

**Approved As Amended**  
**PLANNING COMMISSION MINUTES**  
**January 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	Rosemary Enright – Vice Chair
Mick Cochran	Bernie Pfeiffer
Dana Prestigiacomio	Michael Smith

Not present – Duncan Pendlebury

Also present:

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

**II. Approval of Minutes January 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 as written. So unanimously voted.

**III. Correspondence**

1. FYI – Final Approval Letter - Jamestown Landing. Received

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

**V. Reports – nothing additional to add at this time**

1. Town Planner’s Report
2. Chairpersons report
3. Town Committees
4. Sub Committees

**VI. Old Business**

**1. Zoning Ordinance Update**

**a. Section 82-14 – High Groundwater & Impervious Cover Overlay District**

Town Planner Lisa Bryer noted that this ordinance was adopted in 2003 and so she thought it would be a good idea to go over the science behind the ordinance and why it was needed and adopted. The Town realized the need to manage managing private septic systems in the 1990’s

and we developed a WWM ordinance to require inspection of septic systems and then after that we adopted the HGWTO. We worked with Lorraine Joubert from URI. ~~She handed out~~ The original findings of fact **were handed out as they were originally presented** to the town council **in 2003.**

Ms Bryer discussed her Memo and the Power Point Presentation. There are 2 issues, impervious cover (runoff) and septic systems. Nitrate loading was studied, this was done in 2008 and Enright wants to know what the situation is now. There are areas that have hotspots and Bryer showed the Planning Commission the charts from the last testing.

There has been a major shift in the way applications are being proposed in the Jamestown Shores area. There are fewer new homes and a majority of additions and second stories with “no new bedrooms”. We need to discuss what the trigger is with these applications. Do we hold a hard line on “all new development” or have a threshold such as 120 square feet or even 200 square feet do not need PC or ZB approval? This a policy question we should discuss.

Commissioner Swistak asked why are we not requiring replacement of all OWTS now? And also having applicants install new systems when they want to make changes to their homes. Wyatt Brochu said Charlestown just received a grant for these systems they were going to give homeowners a grant for 18K and they would have to kick in a bit of money. The bids the town got were between 48-50K per system so they are looking to have each homeowner get their own bids and work it out that way. Brochu said it could be cost prohibitive.

Lisa’s point is we have data that shows how important this is and we are not just being mean.

Commissioner Swistak said Reservoir Circle is not part of the HGWTO so should we put that into the ordinance? Bryer noted that we could look at that. Swistak said then we should expand it. We mapped where the conventional systems are and where the pollution is. Enright said we should look into adding these other areas.

Commissioner Prestigiacommo said we need to think about how these houses are being used now. Her former house for instance has a 1 bedroom system and she see’s it advertised for weekly rentals as a 3 bedroom that sleeps six. What is that doing to the septic systems and the groundwater. Wyatt Brochu said this is difficult from an enforcement issue.

Commissioner Pfeiffer said the impact of agriculture from the amount of nitrogen in the soil is of concern to him. Windmist Farm for instance. Bryer said all of our farms work with Eastern Conservation District and have Best Management practice manuals.

In terms of process, a Special Use permit is a stronger mechanism because it is recorded and has more weight with zoning. Planning cannot give a special use permit but planning is better at hashing out the issues with these applications and zoning looks more at legal issues. Zoning often takes the planning commission recommendation and adopts them.

Is it possible to do an internal staff review that goes directly to zoning? Commissioner Swistak asked what is a minor change? He said you still have to meet the same set of standards. When there are certain cases where they meet all the criteria why do they need to come to the board?

Doing more administratively through our staff professionals works well. Lately, Swistak said these applications are so well prepared it's done so quickly.

We have to identify what a minor addition is. There are more applications that we are getting and the applicants are using the 120 square foot exemption.

Solicitor Brochu said Barnstable monitors the nitrates coming out of the septic systems and insuring the OWTS is operating as required. Homeowner is responsible to monitor this with town oversight. Brochu said it is around \$400 per year for testing as an added expense to homeowners. Charlestown is looking at doing this advanced nitrate systems annual cleaning.

A discussion ensued regarding the difference between a minor and major addition. If renovation exceeds 50% of cost of house, such as the definition of "Substantial Modification" it could trigger it into a OWTS replacement. We now allow a 120 ft. exemption for sheds, but it is not stated in the ordinance so they try to use it on new homes and additions. Also we should include pending a functional test on your system for additions etc. Commissioner Cochran said it could be a percentage of square footage? Bryer thought that would penalize the smaller houses. Wyatt says there is a high percentage of dishonesty they have found. DEM only looks at bedrooms, they think it should be the size of the addition and not bedrooms.

To solve this issue you need strict policy. Swistak said it is a health issue so why should we change it. Make a requirement of having septic system tested, so now what comes into play is getting a variance. Certain size renovation would include the cost of new septic system.

Smith said we should have put sewers in the shores and Reservoir Circle, there is enough water too. In Jamestown it is not a requirement to tie into the water and sewer lines. Bryer noted that if sewers were installed there, we would lose the groundwater infiltration needed to supply the wells. Enright asked if our own wells are being tested and what is the data coming from there. Enright said every lot under the size should be included in the HGWTO district. Cochran agrees.

Pfeiffer said can we get more data periodically, whether we do in fact have a water problem, increasing pollution. Cochran says it's the town responsibility. Enright thinks you are asking a lot of the town for them to do it. Smith says have town prepare a form for the homeowner which could be handled the same way as septic system inspections.

~~Should it only pertain to sheds? Or should we go to a number and say it all counts.~~ The Planning Commission wants to stick with 120 sq. ft. exemption and not increase it to 200.

#### **b. Section 82-103 – Definitions**

The consultant would like the Planning Commission to look at the definitions and add definitions that are not currently in the ordinance that need to be.

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

### **VIII. Adjournment**

A motion was made by Commissioner Enright and seconded by Commissioner Cochran to adjourn the meeting at 9:05.

Attest:

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

Cinthia L. Reppe