

PLANNING COMMISSION MINUTES
February 21, 2007
6:30 PM
14 Clinton Avenue
Site Visit to Jacks Electric Building
Convene on site

The following Planning Commissioners were present at the site visit on site at 14 Clinton Avenue which began at 6:30 pm:

Gary Girard
Betty Hubbard
Richard Ventrone
Barry Holland
Victor Calabretta
Michael White

Also present:

Lisa Bryer, Town Planner
A. Lauriston Parks, Town Solicitor
James Donnelly, Esq.
Jack Brittain
Peter McGuirl, Esq.
Wendy Waller
Sydney Waller

The Planning Commission toured the inside and outside of the building being guided by applicant Jack Brittain, and his attorney James Donnelly. The Town Solicitor advised the Planning Commission that no discussion should take place during the site visit and that all discussion should be saved for the meeting at the library to be held subsequent to the site visit. The Planning Commission toured the interior of the building on all three floors and viewed the crawl space and outside of the building. The site visit was adjourned at 7:10 p.m.

**7:30 PM
Jamestown Library**

This portion of the meeting was called to order at 7:30 p.m. with the following planning commissioners present:

Gary Girard	Betty Hubbard
Richard Ventrone	Barry Holland
Victor Calabretta	Michael White
Jean Brown	

Also present:

Lisa Bryer, Town Planner
A. Lauriston Parks, Town Solicitor
James Donnelly, Esq.
Jack Brittain
Peter McGuirl, Esq.
Andrew Teitz, Esq.
Wendy Waller
Sydney Waller

I. Approval of Minutes February 7, 2007

A motion was made by Commissioner Hubbard and seconded by Commissioner Calabretta to approve the minutes as amended.

Page 2, 3rd paragraph strike ~~asked~~ add **stated** if it is in....

Page 3, 4th paragraph Add to the last sentence **The applicant feels** they are below th 15%.....

Page 3, 5th paragraph, 4th sentence add **Commissioner Girard stated** this lot is not.....

So unanimously voted. Commissioners Brown, White, Holland abstain.

II. Correspondence

1. FYI – DEM Statewide Conference Water for Rhode Island - Received

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

IV. Reports

1. Town Planner's Report - Nothing at this time.
2. Chairpersons report
Commissioner Girard announced a Water Conference notice in Correspondence. If anyone wants to go the Planner will find the funding in her budget.
3. Town Committees
 - a. Harbor
 - b. Fort Getty
 - c. Buildings and Facilities

- d. Tree Committee
They met last night.
 - e. Others
4. Sub Committees

V. Old Business

- 1. Jacks Electric – Windridge Properties – Plat 9 Lot 201- 14 Clinton Ave. -
Amendments to the Approved Development Plan

Commissioner Girard opened the agenda item with a statement that no public input will occur tonight. It will be discussion between the Planning Commission and the Applicant.

Andy Teitz, Attorney for Magdalena and Frank Andres across the street from 14 Clinton Avenue, wanted it noted for the record that Magdalena Andres and Attorney Nancy Letendre were not allowed in the building for the site visit, which was part of the public meeting, or even allowed to speak to Jamestown Solicitor Larry Parks who was in the building, and were threatened with arrest and the applicant called the police to prevent them from entering the building. They could therefore not see what the Planning Commission was seeing or hear what was said, even though the applicant and his attorney were present for the site visit.

Larry Parks, Town Solicitor, stated that the Planning Commission should hear from the applicant. They should state what their intentions are in terms of complying with the approved development plan and the Zoning Ordinance. Any approvals from the Planning Commission should be conditioned on proper approvals from the Zoning Board such as parking.

Commissioner Calabretta wanted it clarified that one of their options is to do nothing. Solicitor Parks agreed and stated that at that point it would be an enforcement issue.

Jim Donnelly, Attorney for the Brittain's stated that they are in compliance. He states that it is in compliance and he will go through every point in the Planners Memo and address each item. Commissioner Ventrone asked whether it was built as approved. Attorney Jim Donnelly stated that it is in total compliance and built exactly as approved.

Attorney Jim Donnelly gave the Planning Commission a copy of Article 11 of the Zoning Ordinance, Development Plan, and told the Planning Commission that this explains their responsibilities. He also handed out a copy of the Preliminary Planning Commission approval dated May 27, 2005. He then also showed the Planning Commission the approved building plans. He also handed out a copy of July 25, 2006 letter from the Town Planner and provided the Planning Commission the definition of "significant" from Dictionary.com.

The Town Solicitor, Mr. Parks suggested that since they do not feel the Planners memo is accurate and they have not met with her or responded in writing to that effect that the Planning Commission table the item until a later date and a response is received as to their intentions. Commissioner Girard made a motion that was seconded by Commissioner Ventrone made a motion on advice of the solicitor to table the agenda item until the applicant responded as to how they intended to bring their project into compliance . So unanimously voted.

VI. New Business

1. Downtown Charette Discussion

Commissioner Ventrone stated that he feels that a developer would most likely maximize his profits by leveling a building and putting up condominiums and that is probably not what we want for the future of the commercial downtown. Commissioner Girard brought up setbacks and asked if we may want to revisit our setbacks for the commercial districts. Commissioner Calabretta stated no matter what we do the developer will push the envelope in terms of what they want so we cannot regulate to a minute level. Commissioner Holland asked what level of specificity we want to regulate architecturally. The Board agreed that is a question we should be asking at the Charrette. Commissioner White stated that we should get someone on board now and help us plan the Charrette. The Planner will arrange that based on our budget. Commissioner Brown stated that the business owners do not want to be overregulated and they are here to make our lives better. Commissioner White gave some examples of traffic calming and things that we could do in Jamestown.

The Planning Commission feels that having visual support at the workshop will be a tremendous asset.

A motion to adjourn was made by Commissioner Ventrone and seconded by Commissioner Calabretta. So unanimously voted.

Attest:

Lisa Bryer
Town Planner