

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

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

The meeting was called to order at 7:04 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  
Cinthia Reppe – Planning Assistant  
Douglas DeSimone – Douglas Enterprises  
Joan McCauley  
Bob Trout  
Don Small  
Joan Dupee  
Michael Montoya  
Kevin Lathan

**II. Approval of Minutes September 16, 2015**

A motion was made by Commissioner Enright and seconded by Commissioner Cochran to accept the minutes as written. So unanimously voted.

**III. Correspondence**

1. Letter to Planning Commission from Arthur Milot Re: Douglas Enterprises project. Received

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

**V. Reports**

1. Town Planner's Report- The ordinance changes for Conservation Development are being reviewed by the Solicitors and being put into proper format. When that is complete we will send the Zoning Ordinance changes to the Town Council and then

advertise the Subdivision Regulation changes for hearing. Also we will have the John Conners high groundwater application at the next meeting if the applicant provides the information they discussed. The fire station project was approved at the Zoning Board and moving along. As requested, Wyatt Brochu will be having an informational discussion about the Affordable Housing Act for the next meeting.

2. Chairpersons report
3. Town Committees
4. Sub Committees

Commissioners Swistak and Smith recused and left the table.

Commissioner Pendlebury asked for a motion. Commissioner Cochran made a motion that was seconded by Commissioner Pfeiffer that the Planning Commission will sit as the local review board. So unanimously voted.

## VI. Old Business

The Planning Commission Sitting as the Local Review Board pursuant to RIGL 45-53 Low and Moderate Income Housing Act

1. **Jamestown Village Condominiums (Jamestown Terrace), Property Owner: Holy Ghost Society, Applicant: Douglas Enterprises, LTD., A.P. 8 Lot 79, 138 Narragansett Avenue, Application for Major Land Development Project , 16 Units, 2 buildings, Multi-Family Development proposal, Comprehensive Permit per Zoning Article 17, Zoning Variances and Special Use Permit. Pre-application Review – continued**

Attorney Christian Infantolino told the board and the audience that there have been some changes made to the plans. They have been to TRC. This plan will provide 4 more units to our affordable housing stock. 68 units are located in this area. This project will not be subsidized by the town like many of our other Affordable Housing projects. The Comprehensive Plan recognized that increased density is most appropriate in the village for affordable housing. This is where multi family is located and most of the affordable units in town. There are a few interspersed houses on the north end but the majority is downtown. Jamestown Village is similar in size and density. The Pemberton Apartments have 35 units in 7 different buildings, Pemberton Place has 3 buildings and 12 units and Jamestown Village is 1 building and 19 units. Their project is right in line with the surrounding projects. The mass of the buildings in comparison is the same. The following is a list of potential variances and special use permits they will be asking for:

Section 82-302, Table 3-1: Special Use Permit for multifamily project in R-20 zone. (Required in CL district)

Section 82-302, Table 3-2, Section 82-1006.3, Table 10-1: Lot Size for multifamily project- Variance to allow the lot size to be 41,000 sq. feet +/- where the ordinance requires 346,000 sq. feet of lot size for 16units/28 bedrooms.

Section 82-302, Table 3-2; 82-1705(d)(2): Set Backs- Variance for (1) Front setback off of Narragansett Avenue of 20.4 feet where 22.5 feet is required (2) Front setback off of Pemberton of 21.5 feet where 22.5 feet is required.

Section 82-317 (D): Community flood plain ordinance for special flood hazard areas- Permit from Building Official Required.

Section 82-1006.5: Variance from open space requirement- 2 square feet per each square foot of foot print. Required open space is 19,676 square feet.

Section 82-1006.6: Variance for Landscaping buffer.

A discussion ensued regarding a special use permit for multi-family and lot size variances. Infantolino stated that our ordinance is not friendly to multi family. In order to do a project like this you would need a lot that is 346,000 sq. ft. according to our ordinance. Commissioner Pendlebury asked about relief required, Article 17 says units should be diverse and include up to and including 3 bedrooms, you would need relief for not having any 3 bedroom units. Open space is based on gross square footage.

Douglas DeSimone said in response to the comments from the last meeting they made changes to the site plan. They took into consideration the neighbors to the west and have moved the large building a little to the east. They have reduced from 20 to 16 units. They pushed as close as possible to Pemberton and consider the street a buffer of sorts. They took 3<sup>rd</sup> story off both of the buildings they added landscaping and they will have more detailed information at Master Plan. There was some discussion at the TRC about a covered porch on smaller building. This is encouraged in the village and it will allow them to not need a front yard variance. They took 3 parking spaces out and shrunk the parking lot. They will put a plaque up about the history of the PAC in a little park like area.

Mr. DeSimone said the footprints on the 2 buildings combined footprint are virtually identical to the building to the north (Jamestown Village). The sq. footage of the apartments has been reduced. The units are 200 sq. ft. smaller. The impact is minimal. They are going to be marketed to those that have lived in Jamestown and want to downsize and stay in town or move back to town and some that want vacation homes. Pricing will be mid 400's. In building B there will be 4 2 bedroom apartments; 2 of them will be 100 percent of medium income affordable units. Building A is 12 units, 10 - 2 bedroom units, and 2 1 bedroom units, both will be affordable units 1 of them can be a two bedroom unit and one will be handicap accessible and all will be able to be converted to such. The bedrooms for the affordable units can be decided at master plan. All affordable units will be price restricted and will be available to buyers making 100% of median area income. Most for profit restrict to 120% they are asking for 100%. He originally had one for 80% but cannot do it now since the number of units are reduced. The 2 bedroom affordable units will sell for \$200,000 and the 1 bedroom will sell for approx \$179,000 as an affordable unit.

Commissioner Pendlebury asked about the front setback with the porch. ~~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. The reason they are seeking the variance for the larger building is they want to keep the buildings as far away from the Lawn Ave. residences as possible, if the board thinks it's advisable they can slide it back a foot. The existing building is 12 feet away from the property line. If you look at the reduced plans it depicts the existing location of the PAC currently which is closer then what they will be. They have really endeavored to minimize the impact on the neighbors.

Commissioner Pendlebury said in the TRC meeting they suggested that they would accept a condition of not allowing short term rentals. They would include in the condo restrictions a minimum of 30 day rentals. They were unaware that we had issues with this and a 30 day minimum would be included. They have not talked to fire or police yet. They attempted to bring access out Pemberton but they do not feel it is do able.

Commissioner Enright asked about an elevator shaft they do not know how high it will be? They won't need a height variance.

Commissioner Jacquard asked about construction timeline. The current PAC building would be torn down in Jan/Feb.; 18 months total time maybe 2 years total.

David Presby architect has been in business for 43 years herein RI and in Ma. He has done quite a bit of work in South County. He has done additions to several South Kingstown schools and has worked on several projects around the state including Gibson Ct. condos and Clark Farm condos. Building A has gone from 19616 sq. ft. to 14440. They have redesigned the typical unit in both buildings. 1219 to 1064 sq. ft. size units. Reducing length and width of both buildings. Red Cedar shingles will be used on both buildings. He wants to review the graphics of what was brought tonight. He explained the design and the windows with trim etc. He showed the perspective of building B and building A in the background. DeSimone said there is a very large tree that abuts the house on Pemberton and they did not depict it because you would not be able to see building A if they did, They are going to keep it, they are going to keep whatever trees they can.

The proposal has 28 parking spaces 24 are required. Dimensional relief for density is needed. They think they have plenty of parking. In an ideal world he would like more parking but having the green space along Narragansett Ave. is important and will cut into that. There are 2 spaces for all 2 bedrooms and 1 for each of the 1 bedroom units.

An email was received from John Lawlass an abutter that could not attend this evening said he is requesting the pc ask for a strong vegetative buffer on the east side and they will do it DeSimone said.

Commissioner Pendlebury opened up the discussion to the audience and reminded them this is a pre-application discussion, the next step will be a master plan application for the planning commission to review. Any comments will be very helpful to the applicant.

Joan McCauley – 15 Washington St. - real estate broker for seller – member of the Holy Ghost society – The Holy Ghost society put much thought into selling this property since it is an important cultural representation for the community. Noise and trash from the occupying tenants created issues for the Society. She thinks as a real estate broker this is a market product for what is needed in Jamestown. This offers a great opportunity for Jamestown residents. It does help tremendously for affordable housing in Jamestown. She thinks the project is well done. The developer has done a great job. The enormous trees will help the impact.

Bob Trout 14 Lawn Ave. – much different meeting and a pleasant change from when Jamestown Village was approved, there were many angry residents. They are looking for the buffer between

them and the new big building. He wants a nice buffer to keep in line with something nice and lots of trees. Keep the scale down, he does not have much to complain about.

Don Small - 807 North Main Rd. he is in favor of this. It is very well thought out and not something being forced on us. The affordable housing is going to be a help to the town and to pick up 4 affordable units and it doesn't look like low income housing.

Mike Smith – Narragansett Ave. - abutter across street, nice job reducing scale he would still like to see an entrance on Pemberton Ave. He thinks a lot of the trees are dead and he needs to replace some of them.

Joan Dupee - 124 Narragansett Ave. – she is the president of Holy Ghost society. It was a difficult decision for them to decide to sell they were hoping the town would take it but it was voted down. She is in favor of this project.

Mike Swistak – 143 Narragansett Ave. – before he makes his own comments he has an email from Mark Maciel and it will be turned in for the record. Mr. Maciel would like to make it clear that he and Justine are not opposed to development of property he thinks the density is too much and reminds that variances are for profit, which is not a hardship. It is till feasible at lower density. Mr. Swistak said this is being compared to the senior living which is a less intense use than what is being proposed. 16 units is a high density for less than an acre. He thinks still too big at 16 units. He and his wife are direct abutters. This is a multi family use and will still require that the project fit in with the neighborhood. Pleased that the applicants have come back and thinks 10 units in 1 building would fit nicely. He is happy about the affordable aspect.

Michael Montoya - 31 Lawn Ave. not technically an abutter lives on corner of Watson and Lawn Ave. his issue is with the parking there is 28 spots and realistically the demographic of this he thinks there will be a lot of street parking. He thinks AtlanticLandscaping uses a lot of the parking there now. He is not sure how this parking is going to work and there are lots of vehicles parked on his side of street during the day. He thinks this is a real issue with parking on Pemberton and Lawn Ave.

Kevin Lathan – 68 North Rd. The neighbors always complained about the PAC club. He is 3<sup>rd</sup> generation Portuguese he had always heard that they wanted to make housing for the residents and he thinks it was meant to be and he would like the board to know that he supports DeSimone and this project. It was meant to be.

Mike Swistak – one thing brought up from the commission regarding the short term rental unit if there is a restriction on rentals can that be for a period of time? Can the condo members overturn it? Can we look at this? Last point during opening remarks there was a comparison to Jamestown Place, A project that was done 17 years ago has less relevance today then it did 17 years ago it does not justify this project.

Joan McCauley – in regard to that point Mike we have a new village plan and she thinks the size does relate to the other buildings around it.

Commissioner Pendlebury said the affordable projects that we are talking about are basically non profits and they came with non-profit structures.

Don Small He spoke in favor of this project to the north when they sold the property years ago if we do not accept this maybe the state or group homes would be put in and this project and maybe the cars should be reduced.

Christian Infantolino, you said the other projects are non-profit, the actual mass of the project was a big concern last meeting and it has been reduced. This is a benefit to the town that it is a for profit developer and they are using their own money and not town funds. This is a project that offers diversity and it is in line with our comprehensive plan.

DeSimone – The condo association can change the rental agreement. If this thing does happen they will include in the application approval as a condition of approval that there would be no rental, say no less than 30 days.

Lisa Bryer said regarding the for-profit and non-profit aspect, this is the first for-profit development proposed in Jamestown. The non-profit developers receive state and federal subsidies and for the last 8 units that have been developed for the last 10 years the town has subsidized each unit to the tune of \$66,000 to \$72,000 per unit. A for-profit developer does not receive Federal, State or town subsidies so they have to subsidize the affordable units through the market rate units hence the density increase is necessary and it is recognized in the code. The price point might be a bit higher. It might appear the same on the ground but it is a very different animal. Anything over 5 units developed we require 20% affordable housing and to apply for a comprehensive permit 25% is required.

Bryer noted that the Planning Commission does not have to make a decision at this stage. When they move to the next stage, Master Plan, then Preliminary and then Final, they will have to quantify at that point the amount of relief needed. It gets more specific as the application proceeds

Commissioner Pendlebury is trying to get a handle on where they intend to take it. He wants to ask the commissioners about the 2 major points, we hired some experts to assist the planning commission previously and would a review architect and another planner help us evaluate the level of impact. Should we bring in experts to advise? He feels project is still asking a lot.

Commissioner Jacquard does not feel we need to bring in anyone else, what will they be able to explain to us that we do not already know? What kind of expert do we need Commissioner Enright asked? She thinks a lot being asked for but he has given a lot too. We need this in town and this is the first time we have done this with a for-profit developer.

Town Solicitor Wyatt Brochu is going to schedule a workshop for the Planning Commission to see how the affordable housing is structured for a for profit. The Peer review process is to have the discussion with the applicant. Land use planning and zoning aspect (density) having peer review sometimes is beneficial. This occurs during design process, I would advise to discuss this with the applicant since the applicant will cover the cost. What peer review should be covered?

Commissioner Cochran is not sure we should call in architectural experts, as far as density that is a bigger discussion, it is dense it does not match up with our codes that we have in place right now.

Density in the village is where we are looking for affordable housing. He does not need to hear from experts. Commissioner Pfeiffer agrees with Mick the Fire station is a unique case.

Commissioner Pendlebury said it looks like the commission is not looking for peer review. At this point they will forego peer review. The comments heard are they would like to work with the applicant to come to a successful conclusion here. The big issues being density and open space. That can be part of the negotiation and density can be too. This will be a very transparent process Doug said. Commissioner Pendlebury stated that whether it is 10, 12 or 16 units is up in the air in terms of relief. This is where we are Pendlebury said. We hope people continue to come.

A motion was made to return to sitting as the Planning Commission by Commissioner Cochran and seconded by Commissioner Enright. So unanimously voted.

## **VII. Adjournment**

A motion to adjourn at 8:45 p.m. was made by Commissioner Enright and seconded by Commissioner Cochran. So unanimously voted.

Attest:



Cynthia L Reppe