

## PLANNING COMMISSION MINUTES

March 7, 2007

**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
Betty Hubbard	Barry Holland
Michael White	Richard Ventrone
Jean Brown	

Also present:

Lisa Bryer, AICP – Town Planner  
Cynthia Reppe – Recording Clerk  
Quentin Anthony, Attorney  
Chris Tuck – Architect  
Michael Darveau – Engineer RC Cournoyer  
Jack Evans – Architect – Newport Collaboratives  
AJ Schindler – Engineer, Wyndham  
Marcus Channell, PLS  
Mike Evans, Applicant

#### **I. Approval of Minutes February 21, 2007**

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

Page 1 – second sentence add after site visit **the chair advised all members of the Planning Commission that no discussion with fellow members, the applicant or public concerning this site visit should take place,** and that all discussion should be saved for the meeting at the library to be held subsequent to the site visit.

Page 3 – Last paragraph, second to the last sentence strike ~~made a motion.~~

So unanimously voted.

#### **II. Correspondence**

1. FYI – DVD of Private Drinking Water Well Testing and Protection. Received.

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

#### **IV. Reports**

1. Town Planner's Report

A meeting was held between Jack Brittain, Attorney Jim Donnelly, Town Solicitor Peter Ruggiero, Fred Brown and myself. It was productive and they will be coming back to the Planning Commission once they submit an amended Development Plan.

2. Chairpersons report

- Commissioner Girard stated he had a meeting with the new Town Solicitor that went very well.
3. Town Committees
    - a. Harbor
    - b. Fort Getty
    - c. Buildings and Facilities
    - d. Others
  4. Sub Committees

#### V. Old Business

1. Beth Smith – Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table Impervious Overlay District – Plat 1 Lot 320, 86 Orient Ave. – Recommendation to Zoning Board - continued

Christopher Tuck, Architect for Beth Smith presented the changed plan, they eliminated the pool and driveway on the north side, they have reduced the size of the house. The garage will still need a variance since they left it attached to the house and it is not within the side yard setback. They decided that this would be a better solution for them instead of detaching the garage which would have required a height variance. The apartment above the garage was taken out and a bathroom and living space were left.

Michael Darveau from RC Cournoyer explained some of the drainage issues for the Planning Commission. A discussion ensued regarding the removal of structures that are currently on the lot and Mr. Tuck explained everything will be removed. Commissioner Calabretta asked about the grading along the outside stairs. Mr. Tuck stated that there will be no fill or grading in that area and he proposes a wood staircase there instead, so fill is not necessary. Commissioner Calabretta stated they are asking for a lot of variances from the DEM, CRMC and us.

Commissioners Ventrone and Girard are not in favor of the size of the structure including the garage living space and Commissioner Girard stated that the house is huge. Mr. Darveau stated that huge is a matter of interpretation. Commissioner Brown asked if they have made drainage changes to the lot. She likes the plan and said they have done everything the Planning Commission has asked for. Commissioner Holland agrees with Commissioner Brown and said that we need consistency.

Town Planner, Ms. Bryer told the board that although this application is being reviewed under the old ordinance (prior to the most recent amendments) the applicant is within the new standards for impervious coverage and the ordinance does not address interior space but impervious coverage as well as minimum impact. She also advised the board that they could make a positive recommendation to Zoning for the High Groundwater special use permit but not support the variance for the garage setback.

A motion was made by Commissioner Holland and seconded by Commissioner Brown to recommend approval of the application to the Zoning Board with a 3 bedroom maximum restriction on the property and also the removal of the fill on the south side to be replaced by wooden railing on the stairs in lieu of the fill up to the stairs.

So voted:

Gary Girard - Nay  
Betty Hubbard - Nay  
Michael White - Aye  
Jean Brown - Aye

Victor Calabretta - Nay  
Barry Holland - Aye  
Richard Ventrone - Aye

Motion carries by a vote of 4-3

## VI. New Business

1. Mike Evans - Minor 2 lot subdivision without street creation – 31 Southwest Ave. Plat 9 Lot 43

Marcus Channell from Atlas Land Surveying introduced himself and presented the plan to the Planning Commission. Commissioner Calabretta asked if when this property is subdivided will it then exceed the lot coverage that is allowed on the site that already has a structure on it. Mr. Channell stated no it will not. A motion was made by Commissioner Girard and seconded by Commissioner Calabretta to approve the subdivision in accord with the motion provided in the Planners Memo as follows:

To Grant Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Preliminary Minor Subdivision; Plat 9 Lot 43, 31 Southwest Avenue, Jamestown, Rhode Island; Prepared for Mike Evans; prepared by Atlas Land Surveying, LLC, 91 Parkway Drive, Warwick, RI 02886 (401-737-4407; dated 2 February 2007** based on the following Findings of Fact and subject to the following Conditions of Approval:

### **A. Findings of Fact**

The Board makes the following findings:

1. The subdivision is consistent with the requirements of the Jamestown Comprehensive Plan;
2. Each lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance;
3. No building lot is designed and located in such a manner as to require relief from Article 3, Section 308 of the Zoning Ordinance. Both lots will be served by public water and sewer;
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions for approval;
5. The subdivision as proposed will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and buildings standards would be impracticable;
6. All subdivision lots have adequate and permanent physical access to a public street, namely, Southwest Avenue and Clarke Street;
7. The subdivision provides for safe circulation of pedestrian and vehicular traffic, for adequate surface water runoff, for suitable building sites and

for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community;

8. The design and location of building lots, utilities, and other improvements in the subdivision minimize flooding and soil erosion;
9. All lots in the subdivision have access to sufficient potable water for the intended use. The existing house is currently serviced by public water and the new lot will be serviced by public water.

**D. Conditions of Approval**

1. The approval is for a total of 2 lots;
2. That payment of a fee in-lieu-of land dedication shall be required for this subdivision in the amount required by Article IIID of the Jamestown Subdivision Regulations. This fee shall be determined at the time of filing of the final plat and paid prior to recording of the final plan.
3. Granite monuments shall be placed at all corner points at the new property line;
4. A RI DOT Physical Alteration Permit shall be required if driveway access is onto Southwest Avenue, a state roadway;
5. The Planning Commission delegates Final Review to the Town Planner with the signature of the Planning Chair to appear on the Final Record Plan;
6. This approval shall be recorded with the Town Clerk contemporaneously with the Final Plat; and,
7. This approval shall expire one year from the date of approval by the Planning Commission unless final approval is granted within that time period.

So voted:

Gary Girard – Aye  
Betty Hubbard - Aye  
Michael White - Aye  
Jean Brown – Aye

Victor Calabretta - Aye  
Barry Holland - Aye  
Richard Ventrone - Aye

Motion carries by a vote of 7-0

2. Bay Voyage Hotel and Restaurant, Amendment to Special Use Permit & variance - Recommendation to Zoning Board

Quentin Anthony representing the Bay Voyage stated that the applicant is here to add a porch to the building. Mr. Brown the building inspector suggested they come to the Planning Commission for a recommendation to the Zoning Board. They are going to redesign the sign to stay within the zoning ordinance and not need a variance for this now. They are reducing the size of the signs to be in compliance. Mr. Anthony introduced Jack Evans of Newport Collaborative Architects.

Commissioner Ventrone recuses himself and leaves the table.

They have designed this expansion not for purpose of expanding the occupancy load but to provide more flexibility for the patrons. It will give the current occupants more room to move about. AJ Schindler, engineer for the company Wyndham Vacation Resorts discussed the plan with the Planning Commission. Town Planner Lisa Bryer said that the standards for review of this application should be consistency with the comprehensive community plan.

Commissioner Brown asked if this change will block any ones water view. The Bay Voyage representatives agreed that there will not be an obstruction of any existing homes' views. When it gets to zoning, abutter notification will be required and they will be notified of the meeting.

Commissioner Hubbard made a motion that was seconded by Commissioner White to recommend approval to the Zoning Board with the sign meeting the Zoning requirements. So voted:

Gary Girard – Aye	Victor Calabretta - Aye
Betty Hubbard - Aye	Barry Holland - Aye
Michael White - Aye	Richard Ventrone - Recused
Jean Brown – Aye	

Motion carries by a vote of 6-1 recusal

A motion to adjourn at 8:35 p.m. was made by Commissioner Brown and seconded by Commissioner Hubbard. So unanimously voted.

Attest:

Cynthia Reppe

*This meeting was recorded on 1 micro-cassette*