

PLANNING COMMISSION MINUTES

May 3, 2006

7:30 PM

Jamestown Library

The meeting was called to order at 7:37 p.m. and the following members were present:

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| Gary Girard | Victor Calabretta |
| Barry Holland | Richard Ventrone |
| Michael White | |

Commissioners Hubbard and Brown arrived at 7:38 p.m.

Also present:

Lisa Bryer, AICP – Town Planner

Cynthia Reppe – Recording Clerk

John Murphy – Attorney

Joseph Manning

John Collins

Ray and Karyne Bazzano, Preston RE LLC

Bruce McIntyre – Attorney

Robert Ornstein, Arris Design

Matthew Viana, Northeast Engineers & Consultants, Inc.

Ian Thompson, Parker Thompson General Contracting

I. Approval of Minutes from April 19, 2006

A motion was made by Commissioner Calabretta and seconded by Commissioner White to accept the minutes as written. So unanimously voted. Commissioner Holland abstains.

II. Correspondence

1. FYI – Letter from John Collins Re: Zoning Laws

Mr. Collins spoke to the Planning Commission regarding his letter. What's the definition of a temporary storage container he would like to know. He has been looking at one for 4 years and there is nothing regarding enforcement in the zoning ordinance at this time. His recommendation is 12-18 months during construction would be temporary. He would like something definitive done regarding this. Commissioner Girard stated that we

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will be looking at the zoning ordinance in the upcoming months and that that would be the time to address these issues. He thanked him for bringing these issues forth.

2. FYI – Joint Meeting with Zoning Board and Town Council May 18th 2006

Commissioner Girard informed the board of the joint workshop with the Town Council that was scheduled for May 18th to discuss the High Groundwater Ordinance. He also told the board about the upcoming meeting with the Chamber of Commerce June 18th.

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

Commissioner Hubbard reported that the Fort Getty plan has been accepted by the committee and will be before the town council on Monday May 8th meeting.

c. Buildings and Facilities

d. Others

Parking Committee met and discussed beach access and issuing a sticker for the residents of the shores, who have said there is never any room for them to park.

Bike Committee – Town Planner Lisa Bryer reported that the Town Council approved requesting that the approved bike route that was funded by DOT be changed to continue down North Road to Arnold Avenue instead of turning on Weeden Lane. Par Engineering is working with the Town on this request.

4. Sub Committees

V. Old Business

1. Manning (Upland Farm) - Plat 5 Lot 414 - Major 9 Lot Subdivision with waivers - Cedar Lane – Preliminary Decision

Attorney John Murphy represents The Manning Family they are in agreement with the Town Planners report. Subsection D paragraph 6 rather than the word final ISDS approval, "subdivision suitability" should be inserted. He thanked the Planning Commission for their help in this whole process.

Commissioner Ventrone said they never voted on the sprinkler system issue. It wasn't taken to a vote at that point because he thought it would not be legal and has since found out that it would and could be legal and wants to take it to a vote. He wants support from the members of the Planning Commission to not allow automatic sprinkler systems in the subdivision. Commissioner Brown wants to support Zoning Officer Fred Brown on this issue. Commissioner Holland says he does not support it because there is not any

scientific evidence on this that clearly says it will use more water. Commissioner Hubbard supports Mr. Brown too, and is in agreement with Commissioner Ventrone. Attorney John Murphy said in Mr. Gifford's expert opinion automatic sprinklers use less water than hand watering.

Commissioner Ventrone made a motion that they not allow sprinkler systems in the Manning subdivision. Commissioner Hubbard seconds the motion. So voted:

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

Motion does not carry by a vote of 4-3.

Commissioner Calabretta made a motion and Commissioner White seconded the motion to approve Manning.

At the May 3, 2006 Planning Commission meeting the Planning Commission voted "to Grant Preliminary approval in accordance with the Town of Jamestown Subdivision Regulations, and RIGL 45-23-37 and the plans entitled "Cover Sheet - Upland Farm – Preliminary Review - Major Subdivision; Cedar Lane (Cemetery Access Road); A.P. 5 Lot 414, Jamestown, Rhode Island; Property Owner Manning Family Trust, 71 Starr Drive, Narragansett, RI 02882; prepared by Northeast Engineers & Consultants, Inc., 55 John Clarke Road, Middletown, Rhode Island, 02842, 401-849-0810; dated January 2006, revised March 2006; Sheets 2-10 revised as follows:

Sheet 2, Existing Conditions Plan – March 14, 2006, Sheet 3, Preliminary Subdivision Plan,– February 21, 2006, Sheet 4, ISDS and Utilities Plan - March 14, 2006, Sheet 5, Grading and Utilities Plan - March 14, 2006, Sheet 6, Plan and Profile Lester's Lane – February 21, 2006, Sheet 7, Soil Erosion and Sediment Control Plan - March 14, 2006, Sheet 8, Notes and Details – 1 – February 21, 2006, Sheet 9, Details – 2, February 21, 2006, Sheet 10, Details – 3 – February 21, 2006 and Landscape Construction Plan by Gifford Design Group, Inc. dated February 2006 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 and/or shall satisfactorily address the issues where there may be inconsistencies. The Comprehensive Plan states that "if houses were developed on a minimum of one-acre lots, groundwater supply in Jamestown would be more than adequate..." The subject subdivision is located in an R-40 district requiring 40,000 square feet for each dwelling unit. The proposed subdivision is located directly adjacent to the densely developed Jamestown Shores area. The Comprehensive Plan states that based upon the "density in the Jamestown Shores of 2 to 4 homes per acre, that the (water) usage is more than the total available groundwater supply and does not include a buffer.

Development density of this magnitude will result in overdrafts to the groundwater supply, especially during droughts or times of heavy seasonal water usage.” Based upon this information and testimony at the Master Plan Informational Meeting held April 7, 2004 indicating that the abutters to this subdivision have already experienced water quality and quantity problems, the Planning Commission required the developer to have prepared a hydrogeologic study for the site. The Scope of that study was agreed upon by the subdivider’s Engineer, Northeast Engineers, their hydrologist Paul B. Aldinger and Associates, the Town’s reviewing consultant Dr. Daniel Urish and the Jamestown Planning Commission. This study conducted by Dr. Aldinger was determined by Dr. Urish and the Jamestown Planning Commission to be thorough and adequate and the Planning Commission determined that the applicant has conducted due diligence in insuring that the proposed subdivision will not have an adverse impact on the groundwater supplies and/or quality of the proposed subdivision lots or the surrounding existing dwellings.

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 as long as the proposed system is located a minimum of 150 feet from the edge of any wetland. No wetlands have been identified on site or within 200 feet of the site;
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, Cedar Lane and North Road. Lot frontage on a public street without physical access shall not be considered compliant with this requirement;
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. Surface water runoff will be handled per the approved Storm water Management Plan for Cedar Lane Farm, prepared by Northeast Engineers and Consultants, Inc., dated January 2006. An ownership and maintenance agreement for the drainage structures will be recorded with the Final Subdivision Plan at the office of the Jamestown Town Clerk ;
8. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion. A Soil Erosion and Sediment Control Plan has been approved and will be adhered to during construction of subdivision improvements;
9. The use of open space in the proposed Residential Cluster Development is an appropriate use and is consistent with the requirements of Article IV.A.4.; and,
10. All lots in the subdivision have access to sufficient potable water for the intended use. Paul B. Aldinger and Associates in their Geohydrologic Investigation Report for the Manning Subdivision dated January 2005 indicated that “The estimated

yield of the three wells drilled on-site for this study at 3 to 10 gpm are more than adequate to meet a daily demand of 600 gal/d, and it is likely that six additional wells having equal or greater yields are obtainable at the locations chosen.”. Of the nine off site wells that were monitored based upon their relative locations to the subdivision site, the report indicated that “Interference resulting from pumping of adjacent wells appears to be small. Proposed locations of nine proposed wells in the Manning subdivision are 80 to 240 ft. apart and interference effects among these wells are also expected to be minimal.” With respect to groundwater quality, Dr. Paul B. Aldinger indicated in an addendum letter dated February 15, 2006 that “nitrate levels will be lower than the allowable level in State and Federal drinking water standards of 10 mg/L and the desired level of 5 mg/L.” The potential nitrate loading is estimated to be 4.96 mg/L, a level that Dr. Aldinger believes to be “relatively conservative” and he states that “we believe nitrate levels will be somewhat lower than predicted.” Based upon a more “realistic” estimate which used more site specific, modified assumptions, PBA indicated that the subdivision yielded a value of 2.39 mg/L of nitrate. These results were acceptable to the Planning Commission when presented on February 15, 2006.

B. Waivers from the Subdivision and Land Development Regulations

The Planning Board agrees to Grant the following waiver:

1. The subdivider shall not be required to construct the street as required in Article XIII and shall be permitted to construct a non-paved street to access the nine lots;

C. Findings of Fact for Granting Waivers

In Support of the waiver, the Board makes the following findings of fact:

1. The subdivider desires to maintain the rural character of the area while maximizing groundwater infiltration and aiding in stormwater control on and off site and access the nine building lots by an eighteen foot wide gravel roadway.
2. The Planning Commisison has determined that the request for "Waivers" to the Subdivision Regulations is reasonable and within the general purposes and intents of the Subdivision Regulations; and,
3. That providing waivers to the Subdivision Regulations is in the best interest of good planning practice and design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

D. Conditions of Approval

1. 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;
2. Granite monuments shall be placed at all corner points of the nine lots;

3. After final review and approval by the Town Planner and the Town Solicitor, the applicant shall record the following legal documents with the Final Plat:
 - a. Conservation Easement for the open space, including permission to the Town to monitor the well periodically. Or an easement to the Town over the open space to monitor the well, as shown on the plans;
 - b. Upland Farm Development Agreement
 - c. Legal document setting up homeowners association for the purposes of ownership and maintenance of roadway;
 - d. Ownership and Maintenance of roadway including drainage structures (as per storm water management plan by Northeast Engineers and Consultants, Inc. dated January 2006)
4. Recommend that homeowners be conservative in their use of well water. The Homeowners Association should provide water conservation literature to new homeowners. If automatic sprinklers for lawns are to be used, they must be equipped with water conservation technology. This should be enforced by the Homeowners Association;
5. In the design of the individual wells, set pumps so that drawdown can go no lower than mean sea level to avoid potential salt water intrusion. Given the results of the well tests and the likelihood of similar production results for the other wells to be constructed on the site, this should impose no problem under normal use circumstances;
6. Require advanced denitrification ISDS systems for the development. Final ISDS Subdivision Suitability shall be obtained prior to final approval;
7. To insure that all lots in the subdivision have access to sufficient potable water for the intended use, all site wells shall be installed and approved prior to final approval;
8. This approval shall expire one year from the date of approval by the Planning Commission unless recorded by that date.

So voted:

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

Motion carries by a vote of 6-1

2. 10 Narragansett Ave – Plat 8 Lot 169 - Development Plan Review – Recommendation to the Zoning Board

Ray Bazzano introduced his wife Karyne Bazzano who is also his business partner. Mr Bruce MacIntyre made a presentation to the board and is asking for approval tonight with a positive recommendation to the Zoning Board.

Water issues are a concern both in terms of potable water usage and stormwater. They want to retain the same number of units, 10 but the bedroom and bathroom count will

increase. They will put a cistern in for outdoor water use. Drainage will combine and retain any increase in runoff. This plan will produce a net increase in parking. Any suggestions that they may have for the project would be appreciated. They want to preserve the character of the downtown, they will be using low lighting, underground parking with an open air structure. The colors used will be Nantucket gray and will fit with the colors in the area. The plan meets the spirit of the comprehensive plan and they will be restoring the building to the original design from when it was originally built.

Commissioner Calabretta is in favor of the project but has questions about the lot lines, setbacks and if it will cause problems when they go to zoning. Lot coverage at 44% which doesn't include the parking below grade, for discussion purposes they should have this in place before they go to zoning. Commissioner Girard asks Town Planner Lisa Bryer and she will ask Fred Brown, Zoning Official if it counts as part of the lot coverage or whether the below ground parking will need setback variances.

Commissioner Girard informed the Engineering firm that this is Jamestown not Middletown, in the paperwork it says Middletown. They will fix that.

Commissioner Hubbard questioned the applicant about the engineers letter. Matt Viana engineer with Northeast Engineering responded to Michael Gray's comments today by email at 3:00 p.m. The applicant handed out Mr. Viana's response, the board told them they do not normally accept information the night of the meeting and will not be able to vote on this but they can hear the presentation and have it explained by Mr. Viana. He went through Mr. Gray's memo step by step.

Commissioner Ventrone stated he was in front of the condo's this week and a fireman told him that they are called to pump out the condo's next door at least 3 times a year and with the drainage right now the way it is proposed it is going to exacerbate the problem. It was acknowledged by Commissioner Girard that there is flooding problems with the Bay View condo's right now. The sub-drain system that is in place right now is very deep and is working very well. Commissioner Holland asks about the placement of the cistern. Commissioner Ventrone stated once it accepts the 3,500 gallons than it will run off overland flow. They stated that they will empty the cistern in times of heavy rain. Mr. Viana says it will not be an increase but Commissioner Ventrone thinks it will. Commissioner Holland asks who will be in charge of monitoring and emptying the cistern at the condo building. Mrs. Bazanno says it can be written into the condo association by laws. Commissioner Ventrone asked the applicant, "why don't you redesign it and take care of the problem that exists now." Commissioner Girard said all the commissioners are familiar with the problems that exist now.

Commissioner Calabretta said the new condo's up the street have an extensive sub drainage system for a reason. There is a high groundwater table in the area. He asked the engineer, "What do you know that no one else knows and why do you think you don't need it?" Commissioner Calabretta asked the engineer a question about what he thinks will happen in a hypothetical situation. Is Bayview comfortable with this design? They will have to get an agreement from Bayview to use their system. Mr. Ornstein, the project architect explained the design that the Bayview has and why. He says it will be

exactly the same. Commissioner Calabretta addressed Mr. Bazanno and explained the drainage system and what it will do and wants to make sure that he knows what could happen and that he and the abutters need to be comfortable with the design and that it will work because he will be the one that is financially responsible.

Mr. Viano finished his recap of his memo and Commissioner Girard asked if there were any other questions.

Mr. Bazzano explained the design of unit one and that it has four bedrooms because it will be for his and his wife's visiting family members.

Commissioner Girard went through Town Planner Lisa Bryers memo and explained to the board what they need to talk about.

Commissioner Girard asked Town Planner Lisa Bryer about the Affordable Housing issue. The applicant has indicated that they would like to provide the two units of affordable housing off site. If the applications were moving along simultaneously it could be linked together but it's not at this time so we need to address the issue in terms of financial security such as bonding, letters of credit and determining the value of the units. We can talk to Church Community Housing to get a cost estimate. Two of them should be affordable units if you base this on the 20% rule. He can post a bond for the estimated amount and the town could hold that bond until it's done. Mr. Bazzano stated that he is going to purchase another building and make it affordable. Commissioner Girard explained the process along with the Town Planner. Commissioner Hubbard asked about a time frame and do we put a time limit on it. Town Planner Lisa Bryer said the Zoning Board will decide this with a recommendation from the Planning Commission.

Mr. Bazzano suggested to have the town hold 2 certificates of occupancy until 24 Narragansett is completed. Mr. Bazzano sat with Nick Robertson, Chair of the Affordable Housing Committee, who is in support of this plan and the future plan of 24 Narragansett Ave. Mr. Bazanno said instead of 2 units at 10 Narragansett it would be 4 units at 24 Narragansett.

Commissioner Girard asked about a Landscaping Plan.

Mr. MacIntyre said essentially they want to maintain the existing design with the hedge and preserve the look of the period instead of changing all the landscaping.

Commissioner Ventrone wants them to have a professional do the landscape plan. Mr. Bazzano said they will have what is there now and is open to suggestions from the Commission.

Commissioner Ventrone said normal procedure is having this all completed before approval and recommendation to the Zoning Board, a landscaping plan, lighting fixture pictures, etc. If they don't get approval at zoning and we are making all these suggestions aren't they wasting their time asked Commissioner Brown. Town Planner Lisa Bryer explained Commissioner Browns question. The PC is advisory to the Zoning

Board whether they take our recommendation or not, we still make an advisory recommendation.

Mrs. Bazzano explained there is not going to be a dramatic change to the landscaping, in fact they are uprooting a hydrangea and replanting it and the lighting will not be a big change and we would like to keep the same look to the building. Commissioner Ventrone said show me in a plan, I want to see it before I sign off on it.

Commissioner Hubbard said she has 2 items on her list from Lisa Bryers memo which Mr. Bazzano said he has submitted. She said they are better off coming back with the written material from Mike Gray regarding drainage etc. They can come back to the next meeting with all the things that are asked for at this meeting tonight. They want to see a letter of agreement from Bayview and Commissioner Girard suggested they contact Mr. Parks first on the Affordable Housing to make sure it meets with his approval first. What will the walkways be made of? No gravel, oyster shells said Mrs. Bazzano.

Commissioner Calabretta wants to hear Mike Grays opinion first. The Commissioners want labels to show the plants, shells etc. A motion to continue this issue until the next meeting was made by Commissioner Girard and seconded by Commissioner Ventrone. So unanimously voted.

VI. New Business

1. FY 2006 Community Development Block Grant – Planning Commission Endorsement

Town Planner Lisa Bryer went through the priority list and answered any questions the Planning Commission had. We are asking for the full amount of 250,000.

Commissioner Girard made a motion and Commissioner Brown seconded the motion:

The Jamestown Planning Commission hereby certifies that the proposed FY2006 Community Development Block Grant activities are in compliance with local development policy as set forth in the 2002 Jamestown Comprehensive Community Plan as amended and with the Jamestown Subdivision and Land Development Regulations and Jamestown Zoning Ordinance.

So unanimously voted.

A motion to adjourn at 9:40 p.m. was made by Commissioner Calabretta and second by Commissioner White. So unanimously voted.

Attest:

Cynthia Reppe

This meeting was recorded on 1 micro-cassette

