

PLANNING COMMISSION MINUTES

September 17, 2003

7:30 PM

**Jamestown Library**

The meeting was called to order at 7:35 p.m. and the following members were present:

Gary Girard	Andrew Kallfelz
Betty Hubbard	Victor Calabretta
Jean MacGregor-Brown	Barry Holland

Not present:

Sue Barker

Also present:

Lisa Bryer, AICP, Town Planner

Cynthia Reppe – Recording Clerk

Larry Parks – Town Solicitor

Peter Brockmann – Attorney

Robert Cournoyer – RC Cournoyer Enterprises Inc.

Michael DeFrancesco - Engineer

Sav Rebecchi – president Jamestown Shores Association

Charlotte Zarlango – Shores resident

John Zarlango – Shores resident

Amy Barclay de Tolley – representative for the Conservation Commission

**I. Approval of Minutes from September 3, 2003**

A motion was made by Commissioner Calabretta and seconded by Commissioner Brown to accept the minutes as written. So unanimously voted. Commissioners Hubbard and Girard Abstain.

**II. Correspondence**

1. CRMC – September Calendar. Received

2. CRMC – Cease and Desist Order –Settipane Family Trust - Undertaking unauthorized earthwork within 200 ft of a coastal feature from property at 301 Seaside Dr. w/o benefit of a CRMC assent. Received

3. FYI – Letter from Zoning Board re: Golf Course outside maintenance facility for equipment. Received

4. FYI – Training Opportunities for Municipalities – Grow Smart RI – accompanied by a list of Jamestown Current Board and Council members who have attended. Received

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

#### **IV. Reports**

##### **1. Town Planner's Report**

Town Planner Lisa Bryer gave the Planning Commission an update of information that was received from the state regarding the Comprehensive Plan update. There are several issues in the housing element that the state would like clarified. The Town of North Kingstown also commented to the State regarding the emergency pipeline from North Kingstown.

Ms. Bryer also let the planning commission know that the Waste Water Management office has a website that is putting on the results of the septic site inspections as well as other program information.

##### **2. Town Committees**

##### **3. Sub Committees**

#### **V. Old Business**

1. Forge Construction Management Co. - Plat 15, lot 102 Ship St.- Development Plan Review per Section 314 of the Zoning Ordinance, High Groundwater Table and Impervious Layer Overlay District – Sub-district A Review (con't).

Attorney Peter Brockmann representing the owner of above property, Riley Lamson, gave a brief update of the project and introduced the engineer Michael DeFrancesco. Mr. Brockmann handed out plans drawn by the owner showing groundwater profile and foundation elevation and also stated that instead of a basement there would only be a crawl space. Engineer Michael DeFrancesco stated that a 9% difference between the combined volume of storm water and wastewater infiltration of a 1 bedroom septic system and a 3 bedroom septic is insignificant. He also questioned why this is considered sub-district A instead of sub-district B. The Planner and Town Engineer stated that it was due to the impervious layer being shallower than 42". The Planning Commission questioned the profiles as being inaccurate because the footings are not to code 40" and if it were shown that way it would be in the water table. There was a discussion of putting pipes into the foundation so the groundwater can flow through it since the foundation is below the groundwater level. Dick Pastore, Town Engineer Consultant questioned whether this is going to be an issue that will be presenting itself more often and that the Planning Commission needs to discuss this further. They also discussed fill and how that would affect drainage.

Charlotte Zarlango – Shores resident - Wants to know where all the diverted water will go. She wants the Planning Commission to enforce this law.

Sav Rebecchi – president of the Jamestown Shores Assoc. - Summarized a letter to the Planning Commission and the Town Council from the Shores Assoc. that urges the Commission and Council to strictly enforce this ordinance and not to grant variances.

John Zarlango – Shores resident – he stated that there is documentation from residents on this street that state the drainage on this lot is horrible.

Robert Cournoyer, land surveyor for this project, stated that there is no record of any failure of any systems in this neighborhood and questioned how this could be a catastrophe with it being a high tech system?

Town Solicitor Larry Parks explained to the Planning Commission that their decision is an advisory decision to the Zoning Board. Commission Chair Gary Girard stated that the Planning Commission has 3 choices in which to act upon:

Denial and why

Approval and why

Approval with conditions

Commissioner Calabretta stated that he was led to believe that the Planning Commission had full authority to make this decision, and if not why even look at it. Dick Pastore, Town Engineer Consultant stated that there is more science involved at this level than at Zoning. The Town Planner stated that the Planning Commission often serves in an advisory capacity to the Zoning Board which includes anytime a Special Use Permit or a Variance is involved and that is part of their duty as a Planning Commission.

Commissioner Girard asked the commission if they need more information. Commissioner Hubbard would like a clearer plan that shows if it is buildable to code since they are not showing a 40 inch foundation, a plan that graphically or in words shows what they are doing.

Commissioner Kallfelz made a motion to deny the proposed plan on the grounds that it is not clear in details and it fails to meet the requirements of Section 314 subsection C. There was not a second to this motion.

Commissioner Hubbard made a motion to continue this with the following suggestions:

1. Revise the profile plan
2. A Site Plan that shows contours, show that it meets the building codes, define number of bedrooms, details of the foundation materials, show fill details
3. A copy of the ISDS approval
4. Roof leaders path to the 2 different drainage areas should be noted in writing
5. Radius map
6. How the applicant has met the standards of Section 314 subsection C

Commissioner Girard seconded this motion.

This is the best effort of the Planning Commission to define additional information that is needed and is not considered a finite list, which the Planning Commission may determine at a later date that more information is necessary. So voted:

Gary Girard – Aye	Andrew Kallfelz – Nay
Betty Hubbard – Aye	Victor Calabretta – Nay
Jean MacGregor – Brown - Aye	Barry Holland – Nay

*This motion fails by a 3-3 vote*

A motion was made by Commissioner Kallfelz and seconded by Commissioner Girard to continue this meeting past 10:00 p.m. So unanimously voted.

Commissioner Kallfelz made a motion to deny the proposed plan on the grounds that it is not clear in details and it fails to meet the requirements of Section 314 subsection C, Commissioner Calabretta seconded the motion. So voted:

Gary Girard – Nay	Andrew Kallfelz – Aye
Betty Hubbard – Nay	Victor Calabretta – Aye

Jean MacGregor – Brown – Nay      Barry Holland – Aye

*This motion fails by a 3-3 vote*

Town Engineering Consultant Dick Pastore urged the Planning Commission to look at this plan again at an upcoming meeting and that possibly the Commission can meet first for an educational update before the meeting. A motion was made by Gary Girard and seconded by Commissioner Hubbard to table this issue until the October 15 meeting after having an informational meeting at the October 1<sup>st</sup> meeting. So voted:

Gary Girard – Aye

Andrew Kallfelz – Aye

Betty Hubbard – Aye

Victor Calabretta – Aye

Jean MacGregor – Brown – Aye      Barry Holland – Aye

*Motion passes by a vote of 6-0*

The planning commission will e-mail Town Planner Lisa Bryer with what information they want to discuss at the October 1 meeting on the Highgroundwater Table Ordinance.

2. Downtown Parking Survey – continued- **This issue is continued until a future meeting**

#### VI. New Business

1. Zoning Ordinance Amendment Low and Moderate Income Housing Act – Review and Recommendation to Town Council

The planning commission reviewed this proposed amendment and made some minor changes.

A motion was made by Commissioner Girard and seconded by Commissioner Hubbard to recommend approval to the Town Council of New Article 17 – Low and Moderate Income Housing. So voted:

Gary Girard – Aye

Andrew Kallfelz – Aye

Betty Hubbard – Aye

Victor Calabretta – Aye

Jean MacGregor – Brown – Aye      Barry Holland – Aye

*Motion passes by a vote of 6-0*

A motion was made by Commissioner Calabretta and seconded by Commissioner Hubbard to adjourn the meeting at 10:35 p.m. So unanimously voted.

Attest:

Cynthia L. Reppe

*This meeting was recorded on 2 micro-cassettes*