

PLANNING COMMISSION MINUTES

September 21, 2005

7:30 PM

Jamestown Library

The meeting was called to order at 7:38 p.m. and the following members were present:

Victor Calabretta	Betty Hubbard
Barry Holland	Jean Macgregor Brown
Richard Ventrone	

Not present:

Gary Girard
Andrew Kallfelz

Also present:

Lisa Bryer, AICP – Town Planner
Cynthia Reppe – Recording Clerk
John Murphy – Attorney
George Gifford – Landscape Architect -Gifford Design Group
Ron Kershaw – P. E.
Connie Slick
Jacqueline Zannini – Architect
Peter Brockmann – Attorney
Eric Privie - DiPrete Engineering

Commissioner Calabretta welcomed the newest member of the Planning Commission Richard Ventrone.

I. Approval of Minutes from September 7th, 2005

A motion was made by Commissioner Hubbard and seconded by Commissioner Holland to accept the minutes as amended on page 2, Old Business 1, 4th and 5th sentence should read:

Commissioner Holland wanted an exclusion made for the Town Tree Warden and we should exclude **the phrase that includes** railroads. Commissioner Girard amended the motion to include the changes **in the ordinance** and Commissioner Kallfelz..... So unanimously voted. Commissioners Calabretta and Ventrone abstain.

II. Correspondence

1. FYI – Memo to the Zoning board Re: Somyk. Received
2. FYI- Memo to the Zoning board Re: Bilow. Received
3. FYI – Memo to the Zoning board Re: Buglio. Received

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

IV. Reports

1. Town Planner's Report

They are going to be closing on the properties on Cedar Lane on September 30, 2005 and she along with a few members from the Affordable Housing Committee will be attending a meeting on Housing Trust Funds and Housing Land Trusts on Thursday.

2. Chairpersons report

3. Town Committees

a. Harbor

b. Fort Getty

The Committee will be having a meeting tomorrow with the consultant and they will be meeting twice a month now until the Land Use Plan is completed.

c. Buildings and Facilities – They have not met since our last meeting. The Town Hall project is moving along.

d. Others

Commissioner Holland said the Tree Committee will be working at the Town Forest this Saturday to haul brush and they are looking for volunteers.

4. Sub Committees

V. Old Business – nothing at this time

VI. New Business

1. Slick Residence 49 Narragansett Ave. – Development Plan Review in CD District Attorney John Murphy representing Connie Slick stated that she will be moving to Jamestown and live in one of the units above the Dentist office, since her husband passed away. She will be adding a garage and additional living space above it. There will be no change to the use of the building, the same business and same number of apartments will be there so there will be no additional parking requirements. They will be going before the zoning board for an amended special use permit because she is increasing the size of the building and therefore intensifying the use of the building.

George Gifford, Landscape Architect, Gifford Design Group made a presentation addressing some of the issues that were addressed back in 1996 when they went before the zoning board. They are proposing to add some screening in the rear of the property and some additional vegetation to the front of the building. Mr. Gifford explained the landscaping plan and explained some of the trees and shrubs on the property and stated there are two trees that should be cut down in the rear of the property.

They had to relocate the parking on the south part of the property to accommodate the proposed garage. Ron Kershaw, Engineer is here to address any drainage questions. Mr. Gifford discussed the permeable surface and there are some maintenance issues that Mrs. Slick is concerned about regarding runoff issues.

Commissioner Ventrone asked about the pavers that will be used at the entrance to the driveway to prevent gravel spill onto the sidewalk and road. He questioned what the

paver material will be. They have not decided yet but they are looking at something like cobblestone.

Mr. Kershaw will calculate the runoff now and the potential runoff with whatever material they decide to use. They want to avoid tying into the town or state system. There will be an increase in the runoff but they will maintain it on site. Mr. Murphy stated that Mr. Kershaw will work with the Town Engineer in adequately handling runoff.

Commissioner Calabretta asked what they would be signing off on now, since there is not anything definitive on the plan. Mr. Murphy asked the engineer if there was any question about the abilities to accommodate the run off on site and the engineer answered no. Commissioner Holland asked about drawing number 3, is that the paved surface? Commissioner Ventrone asked about the parking in the back of building what will the surface be? Mrs. Slick said that it is gravel now and when it snows it always ends up on the sidewalk or in the street after plowing and they have to shovel it back into place. Very time consuming and labor intensive and it will be difficult for her now as a widow. She would like to have a more stable surface for the entire driveway, such as pavers or asphalt. Pavers would be very costly for the whole driveway.

Commissioner Brown asked if Lisa is comfortable with the plan? Ms. Bryer said she is concerned about a completely impervious site but she is confident that the Town can work with the applicant's engineer to accommodate drainage mitigation. Commissioner Ventrone stated he would not like to see asphalt, but Mrs. Slick stated no one can see the area in the back and that they are proposing pavers along the first stretch of driveway.

Commissioner Hubbard asked about the façade treatment. Jacqueline Zannini the architect, said it will be the same material and color of the existing building.

Commissioner Calabretta likes the plan. Commissioner Hubbard went back to the parking and with the new scheme the parking is extremely tight. She asked if they can forego the trees against the fence and get the additional 5 feet in the parking area. Mrs. Slick said that parking has never been an issue. Mr. Gifford says this plan complies with the building regulations. Commissioner Calabretta said he wants them to show the 18 foot lines on the parking spaces. Mrs. Slick said she is willing to make any changes to go ahead with the plans. Commissioner Brown said she has personal experience with parking in the lot and there was never a problem because of the limited volume and number of patrons at one time for the Dentist office. Commissioner Ventrone stated it has never appeared to be a problem in the past.

Attorney John Murphy stated they have to go to the Zoning Board and they could add to that a variance for a narrower setback for parking from the property line, required to be 5 feet. They are willing to take it to the zoning board if that is the desire of the Planning Commission. Commissioner Holland said which ever way they go they must go before the zoning board for a variance because it is either encroaching on the 5 foot

setback or a variance for not having spaces that accommodate a 9 x 18 foot space for vehicles.

The Planning Commission would like to see either cobblestone or brick in the driveway. They can approve with provisions that the drainage be approved administratively. Applicant is asking for a positive recommendation to the zoning board for a special use permit and variance.

A motion was made by Commissioner Calabretta to approve the site plan as presented with the following: parking redrawn with proper dimensions and cobblestone to be used in the front entrance or granite pavers, there will be no increase in runoff, and the drainage to be approved administratively and this to be forwarded to the Zoning Board with a recommendation of approval of variances and amended special use permit.

Commissioner Holland seconded the motion.

Victor Calabretta - Aye

Betty Hubbard - Aye

Barry Holland - Aye

Jean Macgregor Brown - Aye

Richard Ventrone – Aye

Motion passes by a vote of 5-0

2. Application of STD Builders - Plat 5 Lot 58, Proposal for new house on Ferry Street, Zoning Ordinance Section 314 Sub-District A Review, High Groundwater Table and Impervious Layer Overlay District, Recommendation to Zoning Board

Commissioner Calabretta recuses himself, leaves the table and turns the meeting over to Commissioner Hubbard.

Amy Barclay asked the Town Planner today if the board could continue this item since she would like more time to review it. She has a disabled child at home and it makes it difficult for her to get out of the house. Attorney Peter Brockmann stated that the abutter had plenty of time to review this and we are not in favor of a continuance.

Attorney Brockmann representing the applicant Steven Perry STD Builders, said some changes have been made to the plan. The changes that are now before you are a reduction of the footprint of the house, 1300-1400 total square footage, the fill has been completely eliminated and they have resubmitted the application to DEM showing the changes and they have since approved it. They have attempted to address all of the concerns of the Planning Commission.

Commissioner Ventrone said they are building in a 16 inch water table, next to a swamp, and there are people living there already having major problems with water. Commissioner Ventrone doesn't think this conforms to what they are looking for in terms of minimum impact to either the site or the surrounding area. Commissioner Brown is on the fence on this application since this is one of the wettest lots to come before us but the applicant has done what we have suggested and she gives them a lot of credit for trying to make this work. She also said they are very determined to listen to what we have said and she is confident that DEM would not have approved an ISDS

if it was hazardous. Commissioner Ventrone has an issue with it conforming to the minimal impact standards. In all good conscience he doesn't see minimal impact. Commissioner Holland disagrees with Commissioner Ventrone and that the applicant has met the criteria set up in the regulations and the engineering for a 100 year storm. If the engineering calculations are right it could and should be better for the neighborhood stated Commissioner Brown. Commissioner Ventrone stated that putting more houses there will make the problem worse.

Commissioner Hubbard asked the engineer a question about contour 59. Commissioner Hubbard brought up the footprint issue and the square footage issue that the planning commission has previously discussed regarding a worse case scenario lot. Commissioner Hubbard brought up that this is one of the worst lots and it should adhere to the minimum impact standard of 800 sq. ft. and footprint of 600 sq. ft.

Commissioner Brown said she thinks this will be the best engineered house on the street and she feels that minimum impact was intended for the neighbors. Commissioner Holland and Commissioner Hubbard discussed how engineering will or will not improve drainage on a lot. The retention system that was designed to capture the water, and it could make it better but there is no guarantee. It works on paper but we won't know until it is constructed.

Leo Errar – Riptide St. – they come with a different engineer every time. They built a house near me and now I have problems with my house.

Debra D'Agastino – Steamboat St. showed the Planning Commission some pictures from a storm in April. It is designed to maintain the proposed house drainage, it is not designed to fix all the abutters problems.

Commissioner Ventrone commented it should be a houseboat design, I don't mean to be a wise guy.

Charlotte Zarlengo – obligation of this board is to protect this town. Even considering development in this area should not be considered. Any house in this area of any size should not be allowed or considered. Look at Louisiana.

Mr. Brockmann stated a property owner has a right to build unless the town pays for the lot. He has the right to build, it covers 6.29 % of the lot. Their job is to not exacerbate the problem. For the record this is the same engineering firm just a different representative from this firm. This could end up in Superior court and the town will either have to approve or pay for the lot.

A motion was made by Commissioner Ventrone to send a memo to the Zoning Board recommending denial of this application because it does not meet the minimum impact standards as listed in the ordinance.

Richard Ventrone – Aye Betty Hubbard – Aye

Jean Macgregor–Brown –Nay Barry Holland - Nay

This motion was neither approved nor denied, since 2 members were in favor of the motion and 2 members were not. No action was taken and a memo will be sent to the Zoning Board of Review stating this.

A motion was made by Commissioner Hubbard and seconded by Commissioner Brown to adjourn the meeting at 9:35 p.m. So unanimously voted.

Attest:

Cynthia Reppe

This meeting was recorded on 1 micro-cassette