

Approved as Amended
PLANNING COMMISSION MINUTES
May 18, 2022
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 7:00p.m. and the following members were present:

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| Mike Swistak – Chair | Duncan Pendlebury – Vice Chair |
| Mick Cochran | Rosemary Enright – Secretary |
| Diane Harrison | Bernie Pfeiffer |
| Dana Prestigiacomio | |

Lisa Bryer, AICP – Town Planner
Wyatt Brochu, Esq. – Town Solicitor
Ashley Sweet – Consulting Planner for owner
Christian Belden, CCHC, Applicant
Michael Darveau, PLS - Darveau Land Surveying
Michael Resnick, Esq. - Attorney at Kelly, Souza and Parmenter, PC
Nancy Letendre, Esq. AICP, Consulting Planner for applicant
Kelly Fracassa, Attorney for the Conanicut Island Land Trust
Quentin Anthony – President – Conanicut Island Land Trust
Cinthia Reppe – clerk for the meeting
Quaker Case – Resident, Affordable Housing Committee member
Richard and Nancy Ventrone
Dale Jerald
Bonnie Hogan
Julie Wright Shelden
Robert Fadden

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

III. Correspondence – All Received

1. Approval of Development Plan Review for Robert Braisted and Mary Jo Roberts-Braisted, 68 Narragansett Avenue, Plat 8, Lot 122 for a new structure within the Jamestown Village Special Development District. Received
2. Reinstatement of Preliminary Plan Approval and Extension of Minor Subdivision approval for Astrid Mendes, Trustee, 905 North Main Road, AP 16 Lot 336 - 2 Lot Subdivision. Received

Chair Swistak recused himself from old business. Vice Chair Pendlebury sat as Chair for the application. A motion to sit as the Local Review Board was moved by Commissioner Enright and seconded by Commissioner Cochran. All in favor.

IV. Old Business

1. Master Plan Application 91 Carr Lane, AP 4 Lot 52; review, discussion, and/or action, and/or vote;

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

**NOTICE OF
PUBLIC INFORMATION MEETING – Continued from 4-20-22
JAMESTOWN PLANNING COMMISSION**

TO HOLD A SUBDIVISION MASTER PLAN PUBLIC INFORMATIONAL MEETING FOR THE PROPOSED (MAJOR) 3 LOT SUBDIVISION WITH WAIVERS/VARIANCES FOR PROPERTY LOCATED AT PLAT 4 LOT 52, 91 CARR LANE, JAMESTOWN, RI OWNER, TOWN OF JAMESTOWN, AND APPLICANT CHURCH COMMUNITY HOUSING CORPORATION

The Local Review Board will review and act on the proposed Major Land Development Project as well as the requested variances through the Comprehensive Permit Process. The Local Review Board shall have the authority to issue the comprehensive permit for subdivision per Jamestown-Zoning Ordinance Article 17 and RIGL Title 45 Ch. 53 as amended, including the necessary relief from the Jamestown Zoning Ordinance as stated below.

Said lot proposed for subdivision begins less than 2/10th of a mile (approximately 770 feet) east of North Main Road on Carr Lane and less than 2/10th (approximately 1380 feet) of a mile west of East Shore Road on Carr Lane.

This project consists of the development of 2 “affordable” single family units and 1 market-rate single family unit. The Applicant requests variances to the Zoning Ordinance as follows including any and all other necessary relief as determined:

Parcel A:

1. Minimum Lot Size:

Required: 200,000 square feet

Proposed: 13,585 square feet
Relief needed: 186,415 square feet

2. Minimum Lot Width:

Required: 300-feet
Proposed: 78.96-feet
Relief needed: 221.04-feet

3. Minimum Side Yard Building Setback:

Required: 40-feet
Proposed: 12-feet from west side & 19.2-feet from east side lines
Relief needed: 28-feet from west side & 20.8-feet from east side lines

4. Lot Coverage Allowed: 5%

Lot Coverage Proposed: 8.95%
Relief Needed: 3.95%

Parcel B:

1. Minimum Lot Size:

Required: 200,000 square feet
Proposed: 13,836 square feet
Relief needed: 186,164 square feet

2. Minimum Lot Width:

Required: 300-feet
Proposed: 82-feet
Relief needed: 218-feet

3. Minimum Side Yard Building Setback:

Required: 40-feet
Proposed: 12-feet from west side & 18-feet from east side lines
Relief needed: 28-feet from west side & 22-feet from east side lines

4. Lot Coverage Allowed: 5%

Lot Coverage Proposed: 8.79%
Relief Needed: 3.79%

Parcel C:

1. Minimum Lot Size:

Required: 200,000 square feet
Proposed: 31,698 square feet
Relief needed: 168,302 square feet

2. Minimum Lot Width:

Required: 300-feet

Proposed: 175-feet
Relief needed: 125-feet

3. Lot Coverage Allowed: 5%

Lot Coverage Proposed: 11.88%
Relief Needed: 6.88%

4. Minimum Side Yard Building Setback:

Required: 40-feet
Note: Existing dwelling is located 11.3-feet from the east side line
Relief needed: 28.7-feet from the east side line

5. Existing garage is located within the front yard setback:

Required: 50-feet
Note: Existing garage is located 31.8-feet from Carr Lane
Relief needed: 18.2-feet from Carr Lane

6. Per Section 82-311:

The maximum size of an accessory structure on the lot is 900 square feet
Note: Existing garage is 1,312 square feet
Relief needed: 412 square feet

Additional Relief requested:

1. The entire area is subject to Zoning Ordinance Article 8, Section 82-800 thru 82-803 - Regulations for RR-200 Zoning Districts.
2. Waiver from Subdivision Regulation Article III, A(2)

B. “Consistency of Carr Lane Site With Planning And Zoning” submitted by Quentin Anthony

C. “Conanicut Island Land Trust’s Memorandum of Law Opposing Master Plan Application” submitted by Kelly M. Fracassa, Esq.

Commissioner Pendlebury continued the hearing and stated since the last hearing had many that wanted to speak and we ran out of time he would like to give everyone the opportunity to speak.

Quaker Case- 379 East Shore Rd speaking for herself as well as the Affordable Housing Committee. She thanks the Rafferty family offering this property to the town to use the lot for the Water Shed also thanking the planning department for encouraging the town to purchase the property and providing a 5.5 acre lot for Conservation. Thank you to Christian Belden for the plan that is attractive and thoughtful for the neighborhood for adding 2 affordable rate homes and 1 market rate. This is a thoughtful moderate plan and she hopes that Jamestown can move forward with the plan that preserves the beauty of this island and supports the workers that keep us safe and nourished.

Commissioner Pendlebury said we have information received from both attorneys in terms of rebuttals.

Michael Resnick on behalf of the applicant relying on the testimony at the previous hearing he is advising there will be a brief rebuttal statement from Nancy Letendre. He reviewed the conditions provided by the Interim planner and has no comments or edits at this time; it is acceptable. They will not provide any further testimony tonight aside from Nancy's rebuttal; they have finished with their presentation.

Commissioner Pendlebury asked if the rebuttal was provided in the packet, no it was not. Ms. Letendre can handle this by way of testimony.

They had opportunity to review the correspondence from Attorney Anthony and Attorney Fracassa. There is no Comprehensive Permit Act engagement in Attorney Anthony's correspondence. Attorney Resnick stated that the correspondence makes references to zoning but there are no specific examples for this application. Attorney Resnick stated that Fracassa's correspondence is cherry picking of the Comprehensive Plan to convey a narrow interpretation to the Local Review Board. Fracassa's concept of looking at other jurisdictions within the USA like Vermont and Oregon is both not appropriate or applicable in this circumstance. Resnick stated that idea the original zoning relief provided was based on misrepresentations or that there were conditions that had an impact on future development or future applications are not true.

They are not planners or experts in planning as far as meeting the state law. This is why we are allowing this rebuttal to be read into testimony.

Rebuttal by Nancy Letendre:

Rebuttal

1. The June 22, 2018 planning commission approval and the July 25, 2018 zoning decision that approved the split of the original 6.8 acre parcel at 91 Carr Lane include NO conditions or limitations on the further subdivision of the parcel or on the number of units that could be built.
2. Church Community is applying to the Jamestown Planning Commission for a comprehensive permit. A comprehensive permit application is the process through which an applicant constructing LMI qualified housing is allowed to request relief from the provisions of the zoning ordinance.
3. The requirements of the Rural Residential District (RR-200) are not barriers to development. They are the means by which a board approves development based on land carry capacity. The intent of this district is to protect the Town water supply reservoir while permitting residential dwellings at low density. Housing is not prohibited in this zone. In the case of 91 Carr Lane, this intent has been reached with the dedication of 5.5 acres for conservation. This intent will be

further implemented through the Planning Commission's multi-staged review process and careful consideration of the requirements of Article 8, "REGULATIONS FOR RR-200 ZONING DISTRICTS" at Preliminary Plan review.

4. Meeting the purposes and intent of the Comprehensive Plan means developing affordable housing while ensuring that development in the watershed is consistent with the Town's water-quality protection goals. It does not mean no development.
5. Comprehensive Plan Consistency as it relates to this application is best described by this action item on page 213.

"Actively pursue partnerships with land conservation associations in order to further the preservation of open space and the development of affordable housing. The Town must pursue partnerships between organizations such as CCHC and The Nature Conservancy in order to simultaneously achieve the goal of open space preservation and the goal of affordable housing development." Emphasis on "must."

6. The goals and polices relative to water supply protection are NOT in conflict with the affordable housing goals. This application illustrates precisely how the goal of open space preservation, and the goal of affordable housing development can be "simultaneously achieved."

Commissioner Pfeiffer said it talks about the preservation of the watershed he would like to know where the Carr Lane residents get their water. Resnick said this will be part of the report and as stated before in testimony this is more appropriate at preliminary Commissioner Pfeiffer said most of the properties use a well that draws from the same aquifer. Resnick said they will provide this at preliminary and he met with the conservation commission and told them he would be happy to present this information to them as well at that time.

Commissioner Cochran said there is a map on the town website that shows the water basin halfway east along Carr Lane. All this info is on our website.

Commissioner Harrison asked the applicant that they clarify the position of the conservation commission. When Resnick appeared before them, they voted to not supply a statement either for or against until after the Preliminary Plan submission. They have now provided a memo that says they are not supporting this application. Resnick feels it is premature and contrary to their previous statement. Pendlebury asked if this letter received tonight is certified in the record and there are a few additional documents that should be made a part of the official record; letters from Anthony, Fracassa and the Conservation Commission.

Attorney Wyatt Brochu said you can receive it now and it can be entered in to the record now and Resnick has no objections to it being entered; he just feels it is premature. Entering the letter from AHC and conservation committee and comment from Nancy Letendre, Anthony and Fracassa there is also.

Commissioner Pendlebury said he will open it up for the audience now.

Joyce Antonello - 35 Columbia Ave.- She is a member of the Conservation Commission. They had a regular meeting and they invited CCHC so they could discuss the comments. They had a special meeting this past Monday to discuss; they did review additional information and they felt they had enough information at that meeting.

Dale Jerald - 63 Carr Lane – she is 3 properties to the east. She said the rural character of the island needs to be preserved. Amended subdivision in 2021 showed 3 homes 3 OWTS systems in RR200 this is a huge disparity to protect the watershed and it puts their wells in jeopardy. If the need for Affordable housing is so great, why not do what Mary said in her article. Protect our history in Jamestown, our land and water.

Richard Ventrone -12 Nautilus Stated its déjà vu all over again. They battled this 12 years ago looking for a place to put affordable housing, back then to put it on Carr Lane. This would not have happened when he was on the planning commission. We don't know how much water we have in Jamestown. We have increased the number of people. Please do not approve this.

Attorney Fracassa for the Conanicut Island Land Trust –Yes, affordable housing and water protection are both important and on certain occasions they will clash. He wants to explain why he put a lot of information from out of state in his report. Interpreting a comp plan is a question of law which typically judges do. This is a legal decision that this board will make, Interpretation of the Comp Plan, he said a planner cannot do, it is law. As far as the water supply goes, try to keep affordable development in the area that will not affect the water supply. Zoning is a barrier to development. It is so dispersed and that is why you want to limit density as much as possible in the RR200. Look in the plan it does not support the RR200, he is talking about reviewing it as a whole and that is why he went to the out of state cases. How to interpret, Why has the State of RI has not done this? This is why he went out of state. Vermont he thinks has the right approach. Mandatory language is a must. The comp plan here says put affordable housing in the areas where it does the least damage. RR200 was created to protect putting this density in this area, it violates the comp plan. The legislature he thinks will not allow it.

Commissioner Prestigiaco: Are you commenting on the density or where the affordable housing should be built? He said they are not interchangeable. Are you suggesting that Affordable Housing should be in more dense areas of the island. She is saying that be cautious that you are not steering affordable housing into a certain part of town. Affordable housing steering is an illegal practice in real estate.

Nancy Ventrone – she would like to not see our wetlands destroyed she thinks it is an oxymoron to supply affordable housing. HUD is on our back right now. Have you taken into account the people that are living in houses or in converted garages already? Ms Ventrone asked what will happen if the town does not meet the 10%, what is the fine?

Interim Planner Ashley Sweet said the state is not going to penalize you monetarily. You are subject to comp permit applications and once you reach your 10 percent then you can be more picky about what gets developed in your town. Until then you are subject to the application at any property at any density in the town.

Lisa Bryer 55 Clinton Ave. - speaking tonight she wants to clarify some of the inaccurate statements made at the last meeting. She read the following;

I would like to correct and clarify some statements from the May 4 Planning Commission meeting that were inaccurate. I was accused of being untruthful to the Zoning Board when the Town originally subdivided this lot. This is more than troublesome to me, and it is simply untrue.

I am going to state what was said by Attorney Fracassa and then explain why it is inaccurate and untrue. Mr. Fracassa provided you with a copy of the Zoning Board Transcript of 24 July 2018 which is referred to below.

Attorney Fracassa was discussing the application of the Town when the Planning Commission approved the original 2-lot subdivision for the purpose of the protection of the open space lot. He then went on to say he "*admitted that there is always a danger in me telling you what you decided way back when but when he read the decision the assumption seemed to be that there was only going to be one septic system on this property*"; and then he admitted that he "*could be wrong*" in that assumption. I object to these types of inaccurate, misleading assumptions and would like the opportunity to make them fact based and accurate, based on the transcript of the Zoning Board Meeting and the subdivision record.

Attorney Fracassa then stated that the original subdivision was approved by the Planning Commission and the Zoning Board under foundational findings that are no longer correct and the Town let the Zoning Board make the decision under the "*incorrect*" *premise of one lot, one house, one septic system, one well, no change in density and no change in water usage*". First, that was accurate at the time when I testified at the Zoning Board Hearing for the two lot subdivision that they were approving at that time. Second, I stated more than one time at the Zoning Board meeting that the Town was selling the house parcel to an affordable housing developer - Church Community Housing Corporation (CCHC) - and "*when CCHC purchased it, any additional density that they may request will come back to the town for approval*". The application at that time was the Town's application for the purpose of protecting the open space and not CCHC's application for affordable housing. The affordable housing application is what the Planning Commission is reviewing now.

There was no attempt to deceive the town boards when these decisions were made. As stated at both the Planning Commission and the Zoning Board, the Town had every intention of preserving the open space and then selling the house lot to CCHC for affordable housing development. That was made clear in the Zoning Board meeting and is reflected in the transcript. As in any real estate transaction, the decision of the Town to sell the property to a non-profit affordable housing developer came with due diligence requirements. In order to preserve the most open space possible, the Town made the decision to separate the house from the septic system. The Town did this because they decided early on to preserve as much land as possible and also that to make sure that that septic system was replaced with a newer

denitrification system, regardless of what happened with the property. It was the responsible thing to do and so the Town intentionally planned for it.

Also, the fact that the Town engaged Mr. Darveau to dig 7 test holes was simply part of the due diligence of selling this lot and ensuring that a viable septic system to support the house and any future plans on this lot could occur, whatever that would end up being. Phase 1, as required by RIDEM, was to subdivide the property so that the Town could take advantage of the open space grant and Phase 2, was to sell the house lot to CCHC for affordable housing. The Town was the applicant when the lot was subdivided in two, not CCHC. It was not the Town's affordable housing project to present at that point or even now, which is why CCHC is the applicant. They are still in the process of due diligence before they buy this parcel from the Town. There was no dishonesty in any statements, testimony or deeds by the Town in this process. It is simply a deliberate process that is running its course.

Thank you for the opportunity to factually correct and clarify the record.

Julie Wright Shelden - speaking for Dan Wilcox at 461 East Shore Rd– she is incensed by the misleading map that was presented at the last meeting, she is opposed to the permit application. She said the map with the list of buildings on each property does not indicate how many bedrooms are in each building and besides this dates back when zoning laws were much different. This proposed master plan isn't in a location within walking distance to schools, libraries, groceries, pharmacies. The residents and their children will need to rely on cars. Can they afford cars. Jamestown's Affordable housing plan recommends development in the village currently served by public water and sewer. She said the applicants plan has fragile septic systems in the front yards that cars could park on and break the septic contaminating our water supply. There are not enough parking spaces in the driveways and potentially they would park on this narrow street. She believes this poses a significant risk to our water supply.

Bonnie Hogan – 56 Carr Lane – Grave concerns on watershed property, including sole source aquifer if this is contaminated. It needs to be protected now. She stated single most important piece is the management of drinking water. Land use regulation and acquisition has been a town priority the last 40 years. This is why 91 Carr Lane was RR200 because it is supposed to be low density. 3 houses on 1.3 acres is not low density. She referred to different things in her letter. This is unreasonable and does not adhere to present zoning. How can this house be sold to the public. It is against our zoning ordinance. There is not 1.3 acre lot with 10 bedrooms in the area.

Bonnie Hogan noted that Nick Robertson – 105 Carr Lane previously stated our water supply is irreplaceable. Houses can be put in other areas. Protecting our water resources is most important. You as our representatives need to protect us.

Commissioner Pendlebury has a few questions for the applicant. Discussing the master plan portion of your application. Portions of the (future) preliminary application has to deal with the efficacy of this plan and the safety of the water. There are a lot of concerns as to what this will say. The RR-200 district was created at a time when the technology was different. They have come a long way and our codes and zoning do not recognize that. Are the proposed septic's

technically different now than when zoning and water shed and studies were done? There are many things that need to be considered in order to validate this concern. We are in a position that is difficult for the planning commission to make a decision. He asked Wyatt Brochu if we can request some of the more detailed preliminary information now to make the Master Plan decision? If they say the master plan is great do they have the right at preliminary to say we made a mistake. Would it be unusual for the planning commission to review the information presented tonight.

Commissioner Prestigiacomo asked do we have the ability to have this information presented before we make a decision? Wyatt Brochu noted that there is always the ability to ask the applicant for additional information but until they know they are vested, they are expending funds for planning that may not be worth it and it is not required at this stage. They need this assurance for 3 lots to go forward with and gather more details to go down the road and continue with the application and the required testing that is needed.

Attorney Resnick, he does not think it is appropriate to ask for more information at this point. A couple of comments relevant to the watershed they will have to present. The town has never done a study but the applicant has retained a hydrologist to provide the information. The board can make it a condition to the approval. Wyatt Brochu stated that if you make a positive determination they will be obtaining a vested right to this the 3 lots however they cannot build it if the hydrology report is such that it can't be constructed. You can refuse it at the next stage. There is no guarantee this project can be built; they have to prove through their engineering that it can be built.

Wyatt Brochu stated that from the commissions perspective you heard much about the comp plan which you need to consider at this stage in order to get to preliminary. If there is concern at this point on consistency with the Comp Plan, it needs to be considered now.

Attorney Resnick agrees with Solicitor Brochu. The concept of density. Only appropriate at this stage. If we look at the record and the experts presented, they have more then met the regulations. 3 denitrification systems that are category 1 in terms of treatment; they have already provided this, beyond what is required at Master Plan. They had a pre-application meeting and 4 hour master plan hearing and he thinks they have rebutted everything submitted by the opposing side.

Attorney Brochu commented on Ventrone's comments; the public is thinking of groundwater protection and they will be bringing an expert for this lot only. This will not be an island wide study. It will be for this lot. Your concern is whether this is proper in the RR200 zone? Their obligation is to say it will not have an impact on all areas of Carr Lane, these are expensive studies. 40-60K expenditures. Also, they agree to present to the conservation commission.

Ashley Sweet said you are going to hear from their experts and you can also have them peer reviewed by a neutral person during the preliminary phase. There is a vesting, that happens at master plan if the Finding of Facts shows no negative environmental impacts. If this changes during the next phase, then you can reassess.

Resnick stated they would be agreeable to peer review by an engineer of the towns selection. Quentin Anthony – Bayview Dr. - he finds this discussion has become unnecessarily confusing. Words of clarity from Solicitor Brochu, if it is the consistency of this plan with the Comprehensive Community Plan, that is the only issue before you right now.

Commissioner Cochran said there are some things being said tonight and he does not see them being accurate. The wetland has not been destroyed by building in the town; there is no wetland being impacted by this plan. We have not had a water crisis since 1997. The town has done a lot of thing to help the situation. They are getting advice about the aquifer etc. The sand filter septic systems, they say are drinkable, not that anyone would do that. He has seen 2 affordable housing subdivisions within the village fail. How are we going to help meet our 10% goal of affordable housing.

Quentin Anthony - The concern is about the introduction of pollutions that we as human beings bring to the table.

Richard Ventrone – it is interesting people on this island do not talk much about their wells going dry. He reflects back on some issues he made sitting on the planning commission. Get help of experts.

Robert Fadden 66 Carr Lane – density and part of the reason for zoning is to keep the people and contaminants out of the area to protect the water shed. Larger lot size is to have this and now all this will contaminate it.

Commissioner Enright said she is concerned about the concept of creating a market rate house. She understands the financial issue and it seems to be in conflict with the idea of the comp plan and the sizes of lots in the area but she does not think it is overly dense and as a town we have to do something to support our workers.

Christian Belden- Executive Director of CCHC – the state law that created this ability to have Comp permits only requires 25% they are proposing 66% affordable units and it is in line with both market rate and affordable to self-subsidize. He believes it is consistent.

Commissioner Pendlebury said the applicant has a proposed motion of approval they have made a couple of corrections to and added a few conditions of approval. Attorney Resnick said he is ok with that they have included such as the reference of the new exhibits missed since the previous packets. There are 3 things that will be submitted as testimony.

Additional conditions 3 lots 1 market 2 LMI, no on-street parking allowed, they will support the town hiring its own hydrological peer review expert, Christian Belden asked it to be clarified which elements would be peer reviewed. This is important for their budget.

A motion was made by Commissioner Pendlebury that was seconded by Commissioner Cochran as follows:

At the May 18, 2022, Jamestown Planning Commission meeting, the Commission, sitting as the Local Review Board per RIGL Title 45, Chapter 53 voted 5 in favor (Pendlebury, Enright, Pfeiffer, Prestagiacomio, and Cochran) , 1 against, (Harrison) and Swistak abstaining:

To approve Master Plan/Comprehensive Permit approval for the project titled “91 Carr Lane” in accordance with the Town of Jamestown Zoning Ordinance including Article 17 – *Low and Moderate Income Housing* and Subdivision Regulations, RIGL 45-23-37 and the plans by Darveau Land Surveying, Inc., P.O. Box 7918, Cumberland, RI 02864, (401-475-5700 all dated March 17, 2022, for Church Community Housing Corp. Plat 4, Lot 52 – 91 Carr Lane – Jamestown, Rhode Island entitled:

- 1) Master Plan, Existing Conditions Plan;
- 2) Master Plan, Proposed Subdivision Property Line Plan; and,
- 3) Proposed Subdivision Site Plan,

This approval is granted based on the following Procedural History, Project Description, Findings of Fact and subject to the following Conditions of approval:

A. PROCEDURAL HISTORY

1. An application for Comprehensive Permit Preapplication was received on February 22, 2022, and reviewed by The Planning Commission on March 16, 2022;
2. Master Plan was received on March 21, 2022, and was certified as complete on April 5, 2022. The application is for three single-family dwelling units, including one market-rate existing dwelling unit/garage and two “Low Moderate Income Dwelling Units (LMI). The project is entitled 91 Carr Lane.
3. The applicant, Church Community Housing Corporation (CCHC) is a not-for-profit affordable housing developer serving Newport County and CCHC has been the Town of Jamestown’s affordable housing services partner since 1987. The applicant controls the site by virtue of an extended purchase and sales agreement dated March 22, 2022. CCHC is eligible to pursue a Comprehensive Permit pursuant to R.I. Gen. Laws § 45-53 and a letter dated May 24, 2021, from James Comer, Deputy Executive Director, Rhode Island Housing which states that Church Community Housing Corporation is “eligible to pursue a Comprehensive Permit application in the Town of Jamestown to develop Plat 4 Lot 52. Modifications to this proposed development resulting from the local review process do not require a revised letter of eligibility.”
4. Other materials entered into the record through application to the Planning Commission include:
 - Application for Comprehensive Permit Pursuant to Section 82-1701 of the Jamestown Zoning Ordinance and RIGL Title 45, Chapter 53 as amended dated 3/21/2022;
 - Subdivision and Land Development Application for a Major, Master Plan dated 3/21/2022;
 - Jamestown Subdivision and Land Development Regulations, Major Land Development and major Subdivision Master Plan Checklist #5;
 - Letter from Michael D. Resnick, Esq, KSP Law dated February 4, 2022, detailing the waivers and relief requested for the project;

- Planning Report from Nancy E. Letendre, Esq, AICP dated March 18, 2022 (8 pages) including resume;
- 2 Photographs of 91 Carr Lane;
- Letter from Christian Belden, Executive Director, Church Community Housing Corporation to Michael Swistak, Chair, and Jamestown Planning Commission dated February 22, 2022;
- Project timeline;
- List of approved Monitoring Agents (RI Housing);
- Zero Energy Building Demonstration Project – Exhibit B - Project Budget
- Proposed House Plans dated Jan. 24, 2022:
 - Front Elevation
 - Loft Side Elevation
 - Right Side Elevation
 - Rear Elevation
 - Main Floor Plan
 - Foundation Plan
 - Lower-Level Plan
 - Typical Cross Section
 - Shear Wall Details
 - Building Design Criteria
- List of Abutters;
- Project Narrative;
- 91 Carr Lane, Estimated Number of Occupants;
- Locus Map;
- Letter from Jamestown Affordable Housing Committee dated April 12, 2022, in support of the 91 Carr Lane Project;
- Aerial Photograph;
- Soils Map
- Memorandum/Planners Report from Ashley Sweet, Consulting Planner for the Town of Jamestown dated April 12, 2022
- The following materials were entered into the record at the public meeting on April 20, 2022 and the May 18, 2022 as exhibits:
 - Michael Darveau – one exhibit (9 pages)
 - Kelly Fracassa – exhibit 1 – Darveau Land Surveying Bill (1 page)
 - Kelly Fracassa – exhibit 2 – Zoning Board of Review decision dated July 25, 2018 (2 pages)
 - Kelly Fracassa – exhibit 3 – soil evaluation form for Jim Rafferty (9 pages)
 - Kelly Fracassa – exhibit 4 – TRC meeting minutes August 19, 2019 (4 pages)
 - Kelly Fracassa – exhibit 5 – Transcription of Zoning Board meeting on July 24, 2018 (29 pages)
 - Kelly Fracassa – exhibit 6 – selected pages from the Jamestown 2015 Comprehensive Community Plan (17 pages)
- Quentin Anthony – Exhibit A - Section 82-709 (1 page)
- Quentin Anthony – Exhibit B – Code of Ordinances – Appendix B – Rules and Regulations of the Board of Water and Sewer Commissioners – Preamble (1 page)

- Marcia Wilcox's letter read by Julie Wright – one exhibit (1 Page)
 - Bonnie Hogan – one exhibit (7 pages)
 - Article read by Bob Plain at 3-16-22 Planning Commission meeting
 - Email by Michael Leibhauser distributed at the 3-16-22 Planning Commission Meeting
 - Letter of April 12, 2022, from the Jamestown Affordable Housing Commission
 - Memorandum from Lisa Bryer dated May 18, 2022
 - Map and written testimony submitted by Julie Wright Sheldon
 - CILT Memorandum of Law opposing Master Plan Application submitted by Kelly Fracassa - dated May 12, 2022
 - Consistency of Carr Lane Site with Planning and Zoning submitted by Quentin Anthony – not dated
5. The application Narrative states that two dwellings will be low and moderate-income units that will remain affordable through CCHC's land lease for ninety-nine (99) years. The homes will provide ownership opportunities to households whose incomes do not exceed 80% area median income.
 6. This application was heard by the Planning Commission for Master Plan on April 20, 2022, and May 18, 2022. A Public Hearing was held beginning on April 20, 2022, and opened in a timely manner: The hearing was closed on May 18, 2022, by motion and vote of the Planning Commission. Notice of the public hearing was sent to the abutters with the required notice area, published in the April 7, 2022, Jamestown Press, posted at the Town Hall (4/14/22), the Police Station (4/14/22), and the Jamestown Philomenian Library (emailed on 4/14/22) and also posted on the Town of Jamestown web site (4/14/22) and the RI Secretary of State's public meeting web site (4/14/22).
 7. Michael D. Resnick, Esq. KSP Law appeared as legal counsel on behalf of the Applicant. The Applicant's Registered Land Surveyor and subdivision designer is Michael Darveau of Darveau Land Surveying, Inc.
 8. The Town is represented by consulting Planner Ashley Sweet, Weston & Sampson since the Conanicut Island Land Trust objected to employee Lisa Bryer, AICP, Town Planner sitting and advising the Planning Commission for this application;
 9. Neighbors (abutters) were present at the public hearing and submitted additional information to the Board for their consideration. The concerns of the abutters were discussed by the Commission and considered during the review process and included:
 - a. Maintaining the existing stone wall along Carr Lane
 - b. Fencing along the rear property line to delineate the open space parcel and prevent trespass
 - c. Increased traffic
 - d. Increased density
 - e. Drinking water supply
 10. The project has received comments that would support the project (some with conditions) from the following local agencies, state agencies, and federal agencies:
 - a. Planning Department (by consultant Ashley Sweet)
 - b. Jamestown Public Works Director and Building Official through Technical Review Committee Meetings
 - c. Jamestown Police Department

- d. Jamestown Fire Department
 - e. RI Department of Environmental Management
 - f. RI Historic Preservation and Heritage Commission
 - g. Federal Environment Protection Agency
11. The project received comments from the Jamestown Conservation Commission on 5-18-22 from a meeting on May 16, 2022

B. PROJECT DESCRIPTION and FINDINGS OF FACT

1. The Town of Jamestown purchased 91 Carr Lane, Assessors Plat 4 Lot 52 on August 17, 2018, for the purpose of future affordable housing and open space protection;
2. The property was subsequently subdivided into an open space lot and a residential lot by the action of the Jamestown Planning Commission and the Jamestown Zoning Board of Review due to the RIDEM requirement that the open space lot be single and separate in order to receive the open space grant (which was received by the Town in the amount of \$153,000). Through that action, the Town of Jamestown protected 5.5 acres of open space/watershed property;
3. As intended, the Town subsequently signed a purchase and sales agreement with Church Community Housing Corporation of Newport in October 2018 to purchase the remaining developable 1.35-acre residential parcel along Carr Lane for the purpose of developing the lot into affordable housing. The proposed project is described on the plans by Darveau Land Surveying Inc. as indicated above, marked as Exhibit 1, and made a part of the record.
4. The property on which the project is proposed is located at 91 Carr Lane and shown on Assessor's Map 4 Lot 52. The property contains approximately 1.357 acres and is presently developed with one single-family dwelling.
5. The property is generally wooded except for the existing house and garage and is gently sloping to the south. It is located directly across the street from the Carr homestead and north of Jamestown North Pond Reservoir;
6. The surrounding area is zoned RR-200 with RR-80 to the west and east and is generally single-family with 4 lots on Carr Lane containing multiple dwelling units per lot;
7. Zoning permits a residential density of .55 dwelling units per acre. The residential density of lots on Carr Lane, according to the applicant's density study ranges from .2 to 2 dwelling units per acre. The project site is proposing 2.2 dwelling units per acre if considering the subdivided residential parcel at 91 Carr Lane and .43 units per acre if the open space lot is included for density as originally intended by the Town according to town records;
8. The proposed development is consistent with local needs as identified in the Jamestown Comprehensive Plan – Affordable Housing Element which states the following:

Goal: Create a diversity of housing types (such as homeownership, rental, employee preference, etc.) to meet the needs of Jamestown's low-moderate income residents, employees, and special populations while maintaining Jamestown's unique mixture of village and rural character.

Strategy: Strengthen partnerships and build community support for Affordable Housing.

Action Item 1.2: Work with CCHC and other non-profit developers to develop affordable housing in Jamestown.

Comprehensive Plan consistency is outlined in the memo (on pages 4 through 8) from the Consulting Planner to the Planning Commission, dated April 12, 2022, and is hereby incorporated by reference into this decision to establish comprehensive plan consistency.

9. The Planning Commission approves granting the necessary Zoning Ordinance relief at the Master Plan stage of review based on the Planning Commissions findings, and the Memorandum dated April 12, 2022, by the Consulting Town Planner, Ashley Sweet, including consistency with the Jamestown Comprehensive Plan and attached as Exhibit 2. The Commission finds that the relief is granted at the Master Plan stage of review because the local concerns as of the date of this decision, do not outweigh the State and Local need for affordable housing.

The applicant has requested the following Zoning Relief:

Parcel A:

1. Minimum Lot Size:

Required: 200,000 square feet

Proposed: 13,585 square feet

Relief needed: 186,415 square feet

2. Minimum Lot Width:

Required: 300-feet

Proposed: 78.96-feet

Relief needed: 221.04-feet

3. Minimum Side Yard Building Setback:

Required: 40-feet

Proposed: 12-feet from the west side & 19.2-feet from the east sidelines

Relief needed: 28-feet from the west side & 20.8-feet from the east sidelines

4. Lot Coverage Allowed: 5%

Lot Coverage Proposed: 8.95%

Relief Needed: 3.95%

Parcel B:

1. Minimum Lot Size:

Required: 200,000 square feet

Proposed: 13,836 square feet

Relief needed: 186,164 square feet

2. Minimum Lot Width:

Required: 300-feet

Proposed: 82-feet

Relief needed: 218-feet

3. Minimum Side Yard Building Setback:

Required: 40-feet

Proposed: 12-feet from the west side & 18-feet from the east sidelines

Relief needed: 28-feet from the west side & 22-feet from the east sidelines

4. Lot Coverage Allowed: 5%

Lot Coverage Proposed: 8.79%

Relief Needed: 3.79%

Parcel C:

1. Minimum Lot Size:

Required: 200,000 square feet

Proposed: 31,698 square feet

Relief needed: 168,302 square feet

2. Minimum Lot Width:

Required: 300-feet

Proposed: 175-feet

Relief needed: 125-feet

3. Lot Coverage Allowed: 5%

Lot Coverage Proposed: 11.88%

Relief Needed: 6.88%

4. Minimum Side Yard Building Setback:

Required: 40-feet

Note: Existing dwelling is located 11.3-feet from the east sideline

Relief needed: 28.7-feet from the east sideline

5. Existing garage is located within the front yard setback:

Required: 50-feet

Note: Existing garage is located 31.8-feet from Carr Lane

Relief needed: 18.2-feet from Carr Lane

6. Per Section 82-311:

The maximum size of an accessory structure on the lot is 900 square feet

Note: Existing garage is 1,312 square feet

Relief needed: 412 square feet

10. The application, as described in the plans, is for three single-family dwelling units on three separate lots. Two lots will be offered for purchase as “affordable” LMI units with the land to remain in CCHC land trust. The existing home shall be sold as a market-rate unit to subsidize the LMI units. The two new dwelling units are proposed to be 1.5-story units with a footprint of 1,216 square feet. The two new units will consist of 3 bedrooms, 1.5 baths. The units are compatible in scale and architectural style with the surrounding units in the neighborhood. The two affordable units are proposed as Net Zero energy units.

11. Several participants at the public meeting have raised concerns related to a potential threat this development would pose to the watershed. As of the date of this decision, the Planning Commission has been presented with no facts evidencing significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions of approval. The Technical Review Committee reviewed the plans at a meeting on February 22, 2022. They had no outstanding issues or objections with the application as proposed.

12. There will not be significant negative impacts on the health and safety of current or future residents of the community with what is proposed in the Master Plan application. The applicant has coordinated with the consulting Professional Land Surveyor and Engineer to ensure that the new development will not impact the watershed, abutting residences with respect to stormwater runoff. Each lot will have a graded swale at the southern (downhill) property boundary to direct runoff to the swale prior to being discharged and added to the watershed. Detailed drainage plans will be presented at the Preliminary stage of review;

13. All lots in the subdivision will have adequate and permanent physical access to a public street in accordance with the requirements of § 45-23-60(5). Carr Lane is the public road to which the project will have access. Carr Lane is a local road in Jamestown and is in adequate condition to service the project. The proposed lots/dwelling units will have access to said public road via driveway access including the ability to turn around in the driveways.

14. The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.

15. All subdivision lots have adequate water for the intended use and adequate provision for wastewater disposal. The Applicant proposes new private wells and new denitrification OWTS units for all dwelling units. These units have been permitted by the RIDEM;

C. SUBSIDY

The subsidies for this affordable housing development include:

| | |
|--|------------|
| Office of Energy Resources: REF | \$8,671 |
| CDBG | \$ 113,500 |
| ZEOS | \$62,500 |
| 1 Market Rate Sale: Self Subsidizing | \$391,251 |
| Sales Proceeds: 2 Affordable Homeownership | \$340,000 |

D. CONDITIONS OF APPROVAL

1. The approval is for a total of 3 lots, 2 LMI and 1 market rate;
2. That payment of a fee in-lieu-of land dedication shall not be required for this subdivision as required by Article IIID of the Jamestown Subdivision Regulations;
3. The applicant will explore the possibility of preserving the stone wall along Carr Lane and provide the Planning Commission with an update on the feasibility of such at the preliminary plan stage of review;
4. The applicant will explore the possibility of installing fencing along the rear property line to delineate the open space and prevent trespass. The applicant will provide an update to the Planning Commission on the feasibility of such at the preliminary plan stage of review;
5. The developer, property owner, and monitoring agent for this affordable housing development will be Church Community Housing Corporation, Inc.;
6. Each lot shall provide two (2) off-street parking spaces as required by the Jamestown Zoning Ordinance and shall be shown on subsequent plans;
7. This approval shall be recorded by the applicant with the Office of the Town Clerk and the Planning Office shall post the approval outside the Planning Office within 30 days of the date of approval; and,
8. This approval shall expire two years from the date of approval by the Planning Commission unless preliminary approval is granted within that time, or the applicant requests, and is granted, an extension by the Planning Commission.
9. The proposed OWTS to be installed for all three lots shall be denitrification units as proposed on the master plan site plans and associated documentation and permitting from RIDEM.

10. Suitable survey markers other than concrete shall be placed at all corner points at the new property lines.

11. No on-street parking would be allowed
12. Peer review of hydrological study and other issues identified may take place at the Preliminary stage by experts hired by the Town at the discretion of the Planning Commission.

So voted:

Duncan Pendlebury –Aye

Rosemary Enright – Aye

Mick Cochran – Aye

Diane Harrison – Nay

Bernie Pfeiffer – Aye

Dana Prestigiacomio – Aye

Motion carries 5-1

A motion to close the local review board was made by Commissioner Enright and seconded by Commissioner Cochran. All in favor

V. **Approval of Minutes – review, discussion and/or action and/or vote**

1. April 20, 2022

A motion was moved by Commissioner Enright and seconded by Cochran approve the minutes as amended.

Page 5, 2nd paragraph, 2nd sentence:

It's important that this doesn't get confused with a combined Master Plan ~~Preliminary~~ **Information** Application for **informational review**.

Page 9, 2nd to last paragraph, last sentence

~~The proposed developments zoning ordinance and subdivision regulations don't outweigh the need to low and moderate income housing.~~ Enright said this is not what he said. Replace with:

Under the required findings, you must find that the proposed development is in compliance with standards and provisions with local Zoning and Subdivision Regs and that the relief granted doesn't outweigh the need for low and moderate income housing.

So unanimously voted. Swistak Abstains.

2. May 4, 2022

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

VI. **Adjournment**

A motion to adjourn at 9:15pm was moved by Commissioner Enright and seconded by Commissioner Cochran. So unanimously voted.

Attest:

Cynthia Reppe