

PLANNING COMMISSION MINUTES

August 3, 2005

**7:30 PM**

**Jamestown Library**

The Meeting was called to order at 7:34 p.m. and the following members were present:

Gary Girard                      Victor Calabretta  
Betty Hubbard                    Barry Holland

Not present:

Andrew Kallfelz – arrived at 7:35 p.m.  
Jean Macgregor-Brown – arrived at 7:58 p.m.

Also present:

Lisa Bryer, AICP – Town Planner  
Cinthia Reppe – Recording Clerk  
Michael Gray – Town Engineer  
John Somyk  
Mr. And Mrs. Buglio  
John Lawless – PE – Whale Rock Engineering LLC  
Charlotte Zarlengo

**I. Approval of Minutes from July 20th, 2005**

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

Page 2, Last paragraph, First Sentence, after coastal, add **less than 150 ft from a wetland, less than** 100 ft from a well....

Page 3, 2<sup>nd</sup> paragraph change rational to **rationale**

Page 5, first paragraph, second sentence change conscientious to **conscientious**

So unanimously voted. Commissioners Girard and Holland abstain.

**II. Correspondence**

1. FYI – Memo from Town Planner Re: Review of High groundwater applications- Received

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

**IV. Reports**

1. Town Planner's Report-Discussion of Town Planners memo for the next meeting
2. Chairpersons report
3. Town Committees
  - a. Harbor
  - b. Fort Getty- lots of inquires for the RFP we are getting a good response.
  - c. Buildings and Facilities- meeting with Bill Burgin for the new town hall

- d. Others- lots of activity on the town forest
- 4. Sub Committees

**V. Old Business**

- 1. Application of John Somyk - Plat 16, Lot 232, Proposal for new house on Seaside Drive, Zoning Ordinance Section 314 Sub-District A Review, High Groundwater Table and Impervious Layer Overlay District, Recommendation to Zoning Board – continued

At the last meeting the Planning Commission suggested that he reduce the size of the house which he did by 2 feet on the back of the house and it is reduced to 11 percent impervious cover. He also increased the drainage area to 1100 sq ft. The wetlands that are within 150 feet are across the street, and up the hill topographically. The drainage from this lot does go into the wetlands so there will be no impact to the wetlands and is therefore in compliance with Section 308. He has reduced the size of his house to the extent that it is now half the size of the two directly adjacent homes.

Commissioner Girard asked Mr. Gray what his opinion is on the wetland. He is an engineer not a biologist, but his opinion from a stormwater standpoint that there will not be an impact because the wetland is upgradient. The applicant did not want to go on the abutting property to search for wetlands since it is not his property.

Commissioner Hubbard asked Charlotte Zarlengo in the audience, if there were any wetland violations on the adjacent property or on Mr. Somyks property.

Commissioner Hubbard wants the drainage taken care of because of the impact on the bay. The ordinance deals with impacts to the groundwater and adjacent properties. Mr. Somyk said that his ISDS is already approved by DEM and after planning and zoning then CRMC will make a determination on the drainage and impact from the septic.

Commissioner Kallfelz recommends approval to send a positive recommendation to the zoning board and Commissioner Girard seconds.

So voted:

Gary Girard – Aye

Andrew Kallfelz – Aye

Betty Hubbard – Aye

Victor Calabretta – Aye

Barry Holland – Aye

*Motion carries by a vote of 5-0*

- 2. Application of Benjamin and Carol Buglio - Plat 15, Lot 236, Proposal for addition to existing house on Mizzen Street, Zoning Ordinance Section 314 Sub- District A Review, High Groundwater Table and Impervious Layer Overlay District, Recommendation to Zoning Board – continued

Town Planner Lisa Bryer told the planning commission that the town engineer and herself had given this application a positive recommendation at

the last meeting and the applicant is back to the Planning Commission for a recommendation to the Zoning Board. Town Engineer Mike Gray explained what he looks at when he goes to the site and how each site is reviewed on an individual basis and he felt that this application is making the site better and the runoff from the site will be decreased as well as the impervious surface being decreased due to a reduction in the impervious surface on the property.

Commissioner Girard felt when he looked at the site the swale in the back would prevent additional runoff. Commissioner Kallfelz said is there something that can be done with the foundation. Town Planner discussed different ideas for the foundation with the applicant and they talked to their builder. At that time the applicant was not considering removing the impervious driveway and was proposing a full basement to connect to the existing basement, which they said was dry. When they came back and met with Mike Gray and Lisa Bryer, they had proposed replacing the existing paved driveway with pervious stone and were proposing a crawlspace instead of a basement. Given the significant reduction in total impervious cover, this was acceptable to both the Town Engineer and the Town Planner. It was a significant improvement that will not occur unless the plan is approved. It is a permanent improvement to the site and its impacts downstream. Commissioner Brown feels that this is a good plan, they took input and did everything that was suggested and Commissioner Brown feels it should be approved. Commissioner Girard feels it has improved the property. Commissioner Hubbard would like to see the addition not create a dam. Commissioner Brown stated , it is her impression that there was a consultation with staff prior to coming to the board. The Town Planner stated that the changes were an improvement to the site and they were handling the runoff on site and agreed with the applicant in this situation. Commissioner Girard stated that we go through this process so we can look at each property on an individual basis.

Commissioner Holland agrees that it is a good application.

Commissioner Brown asked, why would we go against what the Town Engineer and Town Planner have recommended. Commissioner Calabretta stated that he is in favor of this application because of the positive recommendation from our professionals.

Commissioner Girard made a motion to recommend approval of this application to the zoning board. Commissioner Calabretta seconds.

Discussion. Kallfelz stormwater runoff needs to be looked at in the future on other properties so that we are not creating a daming affect. Town Planner, Lisa Bryer said we are reviewing these on a case by case basis and each lot is different, so there should not be a fear that we are setting a precedent. So voted:

Gary Girard – Aye

Betty Hubbard – Nay

Barry Holland – Aye

Andrew Kallfelz – Aye

Victor Calabretta – Aye

Jean Brown - Aye

*Motion carries by a vote of 5-1*

3. 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

Mike Gray discussed the three new proposed ordinances with the Board and explained that the ordinances need to be adopted by the town by December as required under the Phase II Stormwater Regulations. The three Ordinances include an Illicit Discharge Ordinance, a Soil Erosion and Sediment Control Ordinance, and a Post-Construction Stormwater Ordinance. The Illicit Discharge Ordinance will provide an enforcement mechanism to control what people discharge into the stormwater drainage, The Soil Erosion Ordinance will be to enforce erosion controls for new construction and large areas of soil disturbance. The Post-Construction Stormwater Ordinance is similar to the stormwater component of the High Groundwater Ordinance however it will be Town wide and will require stormwater controls for new development that disturbs one acre or more of land. If the Town so chooses this can be more restrictive to apply to all development.

The Illicit Discharge Ordinance will apply to all properties in Jamestown after being asked by Commissioner Hubbard if this was the case. We are responsible for what is discharged from our drainage system. If we find contamination then we must find who is responsible. This Ordinance will be an enforcement mechanism for violations found. Under year four of our Phase II permit the Town will be responsible for sampling the water being discharged from our outfalls. We are required to monitor what is discharged out of the drainage pipe, we are responsible to find in the drainage network who is violating. If we find someone is draining into a stream we contact the state and they will inspect. This ordinance is specifically for our drainage. Commissioner Calabretta who is responsible for it now? The town is as the owner of the drainage network. Commissioner Calabretta we have to be careful to not relieve the state of their duties. Lets be sure about the responsibilities before we recommend it to the Town Council.

Mr. Gray stated that money is available from our grant to have our consultant attend the next planning board meeting to assist us with the Ordinance and answer questions from the board. Would it be helpful for Fuss and O'Neill to be at our next meeting. Commissioner Girard said yes. Commissioner Girard lets put our questions down and ask the consultants at the next meeting.

Commissioner Girard suggested that Mike and Lisa meet with the consultant before the next planning board meeting to discuss the Ordinances It would be helpful to have them all together. Commissioner Holland why 2 separate ones instead of just having one that handles all?

Should we get the state manuals that are referenced in the Ordinances asked Commissioner Calabretta? Mr. Gray, I believe they are on the RIDEM website.

Commissioner Calabretta stated Post Construction targets an acre or more, do we want to enforce more than that? That is the question before the board, How much do we want to regulate?

**VI. New Business** – nothing at this time

A motion to adjourn was made by Commissioner Brown seconded by Commissioner Girard at 9:15 p.m. So unanimously voted.

Attest:

Cynthia Reppe

*This meeting was recorded on 1 micro cassette*