

Approved As Written
PLANNING COMMISSION MINUTES
February 4th, 2009
7:30 PM
Jamestown Town Hall
93 Narragansett Ave.

The meeting was called to order at 7:33 pm and the following members were present:

Gary Girard Michael Swistak
Barry Holland Richard Ventrone
Alexandra Nickol Nancy Bennett

Not present: Jean Brown

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
Tom Ginnerty – Zoning Board Chair
Mark Liberati - Attorney

I. Approval of Minutes January 21st, 2009

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

Page 1: 1st paragraph – minutes

- I. Residential, 10. Mixed Use – 5 members voted to change it from S to Y in CL, CD and CW east, leave as S in CW west. **1 member voted to keep it as an S in CL, CD and CW.**

Page 3 – 3rd paragraph

converted back to a 3 bedroom. **Commissioner Bennett agreed with Ventrone that this looks like a 3 bedroom house. This is a concern especially since DEM approved a 2 bedroom design and it has deed restrictions requiring such.**

Page 3 – last paragraph 6th and 7th sentence add and strikethrough:

the house **of** the applicant's property. Mr. Nader can design different things and he feels extending the rain garden can handle more runoff and not impact the neighbor. ~~There~~ chair pointed

II. Correspondence

1. FYI – Letter to Mr. Spencer – Re: Additional information requested. Received

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

IV. Reports

1. Town Planner's Report

Only 4 members will be in attendance for next meeting and nothing has been submitted yet on the Boom St. application and no as-built plans have been received for the Manning Subdivision. Ms. Bryer has suggested no meeting Feb 18th and the Commission agreed.

2. Chairpersons report

Commissioner Girard asked members to please inform the planning office of any absences.

3. Town Committees

a. Harbor – nothing to report

b. Fort Getty

The joint workshop was held on January 22 with the Town Council. The Town Council gave the go-ahead for the sailing center to proceed with a Memorandum of Agreement with the FAST organization and for FAST to proceed with fundraising for the sailing center construction. The Town Council will vote on the MOA at the February 17 meeting.

c. Buildings and Facilities – nothing at this time

d. Tree Preservation and Protection – nothing at this time

e. Affordable Housing Committee

Has not met since our last meeting.

f. Wind Energy

Presented a status report to the Town Council on January 20th. I have given you a copy of the power point presentation.

g. North Rd. Bike Path Committee

They met today and are discussing path alignment.

4. Sub Committees

V. New Business

1. Zoning Section 410 – Project Review Fee's (by outside consultants)

Zoning Board Chair Tom Ginnerty met with Zoning Enforcement Officer Fred Brown, Town Planner Lisa Bryer and Town Engineer Mike Gray regarding High Groundwater applications. He stated, without going into great detail regarding discussions with the town council they would like to bring an expert to review the applications from inception through Zoning Board decision at the applicant's expense. They would like an independent engineer to look at these applications and bring testimony to the Planning and Zoning boards. Commissioner Ventrone asked what would the protocol be for selecting this engineer. They will develop an RFQ and go out to bid on this. The objectivity of having an independent professional who can appear to be impartial is the goal. This consultant would have the ability to make suggestions or changes before it comes to the boards and would end up speeding the whole process up. This will require amending the existing ordinance.

Commissioner Swistak said there should be a cap on fees. It should not be an open checkbook; Mr. Ginnerty disagrees stating it's an issue of trying to get good development. The Board agreed that if the applicant has an ethical conflict with the retained engineer that the Town Engineer would step in. Commissioner Girard made a motion to recommend to the Town Council that the Town Solicitor come up with language to amend Section 410 to include hiring of a consultant for Sec 314 applications at the TRC level prior to the applications coming to Planning for a recommendation to the Zoning Board. Commissioner Ventrone seconded the motion. So unanimously voted.

VI. Old Business

1. Jamestown Zoning Ordinance Amendments – Continued Discussion

A. Letter from Attorney Liberati – re: CW District

Attorney Mark Liberati represents Dutch Harbor LLC. They were upset that they were not advised about these changes before the meeting so that they would be included. The Eichlers have invested hundreds of thousands of dollars to upgrade Dutch Harbor boat yard. A rumor started about them putting a restaurant in which was just that, a rumor. They are more than willing to work with the Planning Commission. Mr. Liberati feels the board has made recommendations for changes to the Zoning Ordinance and he wants it to remain the same. They are thinking of selling sandwiches in the future for their customers.

Mary Brennan 238 Narragansett Ave. – Ms. Brennan read the following statement:

As longtime neighbors of the Dutch Harbor Boatyard we would like to see it thrive, and we support the new owners in their efforts to achieve this goal. We feel that a well-run boatyard is both a boon to the neighborhood and a valuable resource for all Jamestown residents.

We commend the new owners on the substantial capital improvements that have improved the yard's appearance and efficiency of operation. We wish to support the boatyard while maintaining the low-key and beautiful character of the neighborhood and harbor.

We came to the last two planning commission meetings to weigh in on usage issues as part of the normal five year review of the entire zoning process. In particular, we came in response to a proposal to convert mixed use to 'by right', which would remove one step in the review process. Consequently we are speaking up to maintain and clarify the status quo, not to constrain the new owners' current rights or options. We encourage all stakeholders to be actively engaged in this process.

We are here not to speak against individuals or ideas but to express our opinion about appropriate uses for a business surrounded by a quiet residential neighborhood. We are ready to work with the planning commission, and ultimately the town council, to achieve our goal of broad consensus for the future direction of the West Ferry area.

Thank you. Mary Brennan, Ken Newman, Carol Cronin

Ken Newman 23 Ave B – initially the neighbors came in a response to usage not even proposed by them but by the town, the neighbors would have preferred to have all stakeholders present.

Commissioner Bennett questioned the process and why we did not advertise or notify the abutters or the property owners within that district. Town Planner Lisa Bryer said the process is very clear and it is state law that the Town has adopted. It begins as a recommendation at the Planning Commission level then it goes to the Town Council at which time hearings are held and the abutters are notified.

Mr. Liberati said he understands the legal point, this has to do with specific changes to a specific site and as a matter of courtesy they should have been notified.

We should allow them to do what it takes so that it can be enjoyed by all said Commissioner Ventrone who is willing to go back and look at it for review. Since there are only 2 items that they proposed making changes to they will take a look at it tonight.

Craig Amerigan – Narragansett Ave. - there was not a special invitation that went out to the residents, they had heard there would be talk about zoning and their main concern was alcohol use at the site. The residents have put money into their homes or business too.

Spencer Potter – don't ask the neighborhood to jump through hoops.

Commissioner Holland said they went through the use table and only changed 2 uses with in the west ferry Commercial Waterfront District. He does not think they need to revisit it.

Commissioner Ventrone asked the applicant what are you unhappy with? Mr. Liberati stated that we are just asking for an opportunity to be involved in the conversation before any changes are made.

The only changes were:

Restaurant and Lunchroom - no alcoholic beverages from y to s

Gift souvenirs y to s

These changes would just apply to West Ferry.

Commissioner Nickol thinks it's up to property owner to decide if these changes are not ok for them.

Commissioner Swistak asked if there would be a definition for a lunchroom as compared to a restaurant. The proposed Zoning Ordinance changes will be going to the Town Solicitor for review and then to Town Council for Public Hearing.

B. Heliports

Town Planner Lisa Bryer informed the Planning Commission that she and Cyndee Reppe did some research and that is included in your packet as well as reported in the Planners Report. The question of whether the use is wanted is the primary decision that needs to first be discussed. In other words there is no need to discuss how to regulate the use of helicopters and heliports if you don't want them. So that discussion needs to take place first. If you do want to regulate it then it should be included in the Zoning Ordinance as other communities have done.

Commissioner Ventrone is an amateur radio buff and some of the people he communicates with that live in similar situations have told him that you don't want it.

Commissioner Holland thinks we need to address this issue and said a commercial heliport is not necessary, private use he thinks is OK.

Commissioner Bennett is against allowing heliports/helipads anywhere.

Commissioners Nickol and Swistak think we have to regulate it.

Commissioner Girard – yes he wants to regulate it.

There are a number of ways to regulate it. They can choose to allow it in several areas and not in others or you can provide for complete prohibition.

Don Wineberg - 354 Beavertail Rd. – if a use is not specifically addressed in the Zoning Ordinance it is prohibited, but dealing with this issue is very important because he feels strongly

that it should be specifically prohibited not simply just by omission. He is speaking on behalf of 15 families and they are against it in any zone in Jamestown. Many audience members agreed with the read letter. He read a letter which is attached to the end of these minutes.

Dick Allphin – alternate on zoning board, in spite of fact that it is prohibited if you don't want it address it.

Irv Jennings – 95 Melrose – read the following statement that was sent via email to Commissioner Bennett:

Dear Nancy: We are against a heliport in a residential neighborhood. We experienced this at my former home in Wilson point, Norwalk, Ct. My mother's neighbors landed a helicopter 500 ft. from my mother's house in the morning, lunch time and at night. This landed on a beach and then moved closer to neighbor's house. My mother's house was about 50 ft. above the landing point. Well, the smell from the jet fuel was very strong and permeated her house at times. This landing was very noisy and disruptive. The only good thing that occurred is her neighbor lost his job and went bankrupt. I hope we don't have to put up with this problem. Carol and Irv Jennings.

Ken Newman – Ave B – he thinks private funding Foundations such as the RI Foundation would have a big issue with allowing this since the town has benefited from open space grants and at this time there are 5 pending programs.

Sarah Richardson – Beavertail Road is against allowing the landing of helicopters.

Ellen Winsor – They do not allow heliports in Long Island except in emergency situations; She is against allowing helicopter landings in Jamestown except for emergencies.

Commissioner Ventrone made a motion that was seconded by Commissioner Girard to develop an ordinance prohibiting heliports, helipads and helicopter landings in Jamestown and Conanicut Island, not to include emergency landings including medical, military or police.

Commissioner Girard opened the floor to discussion.

Commissioner Nickol - no comment

Commissioner Holland – he just listened to some pretty compelling arguments against it. He is a strong property rights proponent, he was initially in favor of getting more information, but at this point the consensus is against allowing them. So voted:

Gary Girard - Aye	Michael Swistak - Aye
Barry Holland - Aye	Richard Ventrone - Aye
Alexandra Nickol – Nay	Nancy Bennett – Aye

Motion passes by a vote of 5-1

Commissioner Swistak asked if they could see the draft before it goes to the town council. A motion to adjourn was made by Commissioner Ventrone and seconded by Commissioner Swistak at 8:51 p.m. So unanimously voted.

Attest:


Cynthia L Reppe

This meeting was digitally recorded