

Approved As Amended 9-8-05
PLANNING COMMISSION MINUTES
August 17th, 2005
7:30 PM
Jamestown Library

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

Gary Girard	Victor Calabretta
Barry Holland	Jean MacGregor Brown

Not present:
Betty Hubbard Andrew Kallfelz

Also present:
Lisa Bryer, AICP – Town Planner
Cynthia Reppe – Recording Clerk
Michael Gray – Town Engineer
A. Lauriston Parks – Town Solicitor
Dean Audet – Fuss and O’Neill

I. Approval of Minutes from August 3rd, 2005

A motion was made by Commissioner Calabretta and seconded by Commissioner Girard to accept the minutes with the following amendments:

Page 2 second paragraph under Old Business, 3rd paragraph, add The drainage from this lot does **not** go into the wetlands.

Page 4 last sentence of second to the last paragraph add Commissioner Girard **says** lets put...

Page 4 first sentence of the last paragraph add Commissioner Girard suggested that Mike **Gray (Town Engineer)** and Lisa **Bryer (Town Planner)** meet with the.....

So unanimously voted.

II. Correspondence- nothing at this time

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

IV. Reports

1. Town Planner’s Report
 2. Chairpersons report
 3. Town Committees
 - a. Harbor
 - b. Fort Getty
- 4 proposals were received and will be reviewed in the next week.
- c. Buildings and Facilities
 - d. Others

4. Sub Committees

V. Old Business

1. Proposed new Ordinances per State of Rhode Island Phase II Stormwater Requirements: 1) Illicit Discharge, 2) Post Construction Stormwater Control and 3) Soil Erosion and Sediment Control

The representative from Fuss and O'Neill, Dean Audet gave the Planning Commission a history and brief explanation of why these ordinances are needed.

Illicit Discharge

Commissioner Holland asked if all three of these proposed ordinances are required or just the Illicit Discharge. All three was the response. Town Solicitor Larry Parks said technically the state could take away the towns discharge permit if we do not comply with our approved plan. Approval of these ordinances is considered part of our implementation for the plan and permit. Commissioner Calabretta asked if there is a fine if we do not do this by December since there is not much time to go over this ordinance and approve it before then. There could be a \$25,000.00 fine associated. Mr. Parks said the town needs to adopt at least a bare bones ordinance and further down the road the town can fine tune it if necessary. Commissioner Calabretta said lets keep it to bare bones.

The Town Solicitor has to certify in writing that the approved ordinances adopted by the Town are consistent with our approved plan.

Dean Audet read to the Planning Commission the state requirement so that the Planning Commission will include everything that the state is asking for to be included.

The Town Solicitor Larry Parks stated that enforcement is going to be an issue and it will have to be addressed by the Town council.

Commissioner Holland stated the first sentence of the Illicit Discharge Ordinance is contradictory.

The state is saying we don't have enough people to regulate this now so now it is the towns responsibility and the town has to enforce their ordinance. If its determined that the source cannot be identified then the town calls in DEM.

Town Solicitor Larry Parks answered Commissioner Calabretta's questions as follows: we as a town do not have a choice about whether or not to have this ordinance, we have to do this. Commissioner Calabretta wants a better definition of stormwater, it should be consistent with State Regulations. The Town Solicitor will work on this with Mike.

Post Construction

Anything greater than an **acre** triggers this ordinance. The town can choose to have this be in effect for smaller lots if they choose. This is for future development not for what is existing now.

Dean Audet said we can strike paragraphs D&E because they are not a requirement of meeting phase 2 by December. Agreed to take out Section D and E.

Commissioner Holland noted that this ordinance only applies for applications that require development plan review and that was confirmed.

Soil Erosion

Larry Parks said the RI general Law sets forth the model and says if the town adopts one this is the one that has to be used. The Planning Commission agreed to use this model.

2. Discussion of High Groundwater Table Ordinance – continued after New Business

VI. New Business

1. FORMULATING AN ORDINANCE TO REGULATE CONSTRUCTION AND EXCAVATION ON TOWN STREETS AND IN TOWN STREET RIGHT OF WAY'S

Solicitor Parks would like to modify North Kingstown's ordinance for Jamestown if that is acceptable to the Planning Commission. All of the Planning Commissioner is in favor of this.

III. Old Business – continued from above

3. Discussion of High Groundwater Table Ordinance

A discussion ensued between the Town Planner and the Planning Commission. The Planner stated that the staff tries to advise applicants to preparing them for the Planning Commission. This has been somewhat successful but recently this has been unsuccessful due to lack of clarity from the Planning Commission and confusion related to the informal standard developed by the Planning Commission for guidance and its application to projects.

Lisa Bryer noted that this ordinance has made a tremendous impact on development and has been very successful in meeting its goals. In addition, when she makes a recommendation to the Planning Commission it is simply a recommendation, her professional recommendation, and that she is not offended if a planning commissioner disagrees. It is meant to be thought provoking and helpful to the Commission in making their decisions. When talking about implementation we are getting a little bit muddled as far as what would be the worse case scenario and how that relates to minimum impact and a minimum house and what would be reasonable. The Planning Commission came up with the 600 sq ft minimum footprint as the least impact. Town Planner Lisa Bryer recommended that if the Planning Commission concurs, that we should review these issues and fine tune the ordinance as needed.

Commissioner Brown asked whether we could develop ABCDE districts to further separate the degree of severity of a lot. Commissioner Brown said she feels that the Planning Commission is applying the worse case scenario standards to everything. A discussion ensued about whether or not it should be

reviewed by both the Planning Commission and the Zoning Board. It is overly ownerous to have 2 boards looking at this under the same set of standards, with the understanding from Solicitor Parks that the Zoning Board also applies the special use permit standards. The Planning Commission is only supposed to review this and is purely advisory to the Zoning Board. The Zoning Board has the ultimate authority. The Town Planner wants the Commission to think about this. The PC can be removed from the whole process and it could go directly to the Zoning Board since they both look at the same standards when review an application. Commissioners Girard and Brown also feel there is a lot of redundancy by boards with this issue.

Commissioner Girard feels that we have worked with this for the last few years and he thinks we should look at it again. This is a work in progress.

Commissioner Girard said the LNG issue is going to be discussed on August 23rd during the day and the Planning Commission was invited by Tina Dolan. The Planner will be attending.

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

Attest:

Cinthia L. Reppe

This meeting was recorded on 1 micro cassette