in their recommendation to zoning do they want to use 21 or 31? Solicitor Brochu said this discussion is confusing, it is important to separate the actual spaces that exist. It is an exclusive easement. This case is different because it is an easement. Smith said they get credit for the 3 public spaces on Narragansett Ave.

Mr. Tuttle and Mr. McNiff said Micro breweries are becoming more and more popular. We want to be a destination and then have our customers go to one of the fantastic restaurants in this area. Their hours of operation will be noon to 8 pm. The beer will come directly from the kegs. They have a strategy for reducing the water use. They will limit the water use and waste, they will be using a glycol based brewing process. Submersion is a waste of water where you lose a lot of gallons, they will be using glycol to activate and chill the water down in a closed loop system. Very little water is going down the drain. The used grains will be donated. There will be a bi-weekly pick up and they will be enclosed and stored outside. Will has lived on north end of island for 20 years and knows about the water issues both there and downtown.

A motion was made by Commissioner Pendlebury and seconded by Commissioner Cochran to approve the Development Plan of Jamestown Beer Holdings, LLC for 34 Narragansett Avenue, Plat 8 Lot 453. This application was reviewed by the Planning Commission under Zoning Ordinance Article 11, as a change in use in the Jamestown Village Special Development District for the multi-use Bomes Theatre building. The Planning Commission also discussed the request for a Special Use Permit to serve beer. This will also need a liquor license from the Town Council sitting as the Alcohol Licensing Review Board. The recommendation for approval is based on the following findings of fact and subject to the following conditions of approval:

Findings of Fact – Development Plan Review

1. The applicant proposes to open a 28 seat “nano-brewery” as an additional use in the space that is currently occupied by Conanicut Brewing in the Mall at 34 Narragansett Avenue. This has been determined to be a new use that requires Development Plan Review;
2. The TRC met on September 26, 2018 and October 5 to discuss this application. The minutes are attached;
3. The following Variances for parking have been granted by the Zoning Board of Review:
 - a. February 15, 1983 Bernard Dutra – Parking Variance for 25 parking spaces conditioned that he provide 10 spaces at 24 Narragansett Avenue or closer.
 - b. March 11, 1985 John Dennis Flynn (Town Council approval for victualing and restaurant license) – also Special Use permit granted for liquor at the café in the mall with a condition that 5 spaces be developed in back of the building.
Note: This use never went in to operation and it is undetermined if the spaces were ever developed.
 - c. March 23, 1993 – Parking Variance granted for a 15-seat restaurant because it was a change in use that needed greater parking spaces than the previous use; this use received a variance for 4 spaces.
4. Therefore a total of 29 parking spaces have been granted by variance since 1983 for multiple uses with the initial condition that 10 spaces be provided at 24 Narragansett Avenue or closer. A permanent parking easement was provided at 24 Narragansett Avenue in favor of 34 Narragansett Avenue that provides up to 10 parking spaces. 3 additional public spaces exist for the use of the Bomes Theatre building on Narragansett Avenue.
5. The existing building is 5,650 square feet in size. The proposed business will occupy approximately 961 square feet of the total 1373 square feet occupied currently by Conanicut Brewing Company. Based on this, it has been calculated that the proposed use of a 28 seat “tavern” requires 3.5 parking spaces and the retail use requires approximately 1.05 parking spaces for a total of 5. The total building requires 14 spaces for the existing and proposed uses combined.
6. Development Plans have been reviewed for the building at 34 Narragansett Avenue as follows:
 - a. April 10, 2009 – Administrative Development Plan Review and approval for exterior renovations to the façade. Included removing clapboard and returning back to the brick façade underneath. Also included new signage and lighting.
 - b. June 23, 2016 – primarily interior changes to the building with minor exterior changes to the side of the building entrances for separate spaces. This was reviewed administratively under the provision that any significant change in use may be subject to further Development Plan Review.
7. The Planning Commission concluded that available parking at Narragansett Avenue is 32 spaces as follows:
 - Parking Variance granted in 1983 – 15 spaces
 - Parking Variance granted in 1993 - 4 spaces
 - Public Spaces on Narragansett Ave – 3 spaces
 - and

An easement for 10 spaces at 24 Narragansett Avenue.

8. The current tenant configuration of the building includes 5 office spaces, 1 yoga studio, 1 business incubator/retail space and the applicant operating as a brewing supply retail store. Total square footage of the building is approximately 5,650 sq. ft and current Parking requirement – including the new nano-brewery operation is 15 spaces.
9. The Planning Commission approval is based on the testimony of the applicant related to the planned scope of business and hours of operation.
10. The applicant testified that a denial of the application would force the business to seek a facility outside of Jamestown.

Findings of Fact – Special Use Permit

1. The applicant testified that microbreweries are becoming popular and can be a destination venue.
2. The applicant testified that the nano-brewery would add to the economic vitality of the village commercial district.
3. The applicant testified that the business expects to be open from 12 to 8 pm; 5 to 7 days per week. Retail sales of home brewing supplies will continue.
4. The applicant testified that they will use advanced technology to minimize water use and will donate/recycle a substantial percentage of the food waste from the brewing process.
5. In alignment with the Planning Commission’s responsibility to encourage Economic Development – the Planning Commission recommends approval of the Special Use Permit required to serve alcohol.

So unanimously voted:

Michael Swistak – Aye
Rosemary Enright – Aye
Bernie Pfeiffer - Aye
Michael Smith - Aye

Duncan Pendlebury – Aye
Mick Cochran - Aye
Dana Prestigiacomio - Aye

VIII. Adjournment

A motion was made by Commissioner Pendlebury and seconded by Commissioner Smith to adjourn the meeting at 8:09 p.m. So unanimously voted.

Planning Commission Minutes

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Attest:

A handwritten signature in cursive script that reads "Cinthia L. Reppe".

Cinthia L. Reppe