

Approved As Written 2-3-10
PLANNING COMMISSION MINUTES
January 6, 2010
7:30 PM
Jamestown Town Hall
93 Narragansett Ave.

The meeting was called to order at 7:30 p.m. and the following members were present:

Nancy Bennett	Gary Girard
Barry Holland	Duncan Pendlebury
Michael Smith	Michael Swistak

Not present:
Richard Ventrone

Also present:
Lisa Bryer, AICP –Town Planner
Cinthia Reppe – Planning Assistant
Wyatt Brochu – Town Solicitor
Justin Jobin – Town Environmental Scientist – GIS coordinator

I. Approval of Minutes December 16, 2009

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

Page 4, 3rd paragraph from the bottom - Lisa Bryer, Town Planner read her recommendation **from** her report **dated December 11, 2009.**

Page 5, 2nd paragraph, last sentence - We should be looking at ~~developed~~ **potential** lots as well, not just vacant lots.

So unanimously voted.

II. Correspondence – nothing at this time

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
 - c. Buildings and Facilities
 - d. Tree Preservation and Protection
 - e. Affordable Housing Committee
 - f. Wind Energy

- g. North Rd. Bike Path Committee – met this afternoon. Commissioner Swistak asked Lisa Bryer about the timetable for this project. It is conceptual at this point she said. It was lumped into the highway project and not a bike path project. On and off the bridge path. We have not been able to nail the funding down yet. Commissioner Girard said there were suggestions as far as the way it is designed because of the bends in the path. They are trying not to cut across contours. This bike path is for everyone, not just for expert cyclists. There have been a lot of wetland issues.
4. Sub Committees

Commissioner Swistak, Planning Commission Chair asked the commission if they were in agreement to take New Business before Old Business. All commissioners are in agreement.

V. New Business

1. Amendment to Zoning Ordinance related to Flood Plain - Recommendation to Town Council

Justin Jobin made a presentation to the Commission. He said the maps were modernized and the Ordinance went from town based to county based. He showed the commission the maps. Jamestown is part of the FIRM program; none of the zones have changed. There might be a few properties where the zones have changed. The new maps will be sent out next month and if there is a change there is a certain time period that residents can lock in to their current zones and rates.

In 1974 we had a flood plain ordinance which was redundant with the building code so it was removed. Definitions are straight out of building codes and back in the zoning ordinance, failure to pass this means that insurance rates would increase 5% in Newport County if we do not adopt this. This is a standard ordinance that meets state and federal requirements. FEMA has reviewed and approved this ordinance. All 39 communities have received this. Mr. Jobin said most of it is federal requirement. Commissioner Smith wants to know if any of the other Town's have made changes to this boiler plate ordinance. Mr. Jobin stated he can contact the flood plain coordinator for RI Emergency Management Agency for a list of changes that other towns have made. This must be sent to FEMA by February 19th if there are significant changes made because they will have to review it again. If we change it than it has to go back to FEMA. Commissioner Smith wants the Planning Commission to look at it one more time before making a recommendation. Commissioner Pendlebury asked if there are existing ordinances in other towns now. Yes Mr. Jobin replied but they will be updated as well to meet the FEMA requirement.

Mr. Wyatt Brochu, Town solicitor said his office will look at the language and put it in the proper form in the zoning ordinance. It was suggested that the Planning Commission give approval upon solicitors review. If other towns did not have changes then go ahead. Commissioner Holland suggested to the Planning Commission to review this before the meeting and let Lisa Bryer know so it will go smoothly and quickly at the next meeting.

VI. Old Business

1. Zoning Ordinance Amendment related to Duplex/Multi Family Dwelling – Continued

Justin Jobin provided the maps for the R20 lots downtown. This was intended to show you the size of the lots and which ones are developed and which are not.

Commissioner Bennett said there are a few things in Comprehensive Community Plan that she feels are in conflict with this. She asked what is the effect of increasing density. The build out as of 2000 was 2696. Has that number changed in the last 10 years she asked? We need to know this before we add affordable housing to the R20 zone.

Commissioner Holland said the affordable housing plan targets the downtown area for affordable housing due to public water and sewer availability.

A discussion regarding the Affordable Housing Plan and the Comp Plan ensued between Commissioner Bennett and Town Planner Lisa Bryer.

The Board discussed the Duplex/Multi Family Dwelling table 3-2 and Article 10.

Commissioner Smith made a motion to reduce the minimum lot size requirement in R20 from 200,000 sq. ft. to 100,000 sq. ft. Commissioner Girard seconded. A discussion ensued and Commissioner Smith amended his motion to change from 200,000 to 80,000 instead of 100,000 and Commissioner Girard seconded the change. So voted:

Nancy Bennett - Nay	Gary Girard - Aye
Barry Holland - Aye	Duncan Pendlebury - Nay
Michael Smith- Aye	Michael Swistak - Nay

A consensus was not reached.

Commissioner Swistak would like to leave it as it was originally presented at the last meeting in the Town Planners Memorandum dated December 11, 2009.

Commissioner Holland said we have to show the state that we are working toward and making progress to our affordable housing. In the last 3 years we have not made any progress. If we sit on our hands and not do anything the state can come back and get nasty. Commissioner Smith said Jamestown needs multi family housing.

Chair Swistak brought the board back to the maps that they were discussing previously.

Commissioner Girard said if you look at the map there are several parcels on the water and they would most likely not be subdivided so really, there are really not as many lots as one might think. We are talking about 9 lots.

Commissioner Pendlebury wants to leave it at 200,000 right now because it needs to be redone eventually and believes the table needs to be completely reconstructed so he does not mind waiting.

Commissioner Bennett made a motion to approve the recommendation from the Dec 11th planners report, Commissioner Swistak seconded the motion, as follows:

Create **new Definitions** in Section 103 as follows:

() **Duplex.** See ***Dwelling – Two Household.***

() ***Dwelling – Two Household.*** A structure containing two households where each dwelling unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress.

Amend as follows:

Table 3-2 for the Village Special Development District Zones R-8, R-20, CL and CD

ZONING DISTRICT	R-20	R-8	CL	CD
Lot Size:	20,000 sq. ft.	8,000 sq. ft.	8,000 sq. ft.	5,000 sq. ft.
<u>Duplex</u>	<u>40,000</u>	<u>15,000</u>	<u>8,000 sq. ft.</u>	<u>5,000 sq. ft.</u>
<u>Multifamily Dwelling</u> (see Article 10)	<u>200,000 sq. ft.</u>	<u>25,000 sq. ft.</u>	<u>25,000 sq. ft.</u>	<u>20,000 sq. ft.</u>
Lot Occupation:				
Lot Width	100' min.	80' min	80' min. – 120' max.*	40' min. 96' max.*
Lot Coverage	25% max.	30% max.	35% max.	55% max.
Setbacks – Principal Building:				
Front Setback - Principal	30' min.	18' min.	12' min. – 24' max.	0' min. – 12' max. 18' max. for outdoor seating café with 3' wall, fence or planting at frontage
Front Setback - Secondary	15' min.	9' min.	6' min. – 18' max.	0' min. – 12' max.
Side Setback	10' min.	7' min.	6' min.	0' min. – 24' max.
Rear Setback	30' min.	30' min.	12' min.	12' min.
Frontage buildout	N/A	N/A	40% min. at setback	60% min. at setback
Setback – outbuilding:				
Front setback	20' min. + bldg. setback	20' min. + bldg. setback	20' min. + bldg. setback	20' max. from rear prop. line
Side setback	10' min.	7' min.	10' min.	10' min.
Rear setback	10' min.	10' min.	10' min.	3' min.
Building Placement: See Table 11-2				
Edgeyard	Permitted	Permitted	Permitted	Not permitted
Sideyard	Not permitted	Not permitted	Permitted	Permitted
Rearyard	Not permitted	Not permitted	Permitted	Permitted
Courtyard	Not permitted	Not permitted	Not permitted	Permitted
Private Frontages: See Table 11-3				
Common yard	Permitted	Permitted	Not permitted	Not permitted
Porch and fence	Permitted	Permitted	Permitted	Permitted
Terrace or Dooryard	Not permitted	Not permitted	Permitted	Permitted
Forecourt	Not permitted	Not permitted	Permitted	Permitted
Stoop	Not permitted	Not permitted	Permitted	Permitted
Shopfront	Not permitted	Not permitted	Permitted	Permitted
Building Height:				
Principal building	2 stories max. – Max. 35'	2 stories max. - Max. 35'	2 stories max, – Max. 35'	2 stories max,– Max. 35'

Outbuilding	2 stories max. – Max. 25'			
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ARTICLE 10.

MULTIFAMILY DWELLINGS

Sec. 82-1006.2. Dimensional regulations.

All regulations with regard to lot size, yards, lot coverage and any other dimensional requirements shall be as set forth in section 82-1006.3, and as further provided in table 3-2.

Sec. 82-1006.3. Density regulations--Multifamily dwelling projects.

The density of residential land uses which may be developed within any multifamily dwelling project shall be determined by table 10-1. This table prescribes the minimum developable land area required per bedroom ~~for in the~~ multifamily dwelling ~~building/projects~~ in excess of 3 units. No dwelling shall contain less than one bedroom.

For purposes of this article, a bedroom shall be defined as a room or portion of a room of at least 80 square feet floor area within a dwelling unit allocated to sleeping, dressing and personal care.

~~In RR 80 zoning districts, the maximum permissible number of multi-family dwelling units shall not exceed one dwelling unit per 80,000 square feet of developable land area, regardless of number of bedrooms, or the availability of public water service or public sanitary sewer service.~~

For the purposes of this ordinance [chapter], the terms used in table 10-1 shall be as follows:

Water. Public water service by the Town of Jamestown.

Sewer. Public sanitary sewer service by the Town of Jamestown.

Developable land area. [Developable land area] shall be defined as gross land area within the zoning lot being developed for multifamily dwellings, less any land unsuitable for development, which is defined in section 82-103.

Areas of secondary importance.

In addition to the undevelopable land listed above, the developer shall also note the location of any of the following natural and cultural features of the landscape: mature woodlands, significant wildlife habitats, prime farmland or open meadows and their defining treelines, hedgerows and/or stone walls, historic structures or community landmarks, and scenic views to, from or within the property. These features add character and value to the community, and help maintain the rural character. Efforts shall be made by the developer to minimize adverse impacts to these areas by use of design which is sensitive to existing site conditions.

Table 10-1
Density Regulations

Multifamily Dwelling Projects

Zoning District	Services	Minimum Developable Area Per Bedroom (square feet) <u>added to minimum lot size for multi family in excess of 3 dwelling units</u>
<u>R-8</u>	<u>Water and sewer required</u>	<u>3,000</u>

R-20	No water or sewer	10,000
R-20	Water only	9,000
R-20	Sewer only	8,000
R-20	Water and sewer required	7,000
R-40	No water or sewer	2014,000
R-40	Water only	116,000
R-40	Sewer only	113,000
R-40	Water and sewer	10,000
R-80	No water and sewer	27,000

Sec. 82-1006.4. Same--Multifamily structures.

Not more than 12 dwelling units shall be permitted in a multifamily dwelling structure in any district where permitted. The zoning board may allow a structure to contain more than 12 dwelling units, provided the following conditions are met to the satisfaction of the zoning board:

1. That there is an existing ~~a~~ need for the type of housing proposed, pursuant to G.L. 1956, § 45-53-1;
2. The dwelling units will be available to meet that unmet need long-term; and
3. There are no practical means to construct an additional structure or structures on the site for the additional dwelling units.

Sec. 82-1006.5. Open space requirements.

Within any multifamily dwelling project, permanently maintained open space shall be required for the use and enjoyment of residents of the project. Open space shall not be used for parking, buildings, driveways or aboveground utilities, but may be used for walks, playgrounds, outdoor recreation areas, landscaping or natural areas. Water bodies, wetlands and covered open space (e.g., roofed patios, balconies, etc., which are open on the sides and closed to the sky) shall count as half for required open space area. Open space shall be provided in the amount of two square feet of open space per square foot of gross floor area.

Clustering of structures shall be encouraged in order to increase the benefits of open space.

Within any multifamily dwelling structure upon a single zoning lot, open space as defined above [in this section] shall be provided in the amount of one square foot of open space per square foot of gross floor area. In CD zoning districts only, open space as defined above [in this section] shall not be required.

Sec. 82-1006.6. Landscaping and screening.

Fences, walls, or vegetative screening shall be provided along the perimeter of any multifamily dwelling where needed to provide a buffer to minimize incompatibility with surroundings. In particular, but not limited to, the following uses and area within a multifamily dwelling structure or project shall be screened from adjacent residential districts or public streets, except in CD zoning districts only:

- A. Off-street parking areas containing more than ten spaces. When nearest portions of noncontiguous parking areas are separated by less than 50 feet of landscaped space, as measured from their nearest points, they shall be considered as combined for computing number of spaces.
- B. Service areas for loading and unloading vehicles other than passengers, and for storage and collection of trash and garbage.
- C. Utility areas such as pumping stations, electric utility substations and the like.

So voted:

Nancy Bennett - Aye

Gary Girard - Aye

Barry Holland - Aye

Duncan Pendlebury - Aye

Michael Smith- Aye

Michael Swistak – Aye

Motion carries by a vote of 6-0

Commissioner Holland requested multi family dwelling on a future agenda to revisit as part of the comprehensive plan update.

2. Comprehensive Plan Survey Discussion - Continued

Housing and Public Services and Facilities are the last elements to address at this stage of the process. Suggestions were made and recorded.

A motion to adjourn at 9:45 p.m. was made by Commissioner Girard with a second from Commissioner Pendlebury. So unanimously voted.

Attest:



Cynthia L Reppe

This meeting was digitally recorded