

**Approved As Amended**  
**PLANNING COMMISSION MINUTES**  
**October 3, 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  
Deb Foppert – Attorney  
Dan Cotta – PE – American Engineering  
Andrew Kushner - Applicant  
Krista Morevec– Horsley Witten

**II. Approval of Minutes Sept 19, 2018;** review, discussion and/or action and/or vote

A motion was made by Commissioner Pendlebury and seconded by Commissioner Enright 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 – November 7<sup>th</sup> we will have zoning on for the meeting. We will decide then on the 14<sup>th</sup> if needed. There will be one meeting in December. I will be attending a Food Composting seminar tomorrow in Providence. US EPA goal is to reduce food loss by 50% by 2030.
2. Chairpersons report
3. Town Committees
4. Sub Committees

## VI. Old Business

### 1. Andrew Kushner former application of Eric Bottaro – Plat 15 Lot 215 Seaside Dr. – Section 314 High Groundwater Table and Impervious Overlay District Sub -district A application – Zoning Board subsequently approved October 28,2014

Deb Foppert said they are here tonight to get relief for the high groundwater table and impervious overlay and a variance from zoning. They went to Zoning with an administrative approval for the changes and the Zoning Board sent them back to Planning.

A motion was made to accept Dan Cotta a P.E as an expert witness. So moved by Commissioner Cochran and seconded by Commissioner Pendlebury. All in favor.

Mr. Cotta explained the plan to the planning board. This was a previous application where they addressed the concerns of the neighbors and placed the rain garden to handle the runoff and it will handle a 10-year storm. The driveway is pervious.

They are asking for less variances and less relief this time around since the house is smaller and set different on the lot which is an odd shaped triangular lot. The well has been installed and tested.

Commissioner Pendlebury asked to be reminded of the setback variances in the original proposal. The “front” yard has changed from Seaside to Beach Avenue. Commissioner Pendlebury asked about the intent of zoning and the setbacks. Chris Costa addresses which road is to be used as frontage. It is a unique lot and how do you treat a lot that has 3 alignments? In his mind it is a lot like this has 3 fronts.

The applicant Andrew Kushner said they placed the house that way to have a view from the back decks towards the water.

Commissioner Pfeiffer said given the amount of setbacks and the shape of the property there is not a whole lot that can be done with it and the house is downsized from the last plan. He thinks he will go with the applicants drawing. Smith said the changes are good.

A motion was made by Commissioner Swistak and seconded by Commissioner Pendlebury to recommend to the Jamestown Zoning Board, approval of the application of Andrew Kushner, Plat 15 Lot 215, Seaside Drive, owner Eric Bottaro. 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 by American Engineering, Inc. entitled Drainage Plan for Andrew Kushner Located at Pole 27, Seaside Drive, Jamestown, Rhode Island. 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 three-bedroom dwelling and a one-bedroom studio on a 25,014 SF vacant lot.
2. The RIDEM OWTS approval is for a 4-bedroom dwelling therefore no deed restriction is required.

3. There are no wetlands on the subject property nor are there any wetlands within 150 feet from the applicable components of the OWTS per Zoning Ordinance Section 82-308.
4. Based on soil evaluation reports, the subject lot is in sub-district A.
5. Jean Lambert has met with the applicant's architect to insure the application meets the criteria of the ordinance.
6. The proposal requires a setback variance for the main house, distance from house to Beach Avenue is proposed to be 27.9 feet, where 40 feet are required.
7. This application has received a well variance from RIDEM for being 30 feet from the road where 50 feet is required. The well is installed and was tested.
8. A list of Rain Garden and Driveway Notes have been provided as an Exhibit.
9. A Memorandum (attached) dated August 22, 2018 to Town Planner Lisa Bryer and Building Official Chris Costa, provided by Jean Lambert, PE notes that the proposal meets the requirements of the Ordinance as follows:
  - a. This application is proposing 7.8 percent impervious coverage. This is below the allowable impervious coverage limit of 10% and also below the 2,000 square foot cap permitted by Ordinance.
  - b. This application is seeking a dimensional variance for front yard setbacks. Because this is a triangular shaped lot, the corner yard setback is along Seaside Drive and requires 40'. The required front yard setback along Beach Avenue 30 feet where 27.9 feet are requested; Spirketing is also a corner yard and requires 30 ft.
  - c. The proposed 4 bedroom SeptiTec OWTS and bottomless sand filter leach field provides advanced treatment, and meets the requirements of this ordinance. The applicant has provided a copy of the RIDEM OWTS Approval permit #0515-1456;
  - d. The proposed rain garden exceeds criteria of the Ordinance to accommodate the increase in runoff for a 10 year storm. The applicant has agreed to mitigate the runoff for 1,937 sf of proposed roof area. The rain garden has a storage volume of 699 cubic feet.

### **Conditions of Approval**

1. Due to the nature of the proposal being two units on one lot with a bedroom and studio style kitchen features in the studio garage unit, it is required that this unit be prohibited from renting as a separate dwelling unit except as permitted in Zoning as an Accessory Family Dwelling Unit or Affordable Unit.
2. The Exhibit which includes Rain Garden and Driveway maintenance requirements shall be recorded with the Zoning Board Approval
3. The Operation and Maintenance Agreement for the approved OWTS shall be recorded in the Office of the Town Clerk as required by RIDEM approval.
4. The existing shed shall be removed as noted on the plan.

So unanimously voted:

Michael Swistak – Aye

Rosemary Enright – Aye

Bernie Pfeiffer - Aye

Michael Smith - Aye

Duncan Pendlebury – Aye

Mick Cochran - Aye

Dana Prestigiacomo - Aye

**2. Sustainable Jamestown; review, discussion and/or action and/or vote**

Krista Moravec presented the changes to the web-site. Commissioner Swistak asked about the indicators and how are we going to get this economic data. The economic data might be hard to get so Lisa said we will look at it at the time. We may end up changing our indicators as time goes on.

Commissioner Swistak asked is the website done? That is up to the planning commission. Commissioner Enright said she spent time this afternoon she was looking at it from her phone. If you want to start in 2019 collecting data, is every year too often? Probably. Certain things are recorded every year. It was agreed that 2020 should be the first recordings.

A discussion regarding Green Construction ensued and Commissioner Smith said how can we require 50%? Smith said LEED is very limiting and there are other programs out there and he thinks it should be taken out of there.

Krista Moravec will make a few more changes and then we are done. Swistak said what happens when done. Ms. Bryer said it will go out to the public. Commissioner Swistak said we will bring the Town Council in here and do a presentation. Lisa Bryer said in January may work best.

**VII. New Business – nothing at this time**

**VIII. Adjournment**

A motion to adjourn was made by Commissioner Cochran and seconded by Commissioner Enright at 8:26 p.m. So unanimously voted.

Attest:



Cynthia L. Reppe