

Approved As Amended
PLANNING COMMISSION MINUTES
April 1, 2009
7:30 PM
Jamestown Town Hall
93 Narragansett Ave.

The meeting was called to order at 7:35 p.m. and the following members were present:

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

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
Mark Liberati – Attorney

I. Approval of Minutes March 18, 2009

A motion was made by Commissioner Swistak, seconded by Commissioner Girard to accept the minutes. Commissioner Bennett proposed the following additions to the minutes:

Page 2 – bottom paragraph, after second sentence add:

She (Commissioner Bennett) asked if they had brought this plan showing two doors to the second bedroom to anyone in the Planning office. They had brought it to Michael Gray. Commissioner Bennett said that they had agreed to remove the framing of the second door to second bedroom from the plan but they had not changed the plans. Mr. Aptt assured the commission that the framing of the second door would be removed from the plan.

Page 3 – after the third sentence add:

Commissioner Bennett referred the commission to Michael Gray's 2/26/09 memo and recommended adding a condition to fulfill his suggestion that "...any approval of the application require that the design engineer review the construction of the porous concrete driveway and submit a letter with supporting information to the building official before a Certificate of Occupancy" is issued. The chair suggested making it a separate bullet and using Mike Gray's words.

Page 3 – last paragraph after second sentence add:

She remembered and her notes indicated that the Commission voted to eliminate the sentence that "A permit shall not be required if a unit is stored for 30 days or less" as tracking would be difficult.

Page 4 – 4th paragraph, after the third sentence add:

Mr. Liberati conceded that the sandwich shop could close at 6 p.m. if that is what the Commission wanted.

Commissioner Girard suggested a change on Page 6, middle of page:

Commissioner Girard **reminded the commission** said-this is a permitted.....

The motion was amended to include the proposed changes by Commissioner Swistak and seconded by Commissioner Girard. So unanimously voted. Commissioners Ventrone and Nickol abstain.

II. Correspondence

1. FYI – Letter To Lee, Harris, Turillo – Administrative Subdivision approval. Received
2. FYI – Letter to Mr. Bert Spencer – Recommendation to Zoning Board. Received
3. FYI – Memo to Zoning Board – Spencer – Boom St. recommendation. Received

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

IV. Reports

1. Town Planner's Report

Commissioner Bennett questioned whether or not FAST needed the dredging done at Fort Getty in order to go through with the sailing school proposal. The Town Planner answered no.

2. Chairpersons report

3. Town Committees

- a. Harbor – has not met since last meeting
- b. Fort Getty - Lisa Bryer, Town Planner reported that Bruce Keiser, Town Administrator, Solicitor Peter Ruggeiro and others met to discuss the lease between FAST and the town for the proposed Sailing Facility at Fort Getty. The Town Council will meet on April 20th, 2009 to review the lease.
- c. Buildings and Facilities - has not met since last meeting
- d. Tree Preservation and Protection - has not met since last meeting
- e. Affordable Housing Committee – will be meeting Monday April 6, 2009 to review FY 2009 CDBG grant and the proposed 2nd draft of the zoning amendments.
- f. Wind Energy – The Town Planner reported that the Wind Energy Committee met last night to discuss the draft economic feasibility study. They are expanding the contract by \$3000 for additional work. They will ask the TC for this amendment on Monday night. They will also ask the TC to endorse the Grant to the EDC.
- g. North Rd. Bike Path Committee – The Bike committee met this afternoon and discussed bike path alignment possibilities.

4. Sub Committees

V. Old Business

1. **DHBY, LLC – Dutch Harbor Boat Yard Development Plan Review – proposed seasonal deli in existing building – Plat 8, Lot 463 – Preliminary approval and Recommendation to Zoning Board - Approval of Motion**

Attorney Mark Liberati sent communication via email to Planning Assistant Cinthia Reppe regarding some issues he had with the proposed motion. Commissioner Girard made a motion that was seconded by Commissioner Ventrone to approve the motion that was drafted by the Commission at the last meeting and presented in a Memo by the Town Planner to the Planning Commission dated March 26, 2009.

A discussion ensued regarding the review after one year and the Town Councils control of the Victualing license. The Town Council can revoke this at any time if they feel it is not working

or can put conditions on the license. Commissioner Holland said he thought the solicitor gave that advice regarding the review but after the solicitors discussed this issue it was decided that the Zoning Board or Town Council can put conditions on it. Commissioner Bennett questioned why this is happening since the neighborhood thought this would be a condition, as far as review after a year. Commissioner Girard said this is the advice of the Zoning Solicitor.

Commissioner Bennett wants an additional condition added. She wants Dutch Harbor boatyard to develop parking stickers they can issue to their customers. Commissioner Swistak said a parking sticker is out of the Planning Commissions purview that is up to the Town Council. Commissioner Girard stated the parking committee tried 15 years ago to develop parking stickers, and it is brought up every now and then. This issue has been going on for a long time. Commissioner Brown has an issue with trying to control parking for the public since this is a public Right of Way to access the water.

The Town Planner reminded the commission that the property owner would have sole authority for enforcement of parking stickers on their private property and if they do not enforce it there is nothing that can be done about it. She also reminded everyone the public Right of Way is waterfront access. The notion that the intent of this sandwich shop is to only service only boaters is not realistic and there is nothing that can be done to limit clientele to only boaters. We do not have the authority to do this Commissioner Girard stated.

Commissioner Bennett wanted to limit the hours further to close at 4 instead of the agreed upon 6 pm. Commissioner Ventrone confirmed that they had originally asked for 8pm. He thinks limiting the hours to a 6:00 p.m. closing is too restrictive because you cannot predict how things will be, he asked the Planning Commission to reconsider the closing time but the majority of the commissioners want to keep the hours as originally agreed upon, 8:00 a.m.-6:00 p.m. with a half hour prep and clean up time before and after. The commission will also recommend May 1 opening- Oct 18 closing. ~~which dovetails with the boat storage and lease.~~ Mr. Liberati said, lets get through the first year and see how it goes.

The Planning Commission eliminated the 1st bullet which says the application will be reviewed in 1 year by the Planning Commission and changed the seasonal deli months of operation to May 1 opening- Oct 18 closing. The final motion read:

At the April 1, 2009 Planning Commission meeting Commissioner Girard made a motion that Commissioner Ventrone seconded to grant preliminary approval to the referenced application and draft a recommendation to the Zoning Board with the following conditions/restrictions;

- Hours of operation will be no greater than 8am to 6pm and to allow for only 30 minutes of prep time prior to opening and 30 minutes clean up after closing
- No additional seating will be added and it will not exceed the 5 existing picnic tables
- No cooking on site. Only equipment necessary to handle prepared meals such as microwave and electric heating elements
- No external machinery or equipment such as generators or coolers
- No additional signage other than what was described in the plan and conforms to Zoning
- No externally projected music or sounds of music on exterior of building
- No additional lighting since the operation will occur during daylight hours
- That the "seasonal" Deli open to the public no earlier than May 1 and operate no later than October 18 ~~which coincides with the lease of Town Land.~~

So voted:

Gary Girard - aye Michael Swistak - aye
Jean Brown - aye Barry Holland - aye
Richard Ventrone - aye Alexandra Nickol - aye
Nancy Bennett - aye

Motion passes 7-0

VI. New Business

1. CDBG – Endorsement of Application FY 2009

Town Planner Lisa Bryer explained the Community Development Block Grant to the Commission and went over the sub-recipient requests. Commissioner Brown asked about painting at the Bayside apartments and some landscaping to make it aesthetically more appealing. Town Planner Lisa Bryer stated she is not sure what improvements will be made but will suggest this to Church Community Housing Corp.

Commissioner Girard made a motion that was seconded by Commissioner Bennett that states: The Jamestown Planning Commission hereby certifies that the proposed FY2009 Community Development Block Grant activities are in compliance with local development policy as set forth in the 2002 Jamestown Comprehensive Community Plan as amended in 2004 and with the Jamestown Subdivision and Land Development Regulations and Jamestown Zoning Ordinance.

So voted:

Gary Girard - aye Michael Swistak - aye
Jean Brown - aye Barry Holland - aye
Richard Ventrone - aye Alexandra Nickol - aye
Nancy Bennett - aye

Motion passes 7-0

2. Comprehensive Community Plan 5 year update – Discussion

Town Planner Lisa Bryer informed the Planning Commission that we handed out the 1998 Community Survey including the responses for them to look at and that 31% of the residents responded to the survey which was very successful. She would again like to use this public participation strategy as an initial step to gauge public sentiment. Please review the questions to see if there are any additional questions added. The chair asked members to send comments to the Planner by e-mail.

Statewide planning is looking at changing the requirement for a 5 year update to the comprehensive plan to 10 year plan. The updating of the Comprehensive Plan is a requirement every 5 years, and upon its adoption, the Zoning ordinance and subdivision regulations then need to be updated; the State recognized that this is a cycle that takes longer than 5 years. If our plan expires, locally it is still good and at a state level it would be expired. The state has no authority to grant an extension. If amendment is made we are not sure if it will be retroactive.

In the mean time, I would like to develop a strategy for going forward. In terms of public participation, the last time we had public hearings on all of the elements, Lisa Bryer did most of the compiling of the update and public input. The Board was the review mechanism. The other towns are using smaller committees now which seem to be very successful, consisting of 1 member of the planning commission and then members of the community. There would be several

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short term small committees to provide input. The purpose of the update is to look at what has changed since the last update. Everyone needs to take a look at the survey and we should maintain continuity between the 2 surveys. Let's see how public opinion has changed over the years and see if the questions are still appropriate and we will discuss this at a meeting in May. Please provide your comments to the office before the next meeting.

Commissioner Bennett questioned the amount of time it took for the state to respond and accept the plan last time and was informed it will be that long if not longer this time since staff has been reduced. Town Planner Lisa Bryer said the key is not to get caught up in the minutia, pick a date and a time and no more updating after that. We will discuss this on the May 20th agenda.

A motion to adjourn at 8:26 p.m. was made by Commissioners Ventrone and Swistak. So unanimously voted.

Attest:



Cinthia L Reppe

This meeting was digitally recorded