

Approved As Amended 8-19-09
PLANNING COMMISSION MINUTES
August 5, 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:

Michael Swistak	Gary Girard
Barry Holland	Richard Ventrone
Jean Brown	Duncan Pendlebury
Nancy Bennett	

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant

I. Approval of Minutes July 1, 2009

Town Planner Lisa Bryer asked the solicitor about procedure for the approval of minutes and quorum since we no longer have a quorum of those present at that meeting on the board. He indicated that the members not present at the meeting are able to vote on the minutes based on their confidence and corresponding oral statement that the other Planning Commissioners present at the meeting have determined that the minutes are accurate. A motion was made by Commissioner Ventrone and seconded by Commissioner Girard to accept the minutes as written. So unanimously voted.

Approval of Minutes July 15, 2009

A motion was made by Commissioner Girard and seconded by Commissioner Bennett to accept the minutes with the following change suggested by Commissioner Girard:

Page 6, 6th paragraph

Commissioner Girard said ~~he feels before they move on they make the recommendation and the Town Council will give the Planning Commission further direction. Either for or against first and then they will send it back to the Planning Commission.~~ **That they (the Planning Commission) will make a recommendation either for or against this to the Town Council and the Town Council will give them further direction.** So unanimously voted.

II. Correspondence

1. FYI – Memo to Zoning Board Re: Jamestown Arts Center. Received
2. FYI – Memo to Zoning Board Re: Environmental Packaging International. Received

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

IV. Reports

1. Town Planner's Report – Solicitor will have recommendations for either the next meeting Aug. 19th or the September 2nd meeting.
2. Chairpersons report
3. Town Committees
 - a. Harbor
 - b. Fort Getty
 - c. Buildings and Facilities – finalizing the Town Buildings inventory
 - d. Tree Preservation and Protection
 - e. Affordable Housing Committee – they have not met since our last meeting
 - f. Wind Energy – They have met twice and are reviewing the draft feasibility report and are making comments to the consultant for the final draft.
 - g. North Rd. Bike Path Committee – They met this afternoon.
4. Sub Committees

V. Old Business

1. Zoning Update Discussion

A discussion regarding the TRC ensued and Town Planner Lisa Bryer stated we want to streamline the process and the TRC will enable us to do that and if we keep the same thresholds that we currently have we will still be seeing the same things at the Planning Commission meetings. The Zoning Ordinance is set up to be very prescriptive so that if applications meet all the standards then the TRC will recommend approval and it will appear on the Planning Commissions consent agenda.

Commissioner Swistak asked do we want to review everything or let the TRC do this?

Commissioner Ventrone stated that if the applicant meets the zoning why do we need to review it?

Commissioner Swistak said there are some projects just by nature where it may be beneficial to see it as the Planning Commission.

The Planning Commission discussed demolition in the village and they want this issue to come before the Planning Commission. Commissioner Ventrone wants the whole island to be under the guidelines of the High Groundwater Table Ordinance.

The TRC would review all applications. Commissioner Holland agrees if it meets all the requirements of zoning why should it come before them **if** it cannot be denied to begin with.

Commissioner Ventrone fully agrees with Holland.

Commissioner Bennett asked about the consent agenda and said she likes it, it gives her comfort. She does not agree with Commissioners Holland and Ventrone, she thinks all large projects in CD and CL should come before the Planning Commission.

Commissioner Holland said this is a legal process. It must be a clear definition. If it meets all criteria without exception, then it will be approved. Commissioner Holland's concern with having all matters come to the Planning Commission the public will be under the impression that they can and will have an opportunity to object but if all criteria are met there are no legal means for objection.

Commissioner Bennett brought up lighting, trash and things like that where a neighbor could object and make other suggestions.

Commissioner Swistak asked, then are we streamlining or not at this point?

Commissioner Holland asked if it is on the consent agenda will the complete application be included in their packet? Yes, Ms Bryer stated. Commissioner Swistak said the TRC will decide if it needs to be put on the agenda as a regular item or on the consent agenda.

Commissioner Holland stated the TRC is relatively permanent and are experts of the rules and regulations. In his years on the Planning Commission he has seen cut and dry applications bogged down for 2 or more hours on minusha. He thinks the TRC will be beneficial.

Town Planner Lisa Bryer was asked about her experience with a TRC in a more formal environment. She said that in the towns she has worked in the more successful towns had a more involved and formal TRC. She suggested we leave it as drafted for the first year and see how it works. In terms of discussing the Planning Commission being overloaded, we have been neglecting our "planning" duties in lieu of applications for quite a while. We could get more planning done if we streamline the applications.

Commissioner Swistak said let's move forward and we can always tweak it in the future. He suggested accepting it the way it is.

Commissioner Pendlebury said lets make sure that there is always a Planning Commission member at the TRC meeting. A Planning Commission member and alternate will be assigned to each application as they come in and it will rotate alphabetically. If there is a need to recuse then the next member in line will be assigned.

Let's accept what has been suggested for the year and then if it gets so onerous then it will be discussed further at that point. Commissioner Bennett suggested eliminating a designee and adding the Environmental Scientist as needed.

All of the Commissioners are in agreement section 82-411 **with the elimination of designee** will become part of the draft ordinance. Any agreements of the TRC are non binding and the Planning Commission will have the ability to review all applications on the consent agenda.

Discussion ensued regarding the revisions to Section 311 and other sections of the Zoning Ordinance related to Accessory Buildings. Commissioner Holland asked if we should put some examples in the accessory structure definition such as pools, tennis courts etc. Should we separately define the size of a farm market structure? The Planner stated that this will be handled separately in the ordinance as farm retail structures. Solar is not included in the use tables and should be.

A discussion regarding lighting ensued and whether we should regulate lighting on private property. Commissioner Bennett thinks some restriction is OK. You have a right **to use nighttime lighting** as long as it does not offend **others** ~~my rights~~ Commissioner Ventrone said. Commissioner Pendlebury suggested that any new lighting cannot increase **existing** off site light by more than 2 foot candles. The Commission agreed and suggested that we get rid of the new statement regarding no lighting of private tennis courts or other permanent ball courts if we tighten up the statement above it as suggested by Commissioner Pendlebury.

Planning Commission Minutes

August 5, 2009

Page 4

We could regulate lighted tennis courts and swimming pools with a special uses permit in the use table. All Planning Commissioners agreed to accept the proposed Zoning Ordinance Amendment related to Accessory Buildings and Structures as amended.

VI. **New Business** – nothing at this time

A motion to adjourn at 9:20 p.m. was made by Commissioner Girard and seconded by Commissioner Ventrone. So unanimously voted.

Attest:

Cynthia Reppe
Planning Assistant

This meeting was digitally recorded.