

PLANNING COMMISSION MINUTES

October 15, 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
Sue Barker	Barry Holland

Not present: Jean Magregor-Brown

Also present:

Lisa Bryer, AICP – Town Planner
Cynthia Reppe – Recording Clerk
A.Lauriston Parks – Town Solicitor
Sterling Graham
Bill Munger
Michaela Kennedy

I. Approval of Minutes from October 1, 2003

A motion was made by Commissioner Kallfelz and seconded by Commissioner Hubbard regarding the minutes. Commissioner Holland stated that he wanted a paragraph added to the discussion on page 3 first paragraph. A discussion ensued and the Chair asked for the motion to be withdrawn, Commissioner Kallfelz withdrew the motion. A motion was made by Commissioner Girard and seconded by Commissioner Kallfelz to table this issue until the next meeting to let the clerk have time to review the tape from the meeting to see if the paragraph that was written by Commissioner Holland was accurate. So unanimously voted. Commissioner Brown Abstained.

II. Correspondence

1. CRMC – Cease and Desist Order –Barbara and Mike Infantolino – nonconformance with CRMC Assent 2001-01-050, stipulations F,G,J,&K within 200 feet of a coastal feature at 1141 North Main Rd., Jamestown, RI. Plat 3, Lot 485; without benefit of a CRMC assent or in violation of a Council order. Received
2. FYI – Letter from Town Planner and Planning Commission to Kevin Nelson, Statewide Planning, Housing Element of Comprehensive Community Plan. Received
3. FYI – Working Together to protect our drinking water at the source, New England Regional Conference. Received

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

IV. Reports

1. Town Planner's Report

Town Planner Lisa Bryer stated that she received a memo from the Town Clerks office regarding the expiration of the following Planning Commissions members terms: Commissioners Hubbard, Calabretta and Brown. If they are interested in applying for a position they should send a letter of interest to the Town Clerk as soon as possible.

2. Town Committees

3. Sub Committees

Commissioner Brown stated that at the last parking committee meeting the topic of discussion was prohibiting parking on the south side of Knowles Ct. for safety reasons. At this time they are thinking about prohibiting parking on both sides of Knowles Ct. The parking committee will revisit this issue at their next meeting.

V. Old Business

Commissioner Girard asked the board to take Old Business #4 first. The board agreed.

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).

The applicant asked to continue this issue until the next meeting.

4. Zoning Ordinance Discussion with Planning Commission – article 314 - protection of critical lands containing freshwater wetlands, high ground water table and/or shallow impervious layer

Commissioner Kallfelz asked the Town Solicitor When does regulation become a taking of property?

Town Solicitor Larry Parks stated that if a property owner is denied all beneficial use that is when it is considered a taking. Under certain conditions residential use can be limited. He also stated that limiting the size or number of bedrooms or number of occupants is very difficult to enforce. Mr. Parks stated that limiting bedrooms is easier than the number of occupants. Mr. Parks stated that the Planning Commission could recommend to the zoning board a limited amount of square footage for the proposed plan. Commissioner Kallfelz asked if the Town Building Inspector Fred Brown could provide the Planning Commission with a description of what the minimal size of a structure is. Mr. Parks will forward this information to the Town Planners office. A discussion ensued regarding the siting and design of ISDS and the dwelling it serves. Does the least amount of disturbance possible mean limiting the size of the house? Commissioner Girard stated that the Planning Commissions intent needs to be confirmed before it ends up in court. Commissioners Calabretta, Barker, Girard and Hubbard feel that the ordinance is clear as written. Commissioner Girard stated that the ordinance should be left as is and that the intent of the ordinance is to encourage minimal site disturbance. Commissioner Hubbard stated that each site is different; she also stated that we should go by the state minimum requirements for a house. Commissioner Kallfelz made a motion that was seconded by Commissioner Girard that the Planning Commission is in agreement regarding the interpretation of section 314

(c)(1)(b) when making recommendations on a development plan for a variance application under subdistrict A. Specifically the Planning Commission's belief is that the ordinance as currently drafted is not ambiguous and requires (among other requirements) **that the applicant propose a dwelling that is larger than what is required as a minimum under the state minimum residential code.**

Commissioner Girard asked for any discussion. Commissioner Calabretta stated that he is uncomfortable voting on this until he sees what the state minimum requirement is.

Commissioner Girard tabled this motion until the next meeting.

Commissioner Hubbard stated that we need a more specific checklist.

The Town Planner asked the Planning Commission if any additional items were needed other than what was listed in the ordinance to fully review an application, understanding that they can always ask for more specific information based upon the application. The only additional items were listed in the Planners Memo as follows:

- o Building plans, showing footprint, internal space and # of bedrooms
- o Foundation plans with site grading and groundwater profile
- o Why are you here? A clear written explanation of what relief they are seeking from the Zoning Board.

2. Budget 2004-2005

A motion was made by Commissioner Girard and seconded by Commissioner Barker to send a memo to the Town Council and the Town Administrator that establishes a stipend parallel with the Zoning Board. So voted:

Gary Girard – Aye	Andrew Kallfelz – Aye
Betty Hubbard – Aye	Victor Calabretta – Nay
Jean Magregor-Brown – Abstain	Sue Barker – Aye
Barry Holland – Aye	

Motion carries by a vote of 5-1, 1 Abstention

The Planning Commission would like to establish an architectural review for Development Plan Review and also look into putting a Design Review manual together. A motion was made by Commissioner Hubbard and seconded by Commissioner Kallfelz to recommend that this be added into the budget. So voted:

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

Motion carries by a vote of 6-1

Commissioner Kallfelz would like to know if other towns do this.

3. Downtown Parking Plan – continued

Commissioner Calabretta asked what happened over the summer with the new parking ordinance by the Chamber of Commerce being in effect. Nothing happened in that time period. The Town Council just readvertised for an extension to that ordinance. The only time it comes into play is if a use has no parking on site or a use is grandfathered for parking, but that would change if they changed their use or they expanded the existing structure in the future. Commissioner Kallfelz stated that according to the survey we do not have a big parking problem. Commissioner Barker suggested that the business owners and their employees could park where there is more abundant parking instead of right in front of the business. Commissioner Kallfelz asked if we have received any survey data from the Chamber yet and the answer was, no we have not. Commissioner Brown stated that parking may be an issue for business owners on an individual basis and that not all businesses are having a problem. Commissioner Hubbard stated that she was not a believer that we needed the lot on Narragansett Ave but has found out that it does get a lot of use. Commissioner Girard stated that we might eventually have a problem. Sterling Graham asked where does the funding come from to purchase these properties. Commissioner Kallfelz stated that according to the survey it looks like parking for more than 2 hours in the summer is the issue and suggests looking into satellite parking since Taylor Point is working quite successfully. Commissioner Hubbard would like to see the proposed ordinance on Satellite Parking in the Commercial district (Businesses Operating from Marinas...) at the next meeting.

VI. New Business – nothing at this time

A motion to adjourn was made by Commissioner Hubbard at 10:00 p.m., it was seconded by Commissioner Kallfelz.

Attest:

Cynthia Reppe

This meeting was recorded on 1 micro-cassette