

## PLANNING COMMISSION MINUTES

November 5, 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                      Betty Hubbard

Victor Calabretta              Jean Brown

Sue Barker                      Barry Holland

Not present:

Andrew Kallfelz

Also present:

Lisa Bryer, AICP – Town Planner

Cynthia Reppe – Recording Clerk

Julio DiGiando

Charlotte Zarlango

Leo Errara

#### **I. Approval of Minutes from October 1, 2003**

A motion was made by Commissioner Calabretta and seconded by Commissioner Hubbard to accept the minutes as written. Commissioner Holland stated he would still like more discussion from the engineer in the minutes. The minutes were unanimously approved.

Commissioner Kallfelz arrives at 7:37 p.m.

#### **Approval of Minutes from October 15, 2003**

A motion was made by Commissioner Calabretta and seconded by Commissioner Hubbard to accept the minutes as amended. The following changes are: page 1, 1<sup>st</sup> paragraph add the sentence; **Commissioner Brown arrives at 7:38 p.m.,** page 3 first line add that is **no** larger, page 3 4<sup>th</sup> paragraph first sentence should read: The Planning Commission would like to **establish add to the budget \$5,000.00 for** architectural review for Development Plan Review and ~~also look into putting~~ **put** a Design Review manual together. So unanimously voted.

#### **II. Correspondence**

1. CRMC – Assent – Settipane Family Trust, 301 Seaside Dr. Jamestown RI 02835; to construct and maintain approximately 88 linear feet of “as built” structural shoreline protection (rip rap revetment). Plat 16 Lot 11. Received

2. CRMC – Final decision of Case # 2001-07-082 Town of Jamestown/High Street Right of Way expires 11-9-03. Received

3. CRMC – Assent – Jean-Guy Schilling and Donna Schilling, PO Box 77, Jamestown, RI 02835; construct residential boating facility to consist of a: 4’x163’ fixed timber, pile support, pier. The terminus of the pier will extend to 74 feet beyond mean low water requiring a variance from the RICRMP Section 300.4.E.3.(k). located at 376 East Shore Rd. Plat 4 Lot 123. Received

4. FYI – Planning Commission terms expiring. Received

5. FYI – Memo Planning Commission Stipends. Received
6. FYI – Growing Smarter Newsletter. Received

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

### IV. Reports

1. Town Planner's Report
2. Town Committees
3. Sub Committees

Commissioner Girard made a motion that was seconded by Commissioner Hubbard to take New Business before Old Business. So unanimously voted.

### V. New Business

1. 27 Douglas St. – Development Plan Review- Recommendation to Zoning Board  
Mr. Steve Munger owner of the property stated that he did not have any additional information to add to the plan that was submitted. Commissioner Hubbard questioned the width of the driveway. Commissioner Kallfelz asked what would the commercial use be? Mr Munger stated that it would probably be office space. A motion was made by Commissioner Kallfelz and seconded by Commissioner Calabretta to recommend approval to the Zoning Board and that the change of use will be specifically defined as mixed use, Residential/Office. So voted:

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

*Motion passes by a vote of 7-0*

### VI. Old Business

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

The Planner introduced several elements for discussion; some ordinance changes and some administrative protocol. The Planning Commission received information from Town Solicitor Larry Parks regarding the minimum state standards for a dwelling. The Town Planner Lisa Bryer asked the Planning Commissions opinion on whether if an applicant has more than one soil test, whether they could use the average of all the holes with respect to category 9 soils. She stated that this issue has come up because we received an application using this method. The Planning Commission should decide whether an application should be in the overlay district if they have category 9 soils within 60” of the surface, even if it is only one of a number of test holes or whether averaging all the holes is a better policy. The Planning Commission would like to hear from the Town Engineer on this issue.

Another issue brought up by the Town Planner was whether we should allow perc tests to determine impervious layer or whether we should accept only current DEM methodology? This issue has come up because the ordinance is silent on what method is used to determine impervious layer but does refer to perc rate. The Building Official and the Town Planner with the advice of the Town Engineer have made it a policy to determine impervious layer from the soil evaluation sheets that are approved by DEM. This methodology put the Forge Construction property into Sub-District A. Because the ordinance is silent in this respect, the Solicitor advised that we would be hard pressed to not accept the information because it meets the intent of the law but the Planning Commission should decide whether we should change the ordinance and whether we want to accept this method since it is no longer accepted by DEM. Commissioner Kallfelz stated that if the perc test holes were in the exact area of the proposed septic systems than it would be fair. Commissioners Girard and Hubbard stated they would like to hear from the Town Engineering consultant regarding this issue and Commissioner Hubbard stated that this ordinance was written to protect the health of the residents and we don't want to make this ordinance less restrictive. If this is going to be accepted in the future than the ordinance needs to be changed. Commissioner Kallfelz stated that this should be done between the Engineer and the Town Solicitor. A motion was made by Commissioner Kallfelz and seconded by Commissioner Girard to have the Town Solicitor and the Town Engineering Consultant propose a new definition for impervious layer that is consistent with DEM's definition of impervious layer. So unanimously voted.

A motion was made by Commissioner Kallfelz and seconded by Commissioner Holland that they would also like to see the Engineer and the Solicitor provide language, if they feel it appropriate, for amendment that allows averaging of test holes to determine the depth to impervious layer with any areas being restricted or a range of area, i.e. 25 feet from leachfield. Essentially a clarification of whether averaging should be allowed and how averaging is allowed. So unanimously voted. Town Planner Lisa Bryer stated that it is perfectly normal for an ordinance to have applicants try to poke holes in it and that the Solicitor feels it is important that everyone understands that. That is what the amendment process is for.

Charlotte Zarlango – Shores resident – stated that if there is averaging allowed it is very important that it is where the septic system is to go.

Leo Errara – 83 Riptide St. – Sunset Farms has created a run off affect on Seaside Dr. A question regarding what is a taking ensued and if the town was to raise money by raising taxes and setting aside money to purchase these pieces of property than it would not be considered a taking. This is a question that should be answered by the solicitor.

A discussion ensued regarding defining number of bedrooms, square footage of footprint, and total square footage of house. Commissioner Holland asked if there would be a legal problem with putting in specific numbers into the ordinance. Commissioner Girard stated that this is for the purpose of the Planning Commission's use when reviewing applications and that we should be clear on what we feel is the minimum when an applicant comes to us so this conversation is not dragging out applications. The Planning Commission could then

recommend denial to the zoning board unless the applicant uses the minimums. It was also clarified that each application should still be reviewed on its own merits but having standard guidance will be helpful. The following informal votes were taken regarding these issues.

**600 square foot footprint** – 4 commissioners for it, 3 against it

**sub district A number of bedrooms** – 4 commissioners for a 2 bedroom, 3 commissioners for 1 bedroom

**total square footage of dwelling** – 1200 sq. ft. – 2 commissioners

800 sq. ft. – 4 commissioners

600 sq. ft. – 1 commissioner

A motion was made by Commissioner Calabretta and seconded by Commissioner Holland to continue this discussion until the next meeting. So unanimously voted.

2. Downtown Parking Plan – continued – **this issue continued to the next meeting**

## VII. New Business

2. Snell/Engle Residence – Section 308 Review- setback from freshwater wetlands- Development Plan Review - Recommendation to Zoning Board – **This item Continued to a future meeting at the request of the applicant**

The planning commissioners were given a folder to put the information for the next meeting regarding parking and article 314 and Commissioner Girard reminded them to bring this with them to the next meeting.

A motion to adjourn was made by Commissioner Calabretta and seconded by Commissioner Kallfelz at 10:00 p.m. So unanimously voted.

Attest:

Cynthia Reppe

*This meeting was recorded on 1 micro-cassette*